

HABERSHAM COUNTY BOARD OF COMMISSIONERS MEETING
6:00 P.M., MONDAY, MAY 19, 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, May 19, 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 Dustin Mealor, Commissioner Ty Akins, Commissioner Kelly Woodall, County Manager Tim Sims, County Attorney Ralph Taylor, County Clerk Brandalin Carnes, staff, members of the media and the public.

Chairman Jimmy Tench called the meeting to order at 6:10 p.m.

Commissioner Woodall lead the invocation.

Commissioner Mealor lead the pledge of allegiance.

ADOPTION OF AGENDA

Motion by Commissioner Akins, seconded by Commissioner Harkness, and voted unanimously (5-0) to adopt the agenda with the change of removing item "m. Consider/Approve Estimated Tax Roll-Back Rate for Assessment Notices" from the agenda.

PRESENTATIONS/ANNOUNCEMENTS:

- a. Employee Spotlight: Lenay Gerrin
- b. Proclamation of May 18th-24th, 2025 as Emergency Medical Services Appreciation Week
- c. Presentation: Self Discovery 24, Founder Johnna Anderson

PUBLIC HEARINGS:

- a. Conditional Use Application CU-25-01: Applicant Jim Draper Seeking Conditional Use for a Christian Retreat at 735 Kennedy Mountain Road, map parcels 014 003 (52.87 acres), 014 002 (17.42 acres), 014 002D (3.0 acres) in the LI, Low Intensity District.

Planning Director Mike Beecham addressed the Commission. Applicant Jim Draper is seeking a conditional use for Christian retreat with up to seventeen (17) dwelling of which eleven (11) are proposed as cabins at 735 Kennedy Mountain Road, map parcels 014 003 (52.87 acres) and 014 002 (17.42 acres) and 014 002D (3.0 acres) in the LI, Low Intensity District. The applicant owns the 73.29 acres and proposes to erect the seventeen dwellings in addition, a pavilion and an area for event tents on the property. This property is located in the extreme north end of Habersham County and the surrounding properties in the area are primarily residential, agricultural or undeveloped. There are scattered single family homes in the area on large parcels. The applicant's intent is to use the property for a Christian retreat center. As a local government, Habersham County is not allowed to make a distinction between a religious retreat center and a campground business, which is why the applicants are still required to go through the conditional use process. There are currently two dwellings on the property. While the current county ordinances only allow for one dwelling per property, these dwellings existed prior to the ordinance and have been grandfathered in. His understanding is that the family currently stays in one dwelling and rents the other out as an Airbnb. The Planning Commission had a hearing on this application on May 6th, at which eleven individuals were present to voice opposition to the application. These individuals expressed concerns regarding the environmental impact of

numerous septic systems being added to the property, as it is located at the headwaters of the Soque River where they claim there is a very high underground water table. There were also concerns regarding the impact on the traffic and safety of Kennedy Mountain Road, as it is an extremely narrow dirt road. There were additional concerns about the fact that hunting on surrounding properties could pose a safety issue with the increased number of dwellings. Another major concern was regarding the impact on the rural nature of the area. The Planning Commission voted to recommend denial of the application. Though there has been talk of the possibility of scaling back the request, his office has not had anything officially requesting this submitted to his office.

Commissioner Akins asked if they had already seen this conditional use application come to them several months ago? Mr. Beecham informed him that he had brought a separate conditional use application to them for a Christian retreat on Piedmont Mountain Rd. There had been no public opposition to that application at either the Planning Commission or Board of Commissioner's hearings and the Board of Commissioners approved the application.

Attorney Taylor provided an opportunity for anyone who was in favor of conditional use application CU-25-01 an opportunity to speak.

Mr. Lew Oliver wished to speak on behalf of the applicant for approval of conditional use application CU-25-01. He had met with Mr. Draper prior to the meeting, and they now have a new proposal that they wish to be considered. He showed the Commission a plan showing where Mr. Draper now wishes to only add the barn/carriage house and two additional cottages to the two existing dwellings on the property. This would exclude the 11 cabins and the pavilion that was originally planned. Mr. Oliver stated that they were willing to compromise and had scaled back the request after having met with numerous area residents. Attorney Taylor informed the Commission that the applicant is unable to withdraw or change the application at this time, as the hearing is being held on what was submitted. Commissioner Woodall asked if the retreat was full, how many individuals would be occupying the property? Mr. Draper informed him this number would be 30 individuals.

Attorney Taylor informed the Commission that the applicant can't withdraw or change the applications at this time. That the hearing has to be on what was already submitted.

Mr. Joe Engles wished to speak in favor of the approval of conditional use application CU-25-01, stating that he has seen the property in question and as well as Mr. Draper's plans, and that he thinks the proposed retreat would be a real asset to the community. He feels that Mr. Draper would be a good steward of the land. He realizes that this is a conditional use, however it is his understanding that under the current zoning there wouldn't be anything preventing the applicant from subdividing the property into 50 one-acre residential lots, which he feels would have more of a negative impact on the property and surrounding area. He feels that not granting Mr. Draper his request could lead to him selling the property to a developer, which would cause a lot more harm than approving the property for a Christian retreat.

Mr. Lew Oliver requested to withdraw Conditional Use Application CU-25-01 on behalf of the applicant. Commissioner Meador stated that in his tenure as a Commissioner, he has never he has never tabled a hearing once it was underway. He deferred to Attorney Taylor for guidance. Attorney Taylor informed him they should complete the hearing.

Attorney Hunt provided an opportunity for anyone who was opposed to conditional use application CU-25-01 an opportunity to speak. There were none present who wished to do so.

Mr. Lawrence Bridges addressed the Commission in opposition to conditional use application CU-25-01. He informed them that he had met with Mr. Draper for two hours last Thursday to look at the property. He informed the Commissioners that he had concerns regarding the property's ownership. He also wanted the

Commission to know that during the Planning Commissioner hearing, it came out that an Airbnb was already being operated on the property without the county's knowledge. He feels that this makes it apparent that rules and regulations will not be followed, stating that he has a hard time imagining that there will be less than 30 individuals occupying the property with all the additions being proposed. Mr. Bridges also had concerns regarding the narrow road leading to the property as well as the effects of the many new septic systems on Goshen Creek, as the water table is high in that area. He recommends that the Board of Commissioners accept the Planning Commission's recommendation for denial of the application.

Mr. Todd Valentini addressed the Commission in opposition of conditional use application CU-25-01. Mr. Valentini has a bored well which ran dry about 10 years ago running a small sprinkling system. He can't imagine the impact that adding so many new houses upstream will have on the water he depends on. He realizes that Mr. Draper intends for this to be a Christian retreat, which he feels would be a backdoor way to get out of paying property taxes even while putting an increased burden on emergency services and other tax paid services.

Mr. Phil Strickland addressed the Commission in opposition to the conditional use application CU-25-01. He and his father own a large portion of Goshen Creek and the Soque river. He feels that all the runoff and grading from developing the property as planned will run into the headwaters of the Soque and go down the stream. He doesn't feel that there is any way they can do all this grading and not affect the river. He and his father are both adamantly against it approval of this application.

Mr. Kennedy Bridges addressed the Commission in opposition to conditional use application CU-25-01. He informed the Commission that he is speaking on behalf of Ms. Peggy Lovell, who is unable to be present due to being in the hospital. Ms. Lovell wants the Commission to know that surface water and ground water are the primary water sources of the area. She wants to know what the consequences to the water system will be once all these buildings are pulling from the water aquifer as well as with all the new septic tanks that will be put in? Additionally, she is concerned with the impact that this will have on the watershed and its flora and fauna. She is requesting as a Habersham County native and landowner that this application be denied.

Matthew Coker informed the Commission that he is opposed to conditional use application CU-25-01, stating that he echoes the same concerns as those who have spoken before him.

Mr. Jeff Allen addressed the Commission in opposition of conditional use application CU-25-01. He informed the Commission that several generations of his family, including his grandparents, parents, himself and his children, have been raised in Batesville. Batesville is a simple community, and he wants to see it kept that way.

Attorney Ralph Taylor gave the remainder of the time back to the applicant for response to the concerns that were brought up. Mr. Lew Oliver spoke on behalf of applicant Jim Draper. He informed everyone present that Mr. Draper is a minister and a true Christian, that he is not a shyster who is trying to be deceptive with anyone. He informed everyone that Mr. Draper is an extremely conservative man who wishes to spend the remainder of his life serving others. Mr. Oliver reminded everyone present that there is nothing that prevents Mr. Draper from being able to abuse the zoning glitch that allows him to subdivide the property into several one acre lots for development, however this is not what Mr. Draper wishes to do. Mr. Oliver stated that the wells and septic systems being proposed are well out of the slopes of any flood plains and would go through the proper application processes and meet all the required setbacks and engineering codes. While both he and Mr. Draper want to respect the community, he feels that everyone needs to realize that Mr. Draper has rights to his own property.

The Commission inquired as to what would happen if they denied the application versus tabling the application? Mr. Beecham informed them that if the application is denied, then the applicant must wait six

months before they can apply again. If it is tabled by the Commission, then it would allow the applicant an opportunity to withdraw the application and bring back a modified proposal under a new application.

Motion by Commissioner Akins, seconded by Commissioner Woodall, and voted (3-2) to table Conditional Use Application CU-25-01. Motion carries with Commissioner Tench and Commissioner Harknes dissenting.

PUBLIC COMMENTS:

Mr. Bruce Palmer addressed the Commission, informing them that he is aware that there have been a lot of discussions regarding rolling back the millage rate, however he feels that doing so would be irresponsible and reckless. Mr. Palmer voiced concerns that there were not enough personnel to adequately staff all the county fire engines. Additionally, he stated that there are several fires stations that started as volunteer stations that have been promised remodels for years that have not occurred. He went on to inform the Commission that the Sheriff's Office is short staffed as well. While he realizes that no one likes taxes, the whole purpose of the Commission having went through the process of having county-wide reassessments was to make sure that all properties are being assessed and taxed fairly. He stated that this reassessment would have had the most impact on industrial and commercial properties, as those who have homesteads in the county already qualify for a floating homestead exemption. He informed the Commission that rolling back the millage rate essentially is giving the biggest savings to industrial and commercial property owners, which prevents residential property owners from seeing relief in their taxes.

Mr. Lew Oliver addressed the Commission. He wanted to remind them of the resolution he brought before them during their March 17th meeting. This resolution authorizes a feasibility study for replacing 37 parking spaces in downtown Clarksville so that a town square could be created with civic space for events. He informed the Commission that the city of Clarksville has already adopted the resolution and is moving forward on it. Commissioner Harkness stated that he feels that this is something that sounds as though a meeting may be needed with the City of Clarksville to see what they need assistance with? Mr. Sims stated that if the Commission wishes to talk to the City of Clarksville, that he can set up a meeting between representatives of both the City and the County.

CONSENT AGENDA:

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

- a. Consider/Approve Minutes of February 17, 2025 Executive Session
- b. Consider/Approve Minutes of March 5, 2025 Executive Session
- c. Consider/Approve Minutes of March 25, 2025 Executive Session
- d. Consider/Approve Minutes of April 21, 2025 Work Session
- e. Consider/Approve Minutes of April 21, 2025 Regular Meeting
- f. Consider/Approve Land Use Agreement with US Forest Service for Helibase at Habersham County Airport
- g. Consider/Approve Award of Bid for Airport Lighting Project and to Designate the County Manager as an Authorized Signer for Related Document

- h. Consider/Approve Transfer of Habersham County Airport Hangar G-5 from Doug McDonald to Michelle Curcio
- i. Consider/Approve Ratifying Contract with Soque Contracting Services for RFP 2025-17 for Health Department Basement Renovations
- j. Consider/Approve Award of Contract for RFP 2025-22 Clear Diesel (On-Road) and Gasoline
- k. Consider/Approve Declaration of Access Easement with Habersham County Board of Education for Access to Site of Future Animal Shelter at 401 Old Athens Highway, Cornelia, GA
- l. Consider/Approve Plan Year 2025-2026 Employee Insurance Renewals
- ~~m. Consider/Approve Estimated Tax Roll-Back Rate for Assessment Notices~~
- n. Consider/Approve Alcohol License Application/Renewal for:
 - 1. Clarkesville 1384 LLC (dba Chevron Food Mart), located at 1384 Tom Born Rd, Clarkesville- Malt Beverage and Wine Package Sales
 - 2. 3134 Old Historic Enterprises, LLC, located at 3134 441 Old Historic Highway, Turnerville- Malt Beverage and Wine Package Sales

REPORTS:

- a. County Manager's Report: Tim Sims, County Manager
- b. Departmental Report: Terry Lannon, Interim Parks and Recreation Director
- c. Grant Report: Kiani Holden, Financial Administrator

APPOINTMENTS:

AVITA BOARD

Remainder of 3-Year Term Ending 12/31/2026

*Default is Chairman, But BOC Can Appoint Another Elected Official If They Are Unable to Serve

- 1. Dustin Mealor (Resignation- Commissioner Representative) At-Large Appointment

Motion by Commissioner Akins, seconded by Commissioner Tench, and voted unanimously (5-0) to appoint Commissioner Woodall to the Avita Board.

OLD BUSINESS: None

NEW BUSINESS:

- a. Consider/Approve Proposal with Rochester for Traffic Engineering Study and Proposed Traffic Signal at Intersection of US Hwy 441/SR 365 for Future Habersham County Fire-EMS Headquarters Driveway

Public Works Director/Capital Projects Manager Jerry Baggett addressed the Commissioner. He informed them that he is requesting their approval for performing a traffic engineering study and proposed traffic signal design for the intersection of US Hwy 441/SR 365 at the proposed Habersham County Fire-EMS Headquarters emergency exit. The County's design engineer, Rochester & Associates, would be designing the emergency exits and crossings. The design requires a traffic engineering study and intersection control evaluation (ICE) to be completed and submitted to the Georgia Department of Transportation (GDOT). The engineer will coordinate their design and application with GDOT to meet the State's approval for Right-of-Way access and median crossing. This approval is needed to provide the emergency exit for the fire trucks to enter and cross US Hwy 441/SR 365 in emergency situations. This is a process that normally takes between seven to ten months. It is preferred that the study be completed while school is in session to be able to consider the impact of school traffic into account. School ends in Habersham County this Friday, May 23rd. If he can get Commission approval tonight, then Rochester can move forward with doing the study this week. Commissioner Harkness voiced concerns with the fact that it may be several years before this project is underway, and that the study may be obsolete before they are able to start the project. Commissioner Akins agreed with Commissioner Harkness, stating that he would like to know that this study will remain relevant a few years down the road. Commissioner Akin inquired as to whether it would be possible to have the ingress and egress completed without the study? Mr. Baggett informed him that study is required for the median break. He reminded the Commission that GDOT has waived the \$1 million to \$2 million that it would normally cost for a median break, as they didn't feel that it would be right to have Habersham County citizens pay for a median break across a state road.

Motion by Commissioner Harkness, seconded by Commissioner Akins and voted unanimously (5-0) to table this item until the next Commission meeting.

Mr. Baggett informed the Commission that he would find out how long the study would be good for and that he would likely come back before them at their August meeting.

ADDITIONAL COMMENTS

Commissioner Woodall and Commissioner Harkness thanked everyone for coming.

Commissioner Mealor reminded everyone there would be a lot of traffic this weekend and to stay safe this Memorial Day weekend. He asked everyone to keep the service members whose lives were lost in service to this country as well as all the other members that have served in their thoughts.

Commissioner Tench thanked everyone for their patience with him. The other Commissioners expressed that they were glad that he was feeling better and able to join them again.

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

Motion by Commissioner Mealor, seconded by Commissioner Woodall, 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).

ROLL CALL VOTE:

Commissioner Tench- aye
Commissioner Harkness- aye
Commissioner Akins- aye
Commissioner Woodall- aye
Commissioner Mealor- aye

Motion carries unanimously (5-0) to enter executive session at 7:46 p.m.

Motion by Commissioner Harkness, seconded by Commissioner Meador, and voted unanimously (5-0) to leave executive session at 8:51 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.

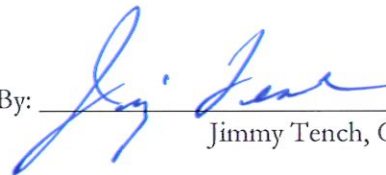
Motion by Commissioner Akins, seconded by Commissioner Harkness, and voted unanimously (5-0) to adopt the representation authorizing such an affidavit as per the Attorney's recommendations.

ADJOURN

Motion by Commissioner Akins, seconded by Commissioner Harkness and voted unanimously (5-0) to adjourn the meeting at 8:52 p.m.

Respectfully Submitted,

By: _____



Jimmy Tench, Commission Chairman

Attest: _____



Brandalin Carnes, County Clerk

