

HABERSHAM COUNTY BOARD OF COMMISSIONERS MEETING
6:00 P.M., MONDAY, APRIL 21, 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, April 21, 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 Vice Chairman Bruce Harkness, Commissioner Dustin Mealor, Commissioner Ty Akins, Commissioner Kelly Woodall, Interim County Manager Tim Sims, County Attorney Donnie Hunt, County Clerk Brandalin Carnes, staff, members of the media and the public.

Absent was Chairman Jimmy Tench.

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

Vice Chairman Harkness asked for everyone to keep Chairman Jimmy Tench in their thoughts and prayers, informing them that he was unable to attend tonight's meeting as he is still not feeling well.

County Attorney Hunt lead the invocation.

Commissioner Woodall lead the pledge of allegiance.

ADOPTION OF AGENDA

Motion by Commissioner Akins, seconded by Commissioner Woodall, and voted unanimously (4-0) to adopt the agenda as presented.

PRESENTATIONS/ANNOUNCEMENTS:

- a. Employee Spotlight: Jessica Chambers
- b. Family Resource Center: Linda Johnson, Executive Director
- c. Proclamation of April as "Donate Life Month"

PUBLIC HEARINGS:

- a. Map Amendment Application Z-25-01: Omega Properties & Development, LLC Application for Map Amendment for Property at Corner of Rockford Creek Road and Hollywood Hills Road (Parcel 128 061C) to Remove a Condition from a Previous Map Amendment

Planning Director Mike Beecham addressed the Commission. He informed them that this map amendment is to remove a condition from a previous map amendment. Back in 2021 the Commission approved a map amendment from LI to HI for this property for the construction of a small commercial self-storage and office facility. The map amendment had been approved with conditions, was that the driveway to the facility for the entrance/exit must be installed on and accessed from Hollywood Hills Rd only. At the time that the map amendment was approved, there was a portion of the property that was not intended to be used by the property owner. Now, one of the neighboring property owners wishes to buy that portion of the property to build a residence, but they want the ability to access the residence from Rockford Creek Rd so that they don't have to drive through Omega Properties commercial businesses property.

The Planning Commission is recommending approval of the change to the map amendment with the conditions that:

- 1) The driveway can only serve the 2.2 acres that is being sold.
- 2) The driveway must be used for residential use only.

Attorney Hunt provided an opportunity for anyone who was in favor of map amendment application Z-25-01 an opportunity to speak. There were none present who wished to do so.

Attorney Hunt provided an opportunity for anyone who was against map amendment application Z-25-01 an opportunity to speak. There were none present who wished to do so.

Motion by Commissioner Woodall, Seconded by Commissioner Mealor, to approve with the conditions as recommended by the Planning Commission. Motion carries 4-0.

PUBLIC COMMENTS:

- a. ~~Tracey Arrowood:~~ Ms. Tracey Arrowood was not present for public comment.
- b. ~~Bruce Palmer:~~ Mr. Bruce Palmer was not present for public comment.
- c. Mr. Edwin Hendricks and Clerk of Court David Wall are member of the Sons of the American Revolution (SAR). They informed everyone that July 4, 2026 250th anniversary of the signing of the Declaration of Independence and formation of the United States of America. In recognition of this, the Habersham County Chapter of the SAR will be holding a special event on Tuesday, May 13th at 1:00 p.m. at Wilbanks Middle School in which they will be designating a specially selected tree on the school's campus as a "Liberty Tree". This Liberty Tree is symbolic of the one in Boston that served as a meeting place during the American Revolution. Mr. Hendrix and Mr. Wall extended an invitation to the Commissioners to attend this event. Mr. Wall went on to present the Commission with a Certificate of Commendation for in recognition of their exemplary patriotism in the display of the flag of the United States of America.
- d. Mr. Dale Green wished to express his concerns regarding "complaint only governing". He informed the Commission that Planning Director Mike Beecham informed him that the only time that the ordinances are enforced is if someone calls to make a complaint. He feels that this is no way to govern, and that if the ordinances are not going to be enforced equally and fairly then they shouldn't exist at all. He stated that Habersham County has many ordinances, and that he understands that the one regarding derelict vehicles was "lost". He asked the Commission how this came to be? Commissioner Harkness informed him that when the CLDR was being redone, that the ordinance regarding derelict vehicles was accidentally left out. Commissioner Harkness went on to inform Mr. Green that he has been called by numerous people regarding the derelict vehicle ordinance, and that while he they may have to do something at some point about people parking vehicles in the road right-of-way that he isn't for sending code enforcement into property owners' backyards to investigate their vehicles.
- e. Mr. Lew Oliver spoke in support of a derelict vehicle ordinance. He informed the Commission that he has been a resident of Habersham County for the past 10 years, and that he moved here because he loves the people, the environment and the opportunities that Habersham County provides. He invested his life savings in moving his family and business to Habersham County, and they bought a house in a subdivision on the western side of the county that looks like it came out of a Currier and Ives painting. He is extremely concerned that there is currently no delict vehicle ordinance and is in favor of protecting open spaces and keeping them free of abandoned vehicles and the issues they

bring, stating that in addition to posing an environmental problem they lower property values and the taxes that they generate. He feels that there are certain types of zoning that are appropriate for this use, however it shouldn't be allowed outright. He has spoken with the president of his HOA, and they feel that there should not only be an ordinance but that it should be enforced. Commissioner Harkness expressed that while he respects Mr. Oliver's opinion, that he must understand people such as himself move into subdivisions because they want HOA's that prevent issues such as these, however individuals in rural parts of the county have overwhelmingly expressed concerns about government overreach.

- f. Mr. Ronnie Gibbs expressed his opposition to a derelict vehicle ordinance. He informed the Commission that nine generations of his family have lived on his land, and that he has several vehicles that are sentimental in the fact that they were owned by now deceased relatives and hold fond memories. He feels that if you looked closely enough that every person in the room is probably in violation of at least one ordinance, and that this becomes an issue when people who are wanting to drive an individual off their land and force them to sell call code enforcement on them repeatedly. He himself has experienced this, at one point having had code enforcement, the Department of Agriculture, the Environmental Protection Division, the Department of Natural Resources, etc. on him and having been denied the right to face his accuser in court of law every single time.
- g. Mr. Seth Herrin expressed his opposition to a derelict vehicle ordinance. He is afraid that this ordinance would open the door to passing ordinances against farm equipment, barns and farm animals. He doesn't have any derelict vehicles on his property, but he does have a farm with animals, and he feels that so long as he is paying his taxes every year then it shouldn't be anyone else's business as to what is on his property. On a separate note, he feels that the Commission should plan a celebration of the 250th anniversary of America's independence next year.
- h. Mr. Gary Allen felt that the \$7 million dollars being spent on the new animal control facility would have been better spent serving the elderly, homeless, veterans or other community organizations. Regarding the county ordinances that prevent individuals from living in sheds and campers, he himself was in a situation around 12 years ago where he found himself having to live in a shed. He understands where these folks come from and if that is the best they can do to provide themselves with shelter he feels they ought to be left alone. Mr. Allen also wanted the Commissioners to know that he felt that farm equipment should not be considered junk under the derelict vehicle ordinance, as he is still having to pay tax on it regardless of it is operating or not. Commissioner Woodall reminded everyone that the new animal control facility was a voter approved project and that the Commission is legally required to follow through on completing it. Another citizen spoke against the cost, to which Commissioner Harkness informed them that the cost of the project was a whole other discussion, as the estimate that was originally given was far too low to complete the project and wouldn't have paid for anything beyond the actual kennels inside of the facility.

CONSENT AGENDA:

Motion by Commissioner Akins, seconded by Commissioner Mealor, and voted unanimously (4-0) to approve the consent agenda.

- a. Consider/Approve Minutes of March 17, 2025 Regular Meeting
- b. Consider/Approve Minutes of March 25, 2025 Departmental Budget Review Meeting
- c. Consider/Approve Minutes of March 25, 2025 Special Called Meeting
- d. Consider/Approve Minutes of March 26, 2025 Departmental Budget Review Meeting

- e. Consider/Approve Minutes of March 27, 2025 Departmental Budget Review Meeting
- f. Consider/Approve Ratifying Purchase of Motor Grader for Public Works
- g. Consider/Approve Contract for Right-of-Way Trash Detail
- h. Consider/Approve Amendment of FY 2025 CIP Schedule for the Purchase of a 2025 Chevy 1500 Silverado and a 2025 John Deer Tractor with Boom Mower for Public Works Using SPLOST VII Funds
- i. Consider/Approve Contract with ESC Southeast for Third Party Engineering and Construction Testing
- j. Consider/Approve Airport Hangar Swap Between Michelle Curcio (Current Hangar G-1) and James Butterworth (Current Hangar G-4)
- k. Consider/Approve Ratifying Contracted Instructor Agreement with Kirsty Hill for Swim Instruction at Aquatics Center
- l. Consider/Approve Contract for Senior Centers Congregate Meals and Frozen Meals for Meals on Wheels Program
- m. Consider/Approve Annual MOU with Boy Scouts of America Establishing Fire Explorer Post with Habersham County Emergency Services
- n. Consider/Approve Acceptance of Southeastern Aquatic Resource Grant for Streambank Mitigation
- o. Consider/Approve Pay Supplement for the Honorable Carlton H. “Hobie” Jones, Judge of the Superior Court
- p. Consider/Approve Pay Supplement for the Honorable Bambi Nicole Carswell, Judge of the Superior Court
- q. Consider/Approve Salary for Incoming Juvenile Court Judge Lori K. Pearson
- r. Consider/Approve Request from Fairview Meadows Subdivision to Accept Fairview Meadows Drive (.25 miles) and Meadowlark Ridge (.10 miles) into County Road System for Maintenance

REPORTS:

- a. County Manager’s Report: Tim Sims, Interim County Manager
- b. Financial 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 Mealor and voted unanimously (4-0) to table this appointment until the next meeting.

DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES BOARD

Remainder of 5- Year Term Ending 06/30/2029

1. Sheriff Robin Krockum (Resignation): At-Large Appointment

Motion by Commissioner Akins, seconded by Commissioner Mealor and voted unanimously (4-0) to appoint Ms. Diane Brown to the Department of Family and Children's Services Board.

OLD BUSINESS:

- a. Consider/Approve Resolution #2025-03-001 Adopting A Goal to Work Towards Zero Traffic-Related Deaths and Serious Injuries in Habersham County by 2040

Financial Administrator Kiani Holden addressed the Commission. She informed the Commission that since Chief Financial Officer/Interim County Manager Tim Sims had discussed this agenda item with them already during the work session, she would just give a brief summary of the timeline of events. Habersham County was applied for the Safe Streets for All Grant back in September 2022. The county was awarded the grant, and its acceptance was brought back to the Commission for approval in May 2023. The RFP was released in September 2023 and the contract was awarded to Kimley-Horn in November 2023. Ms. Holden wanted to assure the Commission that, while passing the resolution, it is a requirement for the grant, that it is just setting a goal and there is no negative impact from not being able to meet the goal. Ms. Holden informed the Commission that all the county roads are evaluated, and the county picks the top 20 problem areas to focus on improving. Kimley-Horn does not have any say in which streets are chosen. These improvements can be as minor as adding more road signs, stripping or increasing the shoulders. There is no obligation for the Commission to move forward with making these improvements, however it is still beneficial to have this study completed as it will result in a complete strategic plan that can be used for future SPLOST projects and future infrastructure grants.

Motion by Commissioner Akins, seconded by Commissioner Mealor and voted unanimously (4-0) to approve.

NEW BUSINESS:

- a. Consider/Approve 2025 Local Road Assistance Administration Grant Application

Public Works Director Jerry Baggett addressed the Commission regarding his request for approval to apply for the Local Road Assistance (LRA) Administration Grant. Mr. Baggett informed the Commission of the Local Maintenance Improvement Grant (LMIG), which is a grant that Habersham

County receives each year from the Georgia Department of Transportation (GDOT). The LMIG grant allocates state resources for road improvements with a 30% match from the local governing authorities. The LRA grant is an additional, one-time, GDOT grant with a 0% match to local governing authorities. These additional funds were allocated by the Governor and the Legislator from the states amended fiscal year 2025 budget. Habersham County is expected to receive \$1.04 million of the \$250 million that the state has allocated for local governments for this purpose. He informed the Commission that once they approve his application for the LRA grant, he will move forward with submitting the application to GDOT along with the attached project list. The project list consists of an added 5.83 miles of road resurfacing in addition to the 12.11 miles within the previously approved LMIG 2025 project list. The deadline for the LRA application June 15, 2025.

Motion by Commissioner Woodall, seconded by Commissioner Mealor and voted unanimously (4-0) to approve.

ADDITIONAL COMMENTS

Commissioner Woodall stated that this conversation regarding the derelict vehicle ordinance is an example of why he ran for Commissioner. He recognizes that laws are written to protect individuals from others who don't follow the laws, however he is a proponent of independence, and he doesn't condone government overreach. He wanted to assure everyone that is where his heart lies as the Commission is navigating this issue.

Commissioner Akins stated that there is an individual in his community that has an old blue chevy pickup truck that sits on the edge of their yard that they decorate for the holidays, and that he is quite fond of it and it would break his heart for anyone to say something to them about it. He knows that the intent is not to have a law that would affect vehicles of this nature. He wanted to apologize for missing the March Commission meeting, however he wanted to take the opportunity to brag on his reason for missing, which was the birth of his granddaughter.

Commissioner Mealor stated that regarding the derelict vehicle ordinance, he feels that almost everyone in the county, including himself, owns or knows someone who owns old or inherited vehicles of this nature. He feels that this issue is a "non-starter" for him.

Commissioner Harkness stated that he believes in less government and careful spending. There is some beautiful property in the county, however it is the residents that are the reason that people want to move to Habersham County. He is thankful that he lives in Habersham and assures everyone that the Commissioners that they elected to represent them want to protect their way of life.

Commissioner Akins wanted to express to everyone that he knows that Chairman Tench wishes that he could have been at tonight's meeting, as he had looked forward to being Chairman, took the roll very seriously, and had put in a lot of work and effort behind the scenes prior to his illness. He asked everyone to keep Chairman Tench's recovery in their prayers.

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 Mealor, seconded by Commissioner Akins, 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 Harkness- aye
Commissioner Akins- aye
Commissioner Woodall- aye
Commissioner Meador- aye

Motion carries unanimously (4-0) to enter executive session at 7:22 p.m.

Motion by Commissioner Woodall, seconded by Commissioner Meador and voted unanimously (4-0) to leave executive session at 8:46 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 Meador, and voted unanimously (4-0) to adopt the representation authorizing such affidavit as per the Attorney's recommendations

ITEMS FROM EXECUTIVE SESSION:

Motion by Commissioner Akins, seconded by Commissioner Meador, and voted unanimously (4-0) to make Tim Sims the Habersham County Manager effective immediately.

ADJOURN

Motion by Commissioner Akins, seconded by Commissioner Meador, and voted unanimously (4-0) to adjourn the meeting at 8:47 p.m.

Respectfully Submitted,

By: _____
Jimmy Tench, Commission Chairman

Attest: _____
Brandalin Carnes, County Clerk