

HABERSHAM COUNTY BOARD OF COMMISSIONERS MEETING
6:00 P.M., MONDAY, JANUARY 27, 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, January 27, 2025 at 6:00 p.m. in the Jury Assembly Room of the Habersham County Courthouse located at 295 Llewellyn St, Clarkesville, GA 30523. This meeting had originally be scheduled for Tuesday, January 21, 2025 but was rescheduled due to inclement weather.

Present was Chairman Ty Akins, Vice Chairman Bruce Harkness, Commissioner Kelly Woodall, Commissioner Dustin Mealor, Commissioner Jimmy Tench, Interim County Manager Tim Sims, County Attorney Donnie Hunt, County Clerk Brandalin Carnes, staff, members of the media and the public.

Commissioner Akins called the meeting to order at 6:00 p.m.

Commissioner Harkness lead the invocation.

Commissioner Tench lead the pledge of allegiance.

ADOPTION OF AGENDA

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

COMMISSION OFFICER ELECTION FOR 2025

a. Chairman

County Attorney Hunt opened the floor for nominations from the Commission for Chairman.

Commissioner Harkness nominated Commissioner Jimmy Tench for Commission Chairman.

Motion by Commissioner Akins, seconded by Commissioner Mealor and voted unanimously (5-0) to close the nominations.

As Commissioner Jimmy Tench was the only nomination, the Commission moved directly to a vote on his election as Commission Chairman. The vote carried unanimously (5-0) to elect Commissioner Jimmy Tench as Chairman for 2025.

b. Vice Chairman

County Attorney Hunt opened the floor for nominations.

Commissioner Dustin Mealor nominated Commissioner Bruce Harkness as Commission Vice Chairman.

Motion by Commissioner Akins, seconded by Commissioner Mealor to close the nomination.

As Commissioner Bruce Harkness was the only nomination, the Commission moved directly to a vote on his election as Commission Vice Chairman. The vote carried unanimously (5-0) to elect Commissioner Bruce Harkness as Vice Chairman for 2025.

PRESENTATIONS/ANNOUNCEMENTS:

- a. Winter Storm Cora Response Recognitions
- b. Employee Spotlight: Matt Ainsworth (Road Department)
- c. Windstream Presentation: Josh Baker, Local Manager for Habersham County & White County

PUBLIC HEARINGS:

- a. 2nd Reading and Vote on Amendment to Article II (“Open Burning”) of Chapter 30 (“Fire Prevention and Protection”) of the Habersham County Code of Ordinances with Revisions to Sections 30-19 (“General Requirements”); 30-20 (“Open Burning on Privately Owned, Residential Property”); 30-21 (“Construction Site Burning”); 30-22 (“Agricultural Land Clearing or Right-of-Way Burning”) and 30-23 (“Emergency Burning”).

Emergency Services Director Jeff Adams addressed the Commission. This is the second of two required readings of a proposed amendment to Article II (“Open Burning”) of Chapter 30 (“Fire Prevention and Protection”) of the Habersham County Code of Ordinances with Revisions to Sections 30-19 (“General Requirements”); 30-20 (“Open Burning on Privately Owned, Residential Property”); 30-21 (“Construction Site Burning”); 30-22 (“Agricultural Land Clearing or Right-of-Way Burning”) and 30-23 (“Emergency Burning”). Mr. Adams informed the Commission that, though they just amended this ordinance last February, the GA Forestry Commission brought up some discrepancies that they thought needed to be fixed. County Attorney Hunt informed the Commission that all of the changes that are being proposed are those that the GA Forestry Commission expressed are needed to come into compliance with the state laws and that they were asked to add the state phone numbers as well.

Commissioner Akins stated that he had citizens who expressed concern over the end time for burning being early, and he wanted to ask Mr. Adams what the allowed hours are? Mr. Adams informed him that open burning is allowed during daylight hours only. Commissioner Akin expounded further on this for the public, stating that because it was dependent on daylight hours the burning time ends earlier or later depending on the time of year.

Chairman Tench turned the meeting over to County Attorney Donnie Hunt to conduct the hearing.

Attorney Hunt offered those in favor of the proposed amendment to the ordinance an opportunity to address the Commission. There were none present who wished to speak.

Attorney Hunt offered those who were opposed to the proposed amendment to the ordinance an opportunity to address the Commission. There were none present who wished to speak.

Motion by Commissioner Mealor, seconded by Commissioner Akins, and voted unanimously (5-0) to approve the amendment as presented to Article II (“Open Burning”) of Chapter 30 (“Fire Prevention and Protection”) of the Habersham County Code of Ordinances with Revisions to Sections 30-19 (“General Requirements”); 30-20 (“Open Burning on Privately Owned, Residential Property”); 30-21 (“Construction Site Burning”); 30-22 (“Agricultural Land Clearing or Right-of-Way Burning”) and 30-23 (“Emergency Burning”) as presented.

PUBLIC COMMENTS:

- a. Mr. Bruce Palmer addressed the Commission, informing them when Interim County Manager Sims brought up Storm Cora, he didn't mention that starting in 2021 the county started utilizing the aquatic center to provide a place for storm responders in emergency service, the road department, and the sheriff's office to be able to grab something to eat or drink and get warm. Many of these employees are out for 24 hours and he wanted to issue a challenge to the Commission to go out to the aquatic center and thank them. He also wished to express his thoughts regarding the Old Courthouse/Administrative Building. He realizes that many people have complained about the building and that the City of Clarkesville has offered the County \$250,000 to purchase it. He remembers a few years back when the County sold the Hills Crossing property to put it back on the tax rolls, and the results lead to extremely negative opinions from the citizens. He wants the Commission to think of the potential effects of selling this property that is valued at \$1.2 - \$1.4 million dollars for only \$250,000 to the City of Clarkesville, as the county citizens will not only lose around \$750,000 but also the potential future tax revenue from the property. Mr. Palmer doesn't feel that there should be a rush to tear this building down, as with the new president he feels that there may be a change in the economy in the next few months. Just because a developer may not be able to afford to do anything with the property now doesn't mean that this will be the case in the near future.

CONSENT AGENDA:

Motion by Commissioner Meador, seconded by Commissioner Harkness, and voted unanimously (5-0) to approve the consent agenda.

- a. Consider/Approve November 18, 2024 Executive Session Meeting Minutes
- b. Consider/Approve December 16, 2024 Regular Meeting Minutes
- c. Consider/Approve Award of Pre-Event Disaster Relief Contracts
- d. Consider/Approve Transfer of 50% of Lease Agreement for Hangar A-6 From Chris Tatum to Andrew Wall
- e. Consider/Approve New Lease Agreement with AVITA Community Partners for their Use of Space in the County Facility at 196 Scoggins Drive in Demorest.
- f. Consider/Approve Facilities Use Agreement with Hurricanes Youth Swim Team for 2025-2026 Season
- g. Consider/Approve Alcohol Sales Renewal/Application for:
 1. Brooks Store, located at 15838 Hwy 197 North, Clarkesville – Malt Beverage and Wine Package Sales
 2. Demorest Business, LLC, located at 2368 Hwy 115, Demorest- Malt Beverage and Wine Package Sales

REPORTS:

- a. County Manager's Report: Tim Sims, Interim County Manager
- b. Departmental Report: Jerry Baggett, Public Works Director

APPOINTMENTS:

PLANNING COMMISSION

Remainder of 3-Year Term Ending 12/31/2025

1. Derick Canupp (Resignation-Term Expires 12/31/2025) Commissioner Woodall's Appointment

Motion by Commissioner Woodall, seconded by Commissioner Mealor, and voted unanimously (5-0) to appoint Mr. Richard Thornton to the Planning Commission.

CHESTATTEE CHATAHOOCHEE RC&D

1-Year Term Ending 12/31/2025

1. Jimmy Kowalsky (Term Expires 12/31/2024) At-Large Appointment

Motion was made by Commissioner Tench to reappoint Jimmy Kowalsky, however County Clerk Carnes informed the Commission that Mr. Kowalsky is unable to serve on this council on behalf of the Commission as he is already an appointee of the Chattahoochee Soil and Water Conservations District representative.

Motion by Commissioner Tench, seconded by Commissioner Akins, and voted unanimously (5-0) to appoint Lynne Dockery to the Chestatee Chattahoochee RC&D.

BOARD OF HEALTH

Term is Appointed Commissioners Elected Term

1. Bruce Palmer (Commissioner Representative) At-Large Appointment

Motion by Commissioner Tench, seconded by Commissioner Mealor, and voted unanimously (5-0) to appoint Commissioner Woodall the Board of Health as the Commissioner Representative.

AVITA BOARD

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

1. Bruce Palmer (Commissioner Representative) At-Large Appointment

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

GEORGIA MOUNTAINS REGIONAL COMMISSION (GMRC)

1-Year Term Ending 12/31/2025

1. Bruce Palmer (Commissioner Representative) At-Large Appointment

Motion by Commissioner Harkness, seconded by Commissioner Woodall, and voted unanimously (5-0) to appoint Commissioner Tench to the Georgia Mountains Regional Commission as the Commissioner Representative.

DANGEROUS DOG COMMITTEE

Remainder of 2-Year Term Ending 06/30/2026

1. Bruce Palmer (Commissioner Representative) At-Large Appointment

Motion by Commissioner Tench, seconded by Commissioner Woodall, and voted unanimously (5-0) to appoint Commissioner Harkness as the Commissioner Representative to the Dangerous Dog Committee.

2. Dr. Emily Allison (Veterinary Representative) At-Large Appointment

Motion by Commissioner Tench, seconded by Commissioner Meador, and voted unanimously (5-0) to reappoint Dr. Emily Allison as the veterinarian representative to the Dangerous Dog Committee.

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

County Clerk Carnes informed the Commission that Jackie Hamby is no longer a member of the Humane Society and thus can't be reappointed. Ms. Carnes had reached out to the Humane Society, and they have not yet nominated a representative. She is asking that the Commission table this appointment.

Motion by Commissioner Tench, seconded by Commissioner Harkness, and voted unanimously (5-0) to table the appointment of the Humane Society Representative for the Dangerous Dog Committee.

OLD BUSINESS: None

NEW BUSINESS:

a. 1st Reading of an 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 first 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"). Mr. Adams informed the Commission that the purpose of this amendment is to resolve an issue that Emergency Services is having with several properties whose auto-dispatching fire alarm systems are triggering numerous emergency responses to non-emergencies, tying up fire personnel and equipment from being able to respond to actual emergency calls. There has been an increase of 209 fire alarms since 2022. One building had 60 fire alarms triggered just in 2024 for non-fire related events. This ordinance amendment would hold property owners accountable for their alarms going off and provide oversight and direction in requiring property owners to maintain their alarm systems in working order.

Commissioner Harkness inquired if the false alarms are coming from defective equipment? Mr. Adams stated that he contacted the owner of the property that had the 60+ alarms last year and she stated that she had reached out to the alarm company and the alarm company wanted emergency services to sign off on them adjusting the sensitivity of the alarms. Mr. Adams stated that he is unwilling to do this as it the responsibility of the alarm company to determine any issues with the system and the needed sensitivity, and that some of the alarms have been set off by people just cooking bacon or boiling water.

Commissioner Akins inquired as to whether ordinances such as this are fairly common in other counties and cities? Mr. Adams stated that it is common for local governments to have these ordinances in place, and that he reviewed the ordinances of other similar counties when he drafted the amendment that he is proposing.

County Attorney Hunt reminded the Commission that any changes that they wish to see regarding the number of alarms allowed or penalties can be discussed over the next month and worked into the drafted ordinance in time for the 2nd /final reading and vote at the February 17th Board of Commissioners meeting.

Commissioner Harkness wanted to know if the property owners will be given notice regarding the change? Mr. Adams stated that the personnel that are assigned to the incidents will leave written notice for the property owner with the fire alarm ordinance included to make them aware.

Commissioner Woodall asked if there would be a grace period before the rollout of the ordinance? Mr. Adams said that this is up to the Commission. Mr. Woodall stated that this may be a good item to discuss prior to the 2nd and final reading and vote.

Motion by Commissioner Woodall, seconded by Commissioner Harkness and voted unanimously (5-0) to accept the first reading of the amendment to Chapter 30 ("Fire Prevention and Protection") of the Habersham County Code of Ordinances to Provide for a New Article III ("Fire Alarms").

The 2nd and final reading, hearing, and vote on this proposed amendment scheduled to occur at the February 17, 2025 Board of Commissioners meeting.

b. Consider/Approve Proposal for Fire Consolidation Study

Emergency Services Director Jeff Adams addressed the Commission. In July of last year, he was approached by some of the municipalities regarding consolidating the city fire department into the county fire department. They have been in contact with Thad Dixon of the consulting firm Southeastern Fire Consulting Company, LLC in regard to what the consolidation process would involve. Mr. Dixon would go through and evaluate the county and each of the cities fire departments in terms of equipment, personnel and response in a similar manner as an ISO grading. He would then come back with a recommendation for the county and the cities who opted to participate in the study. The cost of the study is \$55,000 with no post study commitment required of any of the cities. This is a way of measuring the emergency services response in terms of the fire coverage throughout the county and its municipalities.

Commissioner Woodall inquired as to whether this \$55,000 cost would be shared by the cities? Mr. Adams informed him that the cities were told during the meeting that was held at the Demorest City Hall that the County would pay the entirety of the cost.

Commissioner Harkness stated that he didn't realize that the county had areas with ISO ratings of 10. Mr. Adams informed him that there is an area near piedmont mountain that has this grading, and that the Commission will approve funds for being able to build a substation in this area in the budget sometime in the next few years.

Motion was made by Commissioner Tench, seconded by Commissioner Harkness to table this agenda item until the February 17, 2025 Board of Commissioners meeting. The motion carried (3-2) with Commissioner Akins and Commissioner Woodall dissenting

Mr. Sims informed the Commission that this matter would be discussed further at the upcoming Commission Planning Retreat on February 13th ahead of the regularly scheduled February 17th Board of Commissioners meeting.

- c. Consider/Approve Amendment to Private-Public Partnership Build Agreement with Windstream for Utilization of GA State Fiscal Recovery Funds (SFRF) Grant for Broadband Expansion in Habersham County

Financial Administrator Kiani Holden addressed the Commission. Ms. Holden reminded the Commission that Habersham County was awarded \$5,669,126 in Georgia State and Local Fiscal Recovery Funds in the spring of 2022 to expand broadband areas and speed throughout the County in partnership with Windstream Standard, LLC. Originally, Windstream would be providing the match funds for the grant. The Habersham County Board of Commissioners approved a Build Agreement for Broadband Funds through the ARPA grant on October 17, 2022. In June 2023, an amended Terms and Conditions was received and signed by Habersham County staff which increased the award amount to \$6,236,039 and changed the structure of the grant from a reimbursable grant to a fixed award grant. This change in the structure essentially took out the match requirement from the grant that Windstream was going to have to provide as part of the program and stated that the new grant amount was now a set amount "not to exceed". Windstream is still responsible for following their presented plan and any funding outside of the grant funds is solely Windstream's responsibility. This amended Private- Public Partnership Build Agreement is a requirement of the ARPA funding policies to officially recognize the amended award amount and the change in the structure of the grant from a reimbursable grant to a fixed award grant. It also officially spells out the project and terms of how the funding will be requested from the State and then disbursed to reimburse Windstream. A vote on this amendment is required to be recorded in the minutes of the meeting for auditing purposes.

Motion by Commissioner Akins, seconded by Harkness, and voted unanimously (5-0) to approve the amended Build Agreement with Windstream to recognize the amended award amount and change the structure of the grant.

- d. Consider/Approve Award of Contract for Guaranteed Energy Savings Review

Financial Administrator Kiani Holden addressed the Commission. In April of 2024 the Board of Commissioners voted to move forward with putting on a request for qualifications (RFQ) for Guaranteed Energy Savings Performance Contract services. The Finance Department received four proposals in response to the RFQ. A Committee reviewed and scored the proposals and invited the top two candidates to come back for an interview. The committee then re-scored the proposals based on the interview as well. ABM Building solutions was the highest scoring candidate based on both the proposals and interviews and are the contractors being recommended for this project. If awarded the contract, ABM will conduct an investment grade audit of all county-owned facilities to find areas where they can save on energy costs such as utilities, plumbing, maintenance, etc. If the Commission votes to proceed with the investment grade audit but later decide not to move forward with the recommended renovations the county would be responsible for a fee to ABM for the cost of the audit. Ms. Holden stated that it would still be beneficial to the County to have this audit conducted regardless of if they proceed with the energy savings performance contract, as they can use it identify areas where renovations are necessary.

Commissioner Harkness asked what the cost would be for this guaranteed energy savings review? Mr. Sims stated that it would be between \$20,000 to \$30,000 for the investment grade audit, however if we move forward with the financing through the energy saving renovations then we would not have to pay for the audit. Commissioner Harkness also wanted to know who is responsible for overseeing the renovations and Ms. Holden informed him that this would be done by ABM and that ABM also assists with services such as grant writing to assist in finding additional money for energy saving renovations. An example of this is the ballfield lighting. Replacing the outdated ballfield lighting with the equipment necessary to move to LED lights is part of the Capital Improvement Plan (CIP), however the last estimates for this put the cost at around \$1 million. ABM has stated they have written grants specifically for ballfield lighting before.

Commissioner Akin informed the other Commissioners that it is his understanding that if they move forward with allowing ABM to do the audit, they will come back with recommendations of renovations that can be made to assist with energy savings cost. If the Commission moves forward with allowing ABM to do these renovations, then they would not have to pay for the audit, however the Commission can also choose to pay to reimburse ABM for the audit and move forward with bidding out the work on their own.

Greg Icard addressed the Commission informing them that they utilize legislation to find areas for energy savings for the County and then guarantee those energy savings. If ABM estimates the energy savings wrong, then they have to write a check for the difference to the County. This transfers the risk from the County to ABM. The investment grade audit is a 4–6-month long process in which they look at all of the facilities that staff request from top to bottom and then bring back the compiled findings. They will give the county options of ways to fund the renovations, and the Commission will have the ultimate say in what renovations they make. ABM would have a year to complete the work and then the lease payments would not be due for another year to allow a year's worth of energy savings to be captured and used towards paying the lease. The legislation allows this to be done like a capital lease to provide flexibility to the county, so they don't have to get a bond. Based on the preliminary audit they did last year; they feel that there is potential savings of around \$4-4.5 million of energy savings that they identified that could be reallocated to making the necessary renovations. This is a great way of being more efficient with the tax dollars and is part of the reason why this is allowed by state legislation.

Commissioner Woodall asked about what areas of savings that ABM would be looking at in regard to their newer buildings such as the Courthouse and the Administrative building? Mr. Icard stated that they would look at lighting, HVAC, mechanical controls, etc. and that they inventory every single piece of equipment and provide a capital volatility analysis (CVA) that shows serial numbers, when it was manufactured, when it is expected to go past its useful life and more.

Commissioner Akin wanted to point out that even though the Courthouse and Administrative Building are relatively brand new, they have found that in an effort to save money at the time of their construction, insulation was left out and the cheapest HVAC and control systems were used. The result is now that there were actually no savings when the energy cost is considered.

Mr. Icard stated that once the Commission gives their approval than County staff can move forward with a letter of intent for an investment grade audit.

Motion by Commissioner Akins, seconded by Commissioner Woodall, and voted unanimously (5-0) to approve the contract for RFP 2024-25 Guaranteed Energy Savings Review with ABM Building Solutions, LLC.

e. Consider/Approve Resolution of Intent Regarding HB-581 (Resolution 2025-01-001)

Interim County Manager Tim Sims addressed the Commission. House Bill 581 is the constitutional amendment that was approved by 65% of state voters and 63% of Habersham County voters that puts a cap on assessment growth on homesteaded property. They are not yet sure what this cap will be, but at this time it is assumed that it may be the consumer price index (CPI). At this time CPI is about 3% each year, meaning that under this new statewide exemption, if someone has a \$100,000 home and it gets reassessed at \$120,000, they can only be taxed on a value of \$103,000. Habersham County's homestead freeze is already more advantageous than the states exemption, so there is no reason for Habersham County to opt-out. It was originally intended to have this resolution approved last Tuesday, January 21st to be able to present at the joint meeting between the municipalities that was held last Wednesday, January 22nd, however the Board of Commissioners meeting had to be rescheduled to tonight due to the weather. The cities wanted to see everyone showing solidarity regarding remaining opted-in to HB-581 as it is required for all the cities and the county to be opted-in if they wish to have the option of pursuing a floating local option sales tax (FLOST) in

the future. This would require a voter referendum, but the funds from a FLOST can only be used for rolling back the millage rate. They have run some preliminary figures, and it looks as though having a FLOST would potentially allow the County to roll its millage rate back by 4.4 mills based on last year's sales tax collections. All of the cities other than Tallulah Falls, Cornelia and Clarkesville signed the letter of intent to stay opted-in last week. Cornelia and Clarkesville are waiting to make sure Tallulah Falls commits to remain opted-in before they sign their letter of intent, as if even one city opts out it prevents everyone from being able to pursue a FLOST. Tonight's agenda item is just to approve the resolution stating that the County intends to stay opted-in to HB-581's regulations and requirements. There will be further discussion regarding FLOST scheduled for the Planning Retreat on February 13th.

Commissioner Meador asked when the deadline is for a governmental entity to opt out? Mr. Sims informed him that they would have advertise and hold three hearings before March 1st, which is an extremely tight deadline.

Motion by Commissioner Woodall, seconded by Commissioner Meador, and voted unanimously (5-0) to approve Resolution #2025-01-001 regarding the Habersham County Commissioners intent to not opt Habersham County out of the statewide homestead exemption pursuant to O.C.G.A 48-5-44.2.

ADDITIONAL COMMENTS

Commissioner Harkness thanked the Commission for once again putting their faith in him by re-electing him Vice Chairman. He looks forward to working hard to support the Commission and act in the best interest of both the citizens and the employees.

Commissioner Woodall thanked everyone for their patience with him at his first Commission meeting. He feels that they are all called to serve in their different capacities, though it may not always be easy. He is honored to work with the Commission to serve the citizens of what he feels is one of the best counties in the state.

Commissioner Akins had no additional comments.

Commissioner Meador had no additional comment

Commissioner Tench had no additional Comment

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 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); 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 7:19 p.m.

Motion by Commissioner Meador, seconded by Commissioner Harkness, and voted unanimously (5-0) to leave executive session at 8:44 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.

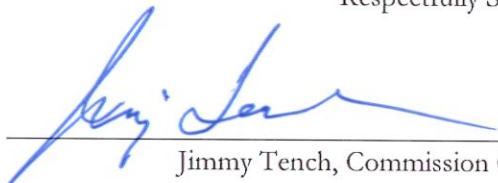
Motion by Commissioner Akins, seconded by Commissioner Harkness, and voted unanimously (5-0) to adopt the representation authorizing such affidavit as per the Attorney's recommendations

ADJOURN

Motion by Commissioner Meador, seconded by Commissioner Harkness, and voted unanimously (5-0) to adjourn the meeting at 8:44 p.m.

Respectfully Submitted,

By:


Jimmy Tench, Commission Chairman

Attest:


Brandalin Carnes, County Clerk