

**HABERSHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
6:00 P.M., MONDAY, MARCH 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, March 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 Vice Chairman Bruce Harkness, 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 Jimmy Tench and Commissioner Akins was absent from the meeting.

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

Commissioner Woodall lead the invocation.

Commissioner Meador lead the pledge of allegiance.

ADOPTION OF AGENDA

Motion by Commissioner Meador, seconded by Commissioner Woodall, and voted unanimously (3-0) to adopt the agenda with the following amendment:

- 1) Removal of item “a. 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” from the agenda and renumber of subsequent agenda items.

PRESENTATIONS/ANNOUNCEMENTS:

- a. Employee Spotlight: Tracy Williamson
- b. Lew Oliver: Clarkesville Square Presentation
- c. Special Recognition of Callum Osborne for Achieving the Rank of Eagle Scout
- d. Proclamation of April 13, 2025 – April 19, 2025 as Public Safety Telecommunications Week in Habersham County

PUBLIC HEARINGS:

- a. Public Hearing Regarding the Financing of the Acquisition, Construction and Installation of a New Animal Control Facility for Habersham County through a Tax-Exempt Installment Sale Agreement (Series 2025)

Jim Woodward addressed the Commission. Mr. Woodward is serving as the county’s bond council for the financing for the construction of the new animal control facility, which is an item being voted on tonight under “new business”. The financing structure that is being used is a product through the Association of County Commissioners of Georgia (ACCG) called a “bricks and mortar” program. A lot of counties finance facilities such as this one using this method. One of the requirements under Georgia law for this type of financing is to

hold a public hearing to allow any citizens of the county to ask questions about the project or the financing. After the hearing is held, the Commission will vote during new business to approve the financing for the animal control facility and then vote to adopt a resolution to allow for the Chairman to sign all necessary documents for the financing.

Commissioner Harkness offered those in favor of the proposed financing for the Animal Control Facility an opportunity to address the Commission. There were none present who wished to speak in favor.

Commissioner Harkness offered those who were opposed to the proposed financing for the Animal Control Facility an opportunity to address the Commission.

Mr. Roger Green stated that he was uncertain if he was for or against the topic in question, however he did have some questions. He inquired as to where the funds would be coming from to pay for the animal control facility? Mr. Woodward informed Mr. Green that the way the brick and mortar finance structure works, ACCG would own the facility and would find a lender (in this case, PNC bank) to loan the money to finance the project. Habersham County would then make payments over several years until the loan is paid off, at which time Habersham County will own the facility. Mr. Davenport mentioned that most government facilities in Georgia such as city halls, fire stations, etc. are financed through this method. Mr. Green asked if taxpayers would be footing the bill for the payments or would some of the funding come from revenue from animal control such as fines? Mr. Sims informed Mr. Green that they anticipate an excess of SPLOST funds from the unexpected revenue that they have been receiving from online sales taxes. They expect that most of the repayments can be made from online sales taxes. Mr. Green asked if this money could not be used for repaying the hospital debt? Mr. Sims informed him that some of the SPLOST money is already used to pay the hospital debt, and that there is already \$5 million dollars earmarked for this purpose. Commissioner Harkness informed Mr. Green that in 2020 the citizens of Habersham County voted by referendum to build the animal control facility using SPLOST money, not property taxes. Mr. Green stated that he had a recent incident with Animal Control a few weeks ago. He stated that he was working outside and his labrador retriever stepped less than five feet onto his neighbor's property across the street, and that his neighbor turned a complaint about this into animal control. Mr. Green stated that an animal control officer came to his house and told him that he was only going to give him a warning, however that he would need to take Mr. Green's picture. Mr. Green stated that he refused to allow his picture to be taken. He wants to know if this is the kind of thing that citizens could be expecting more of in the future from animal control? Mr. Harkness informed Mr. Green that there were many more people in the county now than there use to be and that people just don't want to put up with dogs running around loose. He empathized with Mr. Green, however that he was also glad that Mr. Green's dog didn't bite anyone. Mr. Green stated that he remembered it wasn't long ago that the voters of Habersham County turned down a TSPLST for roads and bridges. He had a hard time with the idea that they would be in agreeance to paying \$8 million for an animal control facility. Commissioner Harkness expressed that he wished Mr. Green had been present during the discussions for approving the animal control facilities design, as it has a large number of supporters in the community.

No voting was necessary on this item at this point in the meeting. A vote on awarding the bid for the financing of the Animal Control Facility project to through the proposed tax-exempt installment sale agreement (series 2025) to PNC Bank and a vote on the resolution (#2025-03-002) authorizing the Chairman to execute all necessary documents related to the projects financing through this method are both listed later in the agenda under new business.

- b. 1st Reading of a Proposed Amendment To The Habersham County, Georgia Code Of Ordinances To Amend Chapter 42 (Entitled "Offenses And Miscellaneous Provisions") To Provide For A New Article Iv (Entitled ("Derelict Vehicles"); To Provide For Definitions; To Provide For Prohibition Of

Storing, Parking Or Leaving Unattended Any Derelict Vehicle; To Provide For Declarations Of Nuisance, To Provide For Exceptions; To Provide For Notice Of Removal; To Provide For The Responsibility For Removal; To Provide For Notice Procedure And Abatement; To Provide For Content Of Notice For Vehicles Located Upon Public Property; To Provide For Removal Of Motor Vehicle From Public Property; To Provide For Notice Of Removal; To Provide For Disposition Of Vehicles; To Provide For Notice Of Public Sale; To Provide For Public Sale; To Provide For Redemption Of Impounded Vehicles; To Provide For Rights Of Lienholders; To Provide For Enforcement And Penalties For Derelict Vehicles On Private Property; To Provide For Conflict With Others Laws; To Provide For Separability; To Provide For Repeal Of Conflicting Ordinances; To Provide For An Effective Date And For Other Purposes.

Mike Beecham addressed the Commission. This agenda item is a request for a new derelict vehicle ordinance to address issues that are being brought to code enforcement regarding junk vehicles in unincorporated areas of the county. Mr. Beecham has been working with code enforcement to draft the proposed ordinance, which they are recommending for approval. In the past, there was a section of code that stated that junk vehicles were not allowed on private property. When the Comprehensive Land Development Ordinance was amended, this was inadvertently removed. The proposed ordinance defines a derelict vehicle any unregistered, junk, dismantled, inoperative or abandoned vehicle that is on private property for more than 30 days except for one that is contained inside of a building. The ordinance also prohibits storing vehicles on public property such as the road rights-of-way. The owner of the property containing the derelict vehicle will be cited to remove said vehicle. If it is not removed within 14 days the owner shall appear in magistrate court, and depending on what is determined during the hearing, they will be given an order to remove the vehicle within an allotted time frame. Should they fail to do so the county will have the authority to remove the offending vehicle and place a lien on the property.

Commissioner Harkness wanted assurance that this wasn't going to affect someone's grandmother's car parked under a carport, that it is just vehicles that are out in the open? Mr. Beecham confirmed that as correct. He went further to state that he realizes that there are some people in the county that have an old classic vehicle out there property that is parked as a form of yard art, and that it is not there intent to harass those individuals.

Commissioner Harkness stated that he understands that there are several illustrious "centers of disposal" out in the community that have accumulated hundreds of cars, and he wants to know what code enforcement is going to do about those as well? Mr. Beecham informed him that one such junkyard on Talmadge Drive is being brought before the Commission at their next meeting on April 21st. The property owner was given a deadline to clean up the property that he didn't meet, so it must now be brought to the attention of the Commission. Mr. Beecham informed Commissioner Harkness that the proposed ordinance being discussed tonight is focused on individuals junk vehicles. Junkyards that are licensed by the county are regulated under a separate section of the ordinances.

Commissioner Harkness offered those who wished to speak in opposition to the proposed amendment an opportunity to address the Commission. There were none present who wished to speak in opposition to the proposed ordinance.

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

Motion by Commissioner Woodall, seconded by Commissioner Mealor and voted unanimously (3-0) to accept this 1st reading. The second reading and vote on approval of this item is scheduled to occur at the April 21st Board of Commissioners meeting.

PUBLIC COMMENTS:

Elena Saville addressed the Commission. She expressed her gratitude to them for the many positive changes that she has seen taking place. She was glad to see that the agenda documents were on the website five days in advance of the meeting. She feels that the Commission is “cleaning house” from top to bottom, and it shows from hiring a new county manager to working on getting the junk vehicles removed from the sides of the road. She wanted to make the Commission aware that the section on junk vehicles is not the only one that was erroneously removed from the latest edition of the county ordinances. She asked them to review CLDR section 1119 paragraph A.4 regarding inappropriate parking a decoration of business vehicles in residential areas. She asked the Commission to take care in who they appoint as County Attorney, as failure to do so could mean that they get bad legal advice which would mess up many county projects. She feels that this is an area where cost-benefit analysis should come into play. She feels that it could be that the Commission does not even need a County Attorney as they have an excellent legal professional included among their ranks.

Bruce Palmer addressed the Commission. He realizes that they removed item “a. 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” from tonight’s agenda during its adoption. Mr. Palmer stated that the topic of the county takeover of subdivision roads has been brought up several times in the past. He understands that these individuals are all taxpayers, however everyone wants their road added to the system, but they don’t want the taxes increased to pay for it. He cautioned the Commission against this, as he feels that the County has a hard enough time maintaining the roads that it already has. On a separate note, Mr. Palmer wanted the public to be aware that the proposed financing for the new animal control facility is essentially the same as the one used for the Administrative Building, and that the payments can be made with SPLOST and that the loan can be paid off early with no penalty.

CONSENT AGENDA:

Motion by Commissioner Mealor, seconded by Commissioner Woodall, and voted unanimously (3-0) to approve the consent agenda.

- a. Consider/Approve January 27, 2025 Executive Session Meeting Minutes
- b. Consider/Approve February 13, 2025 Planning Retreat Minutes
- c. Consider/Approve February 17, 2025 Work Session Minutes
- d. Consider/Approve February 17, 2025 Regular Meeting Minutes
- e. Consider/Approve March 5, 2025 Special Called Meeting Minutes
- f. Consider/Approve MOU with Banks County for Cooperative Talkgroup Use Agreement
- g. Consider/Approve MOU with Hall County for Cooperative Talkgroup Use Agreement
- h. Consider/Approve MOU with White County for Cooperative Talkgroup Use Agreement
- i. Consider/Approve Contract with AirGas for Medical Oxygen for Emergency Services

REPORTS:

- a. County Manager’s Report: Tim Sims, Interim County Manager

- b. Departmental Report: Mike Bramlett, Facilities Maintenance/Transit Director

APPOINTMENTS:

DEVELOPMENT AUTHORITY

Remainder of 6-Year Term Ending 02/19/2030

1. Gail Thaxton (Resignation) Commissioner Woodall's Appointment

Motion by Commissioner Woodall, seconded by Commissioner Mealor, and voted unanimously (3-0) to appoint David Llovorn to serve on the Development Authority for the remainder of a 6-year term ending 02/19/2030.

AIRPORT COMMISSION

Remainder of 3-Year Terms Ending 02/01/2027

1. Christopher Limbach (Resignation)- Commissioner Mealor's Appointment

Motion by Commissioner Mealor, seconded by Commissioner Woodall, and voted unanimously (3-0) to appoint Spencer Carr to serve on the Airport Commission for the remainder of a 3-year term ending 02/01/2027.

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 Mealor, seconded by Commissioner Woodall, and voted unanimously (3-0) to table this appointment to the Avita Board until the April 21, 2025 BOC meeting.

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

Public Works Director Jerry Baggett addressed the Commission.

At the February 17, 2025 work session, 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. It was decided during the February 17th meeting that followed the work session that this item would be tabled to allow time for the resolution to be amended to address these two concerns. The newly drafted resolution has had the following paragraphs reworded:

- 1) "Habersham County hereby establishes a goal of reducing the rate of traffic-related deaths and serious injuries (as a function of the number of deaths per thousand of the population) on County owned and maintained roads by 50% per capita by the year 2030, as compared to the year 2023."
- 2) "Habersham County hereby establishes a goal of working towards zero traffic-related deaths and serious injuries on County owned and maintained roads by the year 2040."

Commissioner Woodall asked what the next step is after the resolution is passed? Mr. Baggett stated that the next step is to draft the safety action plan. This draft is expected to be finished by June 25th, with a final draft completed by August 2025 and the planned adoption taking place at the October 2025 of Commissioners meeting. All of the requirements of the grant must be met prior to December 2025. Mr. Sims informed them that this safety action plan is the prelude to being able to apply a further safety grant to assist in implementing solutions that were identified by the safety action plan. Commissioner Woodall stated that the goal set in the resolution is lofty, and wanted to know if it was required for Habersham County to meet the goal prior to applying for the grant? Mr. Baggett informed him that it was only required to make the commitment. Commissioner Woodall asked how much work has been required of Mr. Baggett and his staff for this grant? Mr. Baggett stated that they had to work with IT establish a webpage, organize the stakeholder committees and hold meetings, have bi-weekly meeting with Kimley-Horn to provide input, etc. Mr. Baggett informed Commissioner Woodall that one great thing about the grant that pays for the safety action plan is that 80% of it is funded by the federal government, FHA and GDOT with a 20% in-kind match from the County. This means that the hours worked by county staff can be counted towards match requirements. The grant was to assist with paying toward a maximum cost of \$200,000 for a consultant to assist with drafting the safety action plan, with the grant funding \$160,000 and the county funding \$40,000. Since Kimley-Horn's bid for consulting services for the safety action plan was only \$188,500 the county actually has a smaller in-kind match. Commissioner Harkness stated that he doesn't want anyone to think he is against reducing fatalities on the road, however there are seven municipalities in Habersham County, and he doesn't appreciate that the people who are trying to apply for the grant are not even here. He feels that it is taking up a lot of staff time for someone to say that the county has dangerous intersections, when this is already obvious and that this is work that could be done by the state DOT. Mr. Baggett informed Commissioner Harkness that this grant was specific to county roads, not state roads. Interim County Manager Sims clarified that the County has hired Kimley-Horn to assist with the safety action plan as it is required for applying for further infrastructure grants. Commissioner Harkness stated that the Commission could table this if they wished, however he was going to be a no vote as he feels that there are too many people coming into Habersham County telling them how to do things and at some point, they need to take control of their own County. Commissioner Woodall stated that while things are changing on the federal side, he realizes that it is already difficult getting a construction grant and that it is a rigorous process that involves having to agree to a lot of terms and massage the way studies are done and the areas that they are done in order to meet the requirements. Commissioner Woodall realizes that there is a large time commitment on the county's part to these grants, and wants to know what the likelihood is that they will receive a subsequent grant for the infrastructure should they proceed with identifying areas of concern with the safety action plan? Mr. Baggett informed him that receiving an infrastructure grant would potentially assist him with eliminating one of the projects that he has to fund with SPLOST, letting those funds be used for other road projects. Mr. Sims informed the Commissioners that completing the safety action plan puts Habersham County ahead of other applicants for infrastructure grants. Commissioner Harkness stated that he was tired of more government telling the county what to do. Mr. Baggett stated that the Commission is the one who approves of the projects that are considered, to which Commissioner Harkness stated that he wouldn't do so. Mr. Sims informed the Commissioners that the regulations to which the Commissioners are referring have went away recently. Commissioner Woodall asked how much freedom the federal government is giving the County to be able to choose how the funds are used? Mr. Baggett stated that Kimley-Horn is a traffic study engineering group. They have solicited input from the stakeholders and the Commission and that these are incorporated into the safety action plan. Mr. Sims stated that the County picks the projects from this safety action plan that are the most important to apply for funding for. Commissioner Harkness stated that Mr. Baggett was hired to oversee other county projects that the taxpayers are paying for and that there is all this work that is going into a grant they don't even know if they will get. Mr. Baggett reminded the Commission that the County Department heads pursue grants wherever possible to try to help free up money towards other county projects. They received grant money to pay for Kimley-Horn to do the safety action plan, which will then allow them to apply for other grants for infrastructure rather than taxes funding them. Commissioner Harkness stated that grants are not always the best for small communities, as free money from the federal government often comes with a lot of strings. Commissioner Woodall agreed with this, saying that the regulations tie up staff time. Mr. Sims informed the Commissioners that even if they choose not to move forward with applying for an infrastructure grant, having the safety action plan would allow the road department to identify

what projects need to be included in the next SPLOST. Commissioner Harkness stated that he couldn't see the citizens including these road safety projects into a SPLOST when they need a new jail and landfill and have a hospital debt to pay off. Mr. Baggett reminded the Commission that they themselves voted on May 15, 2023 for him to proceed forward with the grant for the safety action plan, and all that he has done was what they have asked him to do, and that in addition to this grant he also had a BRIC grant that he has applied for to assist with paying for bridges and culverts.

No Commissioners were willing to make a motion on this item at this time.

NEW BUSINESS:

- a. ~~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.~~ – This item was removed during the adoption of the agenda with subsequent renumbering of the remaining new business items.
- a. Consider/Approve Awarding Bid for the Financing of the Acquisition, Construction and Installation of a New Animal Control Facility Through A Tax-Exempt Installment Sale Agreement (Series 2025) to PNC Bank

Mr. Christopher Holt, representative for the County's financial advisor Davenport & Company, LLC, gave a presentation regarding the results of the request for proposal (RFP) that was put out for the financing of the Animal Control Facility project. Davenport has worked with County staff over the last two years to analyze several potential capital projects such as the Animal Control Facility. The Animal Control Facility project was an approved item on the successful SPLOST VII referendum, which will cover a portion of the debt service on the financing. In September 2024, Davenport presented a Capital Planning Analysis to the County's Board of Commissioners to evaluate potential financing options for the County's consideration. Following that presentation, on December 3, 2024, the Board of Commissioners approved an intent resolution authorizing county staff, Davenport and legal counsel to proceed with an installment sale financing up to \$6.85 million to fund the project. As part of the approval of the intent resolution, the Board of Commissioners requested that the installment sale repayment not exceed 10 years. On February 12, 2025 Davenport distributed a request for proposals (RFP) on behalf of the county for the Installment Sale Agreement, series 2025 for the animal control facility. On Thursday, March 6, 2025 Davenport received 7 proposals from lending institutions, all of which came back below the 5% planning rate. Davenport is recommending moving forward with the proposal from PNC Bank, which had the lowest rate of 3.64%, the requested 10-year amortization, prepayment flexibility and reasonable closing costs. This 3.64% interest rate is fixed until final maturity, eliminating any future interest rate risks. The lower-than-expected rate has also resulted in approximately \$600,000 in reduced interest costs. The annual payments on this loan are expected to be a little over \$800,000. Mr. Holt reviewed the next steps needed for the financing. With the required public hearing having been held at the beginning of this meeting, Davenport now needs the Commission to approve the sale results, the installment sale agreement and other documents as necessary. They expect to have the closing documents distributed by the end of March and that the closing on the installment sale agreement will occur on April 1st.

Mr. Woodall asked what consideration was given by this RFP to local vendors in Habersham County? Mr. Sims informed him that they made sure that the RFP was sent out to all of the local banks, however the only local bank that sent back a proposal was SouthState. Mr. Harkness stated that he knew of one local bank that stated they were not contacted. Mr. Sims informed him that he is not aware that they missed any local banks, as his staff personally reached out to all of them that they knew of and could find on google. Commissioner Woodall asked if Traditions Bank was contacted? Mr. Sims confirmed that they were contacted, and they did not turn in a proposal. Mr. Holt informed Commissioner Woodall that the difference in the interest rate of 4.19% proposed by SouthState and the 3.64% interest rate proposed by PNC bank is a significant enough cost difference to outweigh preference normally

given to local vendors. Commissioner Harkness expressed his appreciation of the fact that the low interest rate would save the county what would amount to almost an annual payment.

Motion by Commissioner Meador, seconded by Commissioner Woodall and voted unanimously (3-0) to approve awarding the bid for the financing of the acquisition, construction and installation of a new animal control facility through a tax-exempt installment sale agreement (series 2025) to PNC bank.

- b. Consider/Approve Resolution #2025-03-002 Authorizing the Chairman to Execute All Necessary Documents Relating to the Financing of the Acquisition, Construction and Installation of a New Animal Control Facility Through A Tax-Exempt Installment Sale Agreement (Series 2025)

Motion by Commissioner Meador, seconded by Commissioner Woodall and voted unanimously (3-0) to approve resolution #2025-03-002 authorizing the chairman to execute all necessary documents relating to the financing of the acquisition, construction and installation of a new animal control facility through a tax-exempt installment sale agreement (series 2025).

Commissioner Woodall wanted to provide clarification to Mr. Green, who spoke during public comment, that the loan for financing the Animal Control Facility is going to be paid back with SPLOST funds as approved by the voters. These funds are from sales tax and so would not impact property taxes.

ADDITIONAL COMMENTS

There were no additional comments from the Commission.

ADJOURN

Motion by Commissioner Meador, seconded by Commissioner Woodall, and voted unanimously (3-0) to adjourn the meeting at 7:37 p.m.

Respectfully Submitted,

By: _____
Jimmy Tench, Commission Chairman

Attest: _____
Brandalin Carnes, County Clerk