

**HABERSHAM COUNTY BOARD OF COMMISSIONERS' MEETING
6:00 P.M., MONDAY, JANUARY 14, 2019
HABERSHAM COUNTY COURTHOUSE, CLARKESVILLE, GEORGIA**

A meeting of the Habersham County Board of Commissioners was held on Monday, January 14, 2019 at 6:00 p.m. in the Jury Assembly Room at the Habersham County Courthouse in Clarkesville, Georgia.

Present: Vice-Chair Natalie Crawford; Commissioners Ed Nichols, Dustin Mealor, Jimmy Tench, and Stacy Hall; County Attorney Donnie Hunt; County Manager Phil Sutton; County Clerk Lindsay Underwood; Administrative Assistant/Deputy Clerk Melissa Shank Gragg; Various Habersham County Department Directors; Individuals from the Media and Public

Vice-Chair Natalie Crawford called the meeting to order at 6:01 p.m.

Commissioner Hall led the Invocation.

Vice-Chair Natalie Crawford led the Pledge of Allegiance.

ADOPTION OF AGENDA

Motion by Commissioner Hall, seconded by Commissioner Nichols, and voted unanimously to adopt the agenda with the following amendments:

Addition of item f. under New Business, as follows:

- f. Consider/Approve Purchase of 4-H Bus from Transportation South, The Bus Center in the amount of \$53,292.92

ELECT CHAIR AND VICE CHAIR FOR 2019

Vice-Chair Natalie Crawford turned the meeting over to County Attorney Donnie Hunt to conduct the elections for Chair and Vice-Chair for 2019.

Attorney Hunt called for nominations for Chairman.

Motion by Commissioner Crawford, seconded by Commissioner Nichols to nominate Commissioner Stacy Hall to serve as Chairman of the Board of Commissioners for 2019.

Attorney Hunt asked for a motion to close nominations for Chairman for 2019. Motion by Commissioner Crawford, seconded by Commissioner Nichols to close nominations for Chairman for 2019.

Commissioner Crawford- yea
Commissioner Hall- yea
Commissioner Nichols- yea

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Commissioner Mealor- yea
Commissioner Tench - nay

VOTE: 4-1

Attorney Hunt stated that nominations were closed and called for a vote for Commissioner Hall to serve as Chairman for 2019.

Commissioner Crawford- yea
Commissioner Hall- yea
Commissioner Nichols- yea
Commissioner Mealor- yea
Commissioner Tench - nay

VOTE: 4-1

Commissioner Hall will serve as Chairman to the Board of Commissioners for 2019.

Attorney Hunt asked for nominations for Vice-Chair for the Board of Commissioners for 2019.

Motion by Chairman Hall, seconded by Commissioner Nichols to nominate Commissioner Crawford for Vice Chair.

Attorney Hunt asked for a motion to close nominations for Vice-Chair for 2019. Motion by Commissioner Nichols and voted unanimously to close nominations for Vice-Chair for 2019.

Commissioner Crawford- yea
Chairman Hall- yea
Commissioner Nichols- yea
Commissioner Mealor- yea
Commissioner Tench - yea

VOTE: 5-0

Commissioner Crawford will serve as Vice-Chair to the Board of Commissioners for 2019.

The meeting was returned to Chairman Hall.

At this time, Chairman Hall asked for a point of personal privilege and read a statement stating that he no longer felt it was appropriate in his new position as Chairman of the Commission to serve as Chairman for the Habersham County Hospital Authority and

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resigned his position on the Hospital Authority effective immediately. He provided further statements on the positive status of recent work done by the Hospital.

Commissioner Crawford called for a point of personal privilege in light of Chairman Hall's resignation from the Hospital Authority. In order to expedite a replacement for his position on the Hospital Authority as soon as possible, she moved that the Board of Commissioners suspend the rules to amend the agenda to insert the nomination of a slate of three persons to the Habersham County Hospital Authority to fill Commissioner Hall's vacant seat at this point in the meeting. She further moved to suspend the rules in the local policies that require the advertisement of the availability of the position for 30 days prior to the nomination of replacements, and to suspend the tradition of the appointment to allow this to be an at-large appointment. Commissioner Nichols seconded the motion.

County Attorney Donnie Hunt stated that since this is a motion to suspend the rules, it requires two-thirds vote of the Commission, and since there are five Commissioners, four would need to vote in favor for the motion to pass.

Chairman Hall called the vote for Commissioner Crawford's motion.

Commissioner Crawford- yea
Chairman Hall- yea
Commissioner Nichols- yea
Commissioner Mealor- yea
Commissioner Tench - yea

VOTE: 5-0

Chairman Hall stated that the motion carried, and at this time a slate of three names for the Hospital Authority needed to be put forth.

Motion by Chairman Hall to put forth the following slate of names for the Hospital Authority:

Victor Anderson
Josh Bramlett
Kathryn Ballard

The motion was seconded by Commissioner Crawford, voted unanimously to approve the slate of names as proposed by Chairman Hall.

APPOINT / REAPPOINT (Annual Appointments):

- a. County Attorney

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Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to reappoint Donnie Hunt as the County Attorney for 2019.

b. County Clerk

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to reappoint Lindsay Underwood as County Clerk.

PRESENTATIONS/ANNOUNCEMENTS:

- a. All County Offices, excluding the Landfill, will be closed Monday January 21, 2019 in observance of Martin Luther King Jr. Day
- b. The Habersham County Board of Commissioners is holding their Annual Retreat on January 29, 2019 at North Georgia Technical College in the Visual Arts Center Board Room beginning at 9:00 a.m.

PUBLIC COMMENTS:

During this time, members of the public are invited to address the Commission on any Agenda item other than those listed as Public Hearing. If you signed up to speak at the meeting tonight, you will have three minutes. If your name is listed on the Agenda, you will have five minutes.

PUBLIC HEARINGS:

By permitting opponents or speakers to present public comment to the county, the county does not acquiesce or waive its ability to challenge to the legal standing of the speaker(s) in the event of litigation.

1. CU-19-01

Planning and Development Director Mike Beecham addressed the Board. CU-19-01 is a conditional use application from William Webb to continue to use 248 Diamond Avenue as a recycling business in the LI, Low Intensity District. On November 19, 2018 the Board of Commissioners held a hearing on the revocation of Webb's Recycling Business License, at that time the item was tabled so that Mr. Webb could go through the conditional use process and come back at the January Commission meeting. The property is .46 acres, and Mr. Webb resides on the property. The Planning Commission heard this in January and expressed concerns on the property being a nuisance to neighbors, protecting public property, meaning the County right-of-way, and the potential environmental impacts of recycling automobiles.

The Planning Commission recommended approval with the following conditions:

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- 1) Install a six-foot (6') wood privacy, as depicted on the attached drawing, to screen all related materials/equipment associated with the business from each road and adjacent properties.
- 2) All materials and equipment shall not encroach upon the county right-of-way.
- 3) Dumpsters shall not encroach upon the county right-of-way.
- 4) The conditional use permit shall be issued to William Webb only and shall not be transferrable to another business owner.
- 5) Hazardous materials shall be handled and disposed of in accordance with state and local laws.

Mr. Beecham stated that during the normal course of review, the County Attorney recommended a couple of additional conditions, as follows:

- 1) The conditional use must be continuous. Any lapse of use exceeding (180) days shall automatically revoke the conditional use.
- 2) No materials shall be stored outside for more than 24 hours. However, the Department may grant a "grandfathered" waiver of this condition on the annual business license so long as the conditional use remains continuous as set forth in the above condition.

Attorney Hunt took a moment to clarify item two in his conditions, stating that the Planning Commission placed a condition on the application that the conditional use permit shall be issued to William Webb only, however, there is a problem in that conditional uses run with the land and not the people, whereas the business license runs with the person, so the Planning Department could issue a waiver on the business license for storage of materials outdoors for more than 24 hours. This way, the County can accomplish what the Planning Commission intended, which is that once Mr. Webb is no longer using the property, the conditional use would go away.

Attorney Hunt asked for comments in favor of the conditional use.

Jed Dempsey, Mr. Webb's attorney, spoke in favor of the conditional use and presented a tin fence alternative to the wooden fence proposed by the Planning Commission.

Chairman Hall asked if Mr. Webb was amenable to the conditions set forth by the Planning Commission and the County Attorney. Mr. Dempsey stated that he had spoken to his client and Mr. Hunt and that they agree with the conditions. Mr. Dempsey also asked that his client be given time to put up the fence.

Attorney Hunt asked if there were other comments in favor of the conditional use.

Tony Montoya Jr. spoke in favor of the application.

Attorney Hunt asked if there were other comments in favor of the conditional use.

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There were none.

Attorney Hunt asked if there were other comments in opposition of the conditional use.

There were none.

Attorney Hunt turned the meeting over to Chairman Hall.

Chairman Hall asked Mr. Beecham what his thoughts were on the proposed metal fence. After looking at the photo, Mr. Beecham stated that it was his opinion that the metal fence would give an industrial look to a residential area.

Chairman Hall asked for comments/discussion from the Board.

Commissioner Crawford stated that she was fine with the conditions from the Planning Commission and the County Attorney, with the exception that a time frame for the erection of the fence needs to be added.

Chairman Hall asked the Board if 90 days would suffice as a time frame for the fence to be constructed. The Board agreed. Discussion ensued on how to make the motion to properly include amendments to the conditions.

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to amend the conditions on the application to include a 90-day timeframe on item a. under facts and issues for the erection of the fence, as well as an amendment to the County Attorney's conditions that would allow for a waiver specific to Mr. Webb's business license under the conditional use.

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to approve CU-19-01 as amended with all conditions.

2. Revocation of Webb's Recycling Business License

****Note: Tabled at the November 19, 2018 Commission Meeting until the January 14, 2019 Commission Meeting****

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to remove this item from the table.

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to deny the revocation of Webb's Recycling Business License.

CONSENT AGENDA:

Motion by Commissioner Nichols, seconded by Commissioner Crawford, and voted unanimously to approve the Consent Agenda as follows:

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- a. Consider/Approve Contract with L&T Inc. for Relocating the Fuel Farm at the Habersham County Airport and Authorize the Chairperson to Execute Related Documents
- b. Consider/Approve Facility Usage Agreement Renewal with Aquatic Fitness Specialist Christine Tekippe
- c. Consider/Approve Facility Usage Agreement Renewal with North Georgia School of Aikido, LLC
- d. Consider/Approve Non-Disclosure Agreements with Victor Anderson and Andrea Harper

REPORTS:

- a. Fiscal Status: Heidi Hook
- b. Manager's Report: Phil Sutton

APPOINTMENTS:

AVITA COMMUNITY PARTNERS

1. Elected or Appointed Official (Term Expiration) -Victor Anderson - At Large

Note: Tabled at the December 17, 2018 Commission Meeting until the January 14, 2019 Commission Meeting

Motion by Commissioner Crawford, seconded by Commissioner Mealor, and voted unanimously to appoint Commissioner Ed Nichols to serve on the AVITA Community Partners Board.

GEORGIA MOUNTAINS REGIONAL COMMISSION

Note: Must be Commission Chair or other Commission Member if Chair cannot serve

1. Natalie Crawford (term expiration): At-large appointment

Motion by Commissioner Nichols, seconded by Commissioner Mealor, and voted unanimously to reappoint Commissioner Natalie Crawford to serve on the Georgia Mountains Regional Commission.

AIRPORT COMMISSION

1. Greg Caudell (term expiration): Natalie Crawford

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Motion by Commissioner Crawford, seconded by Commissioner Tench, and voted unanimously to reappoint Greg Caudell to the Airport Commission.

2. Joe Elam (term expiration): Stacy Hall

Motion by Chairman Hall, seconded by Commissioner Nichols, and voted 4-1 to appoint Andrea Harper to the Airport Commission.

Commissioner Crawford- yea

Commissioner Hall- yea

Commissioner Nichols- yea

Commissioner Mealor- yea

Commissioner Tench - nay

VOTE: 4-1

UNFINISHED BUSINESS: NONE

OLD BUSINESS:

a. Reconsideration of Map Amendment Z-18-08

Planning and Development Director Mike Beecham addressed the Board, stating that at the December 17, 2018 Commission meeting, Map Amendment Z-18-08 was approved, however, it was approved without specifying that it was approved with the conditions set forth by the Planning Commission. After discussing this with the County Attorney, it is now being requested that the Commission move to reconsider Z-18-08 so the conditions recommended by the Planning Commission are included in the subsequent approval.

Mr. Beecham stated that Z-18-08 was a request from Carol Lovell for a map amendment to change the land use district of parcels located on US Hwy 441, Trinity Drive and Charlie Batson Road LI, Low Intensity District to HI, High Intensity District. Conditions were as follows:

- 1) Access to property from Charlie Batson Road is recommended but should be further evaluated by the County Engineer.
- 2) GDOT Driveway Permit will be required on US Hwy 441.
- 3) An additional setback of 12.5 feet will be required from Charlie Batson Road to accommodate future road improvements.

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to reconsider Map Amendment Z-18-08 from the December 17, 2018 meeting.

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Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to approve Map Amendment Z-18-08 subject to the conditions recommended by the Planning Commission.

NEW BUSINESS:

- a. Consider/Approve the Minutes of the Commission Meeting held on Monday December 17, 2018

Commissioner Crawford stated that this was a correction of a name and motioned to approve the December 17, 2018 minutes with the name corrected. The motion was seconded by Commissioner Nichols and approved unanimously.

- b. Consider/Approve Budget Adjustment 2019-05 Moving \$48,775.29 from Contingency to the Fire Department's Budget to Purchase Fire Apparatus Tire Replacement and Structure Firefighting Gear

Habersham County Emergency Services Director Chad Black addressed the Board, stating that during a recent ISO evaluation, some stations were found to have multiple fire apparatus that have tires that are outside of the 7-year recommendation by N.F.P.A. and recommended 10- years by manufacturers. The need for additional turn out gear has risen from the merger, creating additional personnel, and the need to be able to put newly trained employees out to fight fire with the appropriate gear.

Motion by Commissioner Nichols, seconded by Commissioner Crawford, and voted unanimously to approve Budget Adjustment 2019-05.

- c. Consider/Approve Proposal from Hodges, Harbin, Newberry & Tribble (HHN&T), Inc. for Landfill Cell No. 5 Design and Bidding

County Manager Phil Sutton addressed the Board, stating that this matter was discussed at the Board's last work session, and that the engineer feels as though now is the appropriate time to begin the first steps toward construction of cell 5. This was part of the SPLOST VI projects approved by voters and will allow for long-term expansion of the Landfill.

Chairman Hall asked whether cell 4, which is currently in use, could possibly be full within the next year and a half. Mr. Sutton confirmed that it is a possibility, that it is filling much quicker than usual.

Discussion ensued on whether trash is coming from other counties, both Derick Canupp, Public Works Director, and Code Enforcement Officer Sam Irvin spoke on which companies are delivering trash to the Landfill and where those companies are located.

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Motion by Commissioner Crawford, seconded by Commissioner Meador, and voted unanimously to approve Proposal from Hodges, Harbin, Newberry & Tribble (HHN&T), Inc. for Landfill Cell No. 5 Design and Bidding.

- d. Consider/Approve Georgia Crime Information Center (GCIC) Standard Operating Procedures for the Planning and Development Department: Disciplinary Policy, Man-Made/Natural Disaster Policy, and Media Protection Policy

Planning and Development Director Mike Beecham addressed the Board, stating that his department runs criminal history reports for alcohol licensing, and that the GBI recently audited the department. They received a clean audit except for not having these policies in place.

Motion by Commissioner Nichols, seconded by Commissioner Crawford, and voted unanimously to approve Georgia Crime Information Center (GCIC) Standard Operating Procedures for the Planning and Development Department: Disciplinary Policy, Man-Made/Natural Disaster Policy, and Media Protection Policy.

- e. Consider/Approve Mental Health Court Coordinator Position Request Utilizing Mental Health Court Grant Funding

Judge Smith and Beth Pelaccio addressed the Board, stating that this proposed position arises from the need for treatment options for those with mental health issues that have not historically had treatment options. This position would be located in Stephens County, but would benefit all of the counties in the Mountain Judicial Circuit and current participants in the Drug Court Treatment program. Funding would come from grant awards and leftover funds the judges have from prior fiscal years. User fees may be a funding option in future years. They stated that there is a large need for this type of treatment in our community, and that they would partner with AVITA to provide some of the services needed.

Discussion ensued.

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to approve the foundation of a Mountain Judicial Circuit Mental Health Court with grant funding to cover personnel, treatment, and supplies necessary, and to approve the formation of a new position for the part-time Mental Health Court Coordinator.

- f. Consider/Approve Purchase of 4-H Bus from Transportation South, The Bus Center in the amount of \$53,292.92

County Manager Phil Sutton addressed the Board, stating that at the last meeting, funding was approved for this purchase, and that the specifics of the purchase are now ready for Commission approval.

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Extension Services Coordinator Steven Patrick addressed the Board, stating that this bus is handicap accessible, and will transport over 15 people. 4-H will work with County offices to use the bus as available and needed and hopes that it will be a good resource for the County.

Motion by Commissioner Nichols, seconded by Commissioner Crawford, and voted unanimously to approve the Purchase of 4-H Bus from Transportation South, The Bus Center in the amount of \$53,292.92.

ADDITIONAL COMMENTS:

Commissioner Mealar had no additional comments.

Commissioner Crawford wished everyone a Happy New Year.

Chairman Hall had no additional comments.

Commissioner Tench had no additional comments.

Commissioner Nichols had no additional comments.

EXECUTIVE SESSION: Litigation

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to enter into executive session after a five-minute recess to discuss Litigation. (7:08 p.m.)

ROLL CALL VOTE

Commissioner Mealar-yea
Commissioner Crawford-yea
Chairman Hall-yea
Commissioner Tench-yea
Commissioner Nichols-yea

Present: Chairman Stacy Hall; Commissioners Dustin Mealar, Jimmy Tench, Ed Nichols, and Natalie Crawford; County Attorney Donnie Hunt; County Manager Phil Sutton; County Clerk Lindsay Underwood

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to come out of closed session. (7:43 p.m.)

County Attorney Donnie Hunt reported that all matters discussed in Closed Session were limited to those matters allowed by the laws of the State of Georgia and asked for

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a motion authorizing the Chairman to make such a representation under oath on the affidavit.

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to adopt the representation authorizing such affidavit as per the Attorney's recommendation.

ADJOURN: 7:43 p.m.

Motion by Commissioner Crawford, seconded by Commissioner Mealor, and voted unanimously to adjourn.

Respectfully submitted,

By: _____
Chairman Stacy Hall

Attest: _____
County Clerk Lindsay Underwood

Posted by: County Clerk Lindsay Underwood, January 15, 2019