

**HABERSHAM COUNTY BOARD OF COMMISSIONERS
MEETING MINUTES
6:00 P.M., MONDAY, JANUARY 16, 2024
HABERSHAM COUNTY ADMINISTRATIVE BUILDING
COMMISSION CONFERENCE ROOM
130 JACOB'S WAY, CLARKESVILLE, GA 30523**

The Habersham County Board of Commissioners held a regularly scheduled meeting on January 16, 2024 at 6:00 p.m. in the Commission Conference Room of the Administrative Building located at 130 Jacob's Way, Clarkesville, GA 30523.

Present were Chairman Ty Akins, Vice Chairman Bruce Harkness, Commissioner Dustin Mealor, Commissioner Jimmy Tench, Commissioner Bruce Palmer, County Manager Alicia Vaughn, 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 Palmer lead the pledge of allegiance.

ADOPTION OF AGENDA

Motion by Commissioner Akins, seconded by Commissioner Palmer and voted unanimously (5-0) to amend the agenda with the following changes:

1. Remove item c "Consider/Approve Design Change Order for Fire/EMS Headquarters Administration Facility" from New Business
2. Remove item g "Consider/Approve IGA with City of Baldwin for Animal Control Administration & Enforcement" from New Business
3. Add item k "Consider/Approve Resolution 2024-01-001 Authorizing Transfer of Mountain Judicial Circuit Supplement of the Juvenile Court Assistant District Attorney Position and for Other Purposes" to New Business

COMMISSION OFFICER ELECTION FOR 2024

a. Chairman

A nomination was made by Commissioner Mealor for Commissioner Akins to serve as Commission Chair for 2024. This nomination was seconded by Commissioner Harkness. No further nominations were made. Motion carried unanimously 5-0.

b. Vice Chairman

A nomination was made by Commissioner Akins for Commissioner Harkness to service as Commission Vice Chair for 2024. This nomination was seconded by Commissioner Mealor. No further nominations were made. Motion carried 3-2 with Commissioner's Palmer and Tench dissenting.

PRESENTATIONS/ANNOUNCEMENTS:

a. Employee Spotlight & Citizen Recognition

1. Sonya Turgeon, Senior Center Transportation Administrative Assistant
2. Laureen Pemberton, Senior Center Program Coordinator
3. Joshua Haynie, Legacy Link Care Provider

- b. Outcome of 2023 Audit: Chris Hollifield, Rushton & Co
- c. Commission Planning Retreat Scheduled for January 26, 2024.

PUBLIC HEARINGS:

1. CU-24-01- Application By Mark Hagen for Conditional Use of Property at 1651 Double Bridge Road (Parcel#108 004A) for Small Welding Shop

Planning Director Mike Beecham addressed the Commission. CU-24-01 is an application made by property owner Mark Hagen for the use of his property at 1651 Double Bridge Road (Parcel 108 004A) for a small welding shop. The property in question is 26.72 acres and is located in the LI, Low Intensity District. The surrounding area is primarily residential and agricultural uses with no commercial properties in the immediate vicinity. Mr. Hagen wants to open the welding shop in an accessory building on his property. He has recently retired as a welder and wishes to have the shop for small retail sales, such as benches. Mr. Hagen does not plan to operate the shop on an industrial scale. The Planning Commission held a hearing on this application at their January 2, 2024 meeting. There were several citizens who spoke in opposition of the request at the Planning Commission meeting. The concerns they expressed were in regard to traffic hazards from trucks delivering metal to the business, the unsightliness, the impact on the value of their adjoining properties, and the fit of this use of the property in regard to the rest of the community.

Commissioner Akins turned the meeting over to County Attorney Hunt to conduct the hearing on CU-24-01.

County Attorney Donnie Hunt invited all those in favor of the application a five-minute opportunity to speak on it's behalf.

Mark Hagen spoke on behalf of his application, stating that when he moved to his property in the unincorporated area of the county that he didn't realize that there were any restrictions. He informed the Commission that the type of work that he wants to do is more of a hobby than a business. He wants to make items like metal benches and firepits. He stated that as far as traffic goes, there wouldn't be any 18 wheelers accessing his property and that the metal he needs for his projects fits on two 20 ft goose neck trailers.

Mr. Richard Gray spoke in favor of Mr. Hagen's application. He stated that he has an 18-acre property that he lives on across the street from Mr. Hagen on which he has horses and cows. He stated that the majority of the property next door is within a flood plain and nothing else can be built on it. He has seen Mr. Hagen's work and feels that it would be beneficial to the community as he makes beautiful access gates and spiral staircases people who are building in Habersham County would want for their homes.

County Attorney Hunt invited all those in opposition to the application a five-minute opportunity to speak.

Steven Mercaccio spoke in opposition to the application. He stated the reason he built his house in the area was due to the rural view and that Mr. Hagen's business would take away from the aesthetic value of his property. He feels that there are many locations available in the county that are more appropriate for Mr. Hagen's welding shop. While he sees the value and beauty in welding work like those that Mr. Hagen offers, the businesses he knows of that engage in this activity are all eyesores. He stated that Mr. Gray, who spoke in favor of the application, has a beautiful house and barn but also has a lot of junk in his yard, which is why he feels as though Mr. Gray supports Mr. Hagen.

No one else wished to speak in opposition of the application.

County Attorney Hunt gave Mr. Hagen an opportunity to rebut.

Mr. Hagen stated that he has spent a lot of time and money on his property to make it look nice. He wants the property to look rural and has plans for the welding shop to look like a barn.

Motion by Commissioner Harkness, seconded by Commissioner to deny the conditional use application as submitted. Motion carries 3-2 with Commissioner Tench and Commissioner Palmer dissenting.

PUBLIC COMMENTS:

- a. Peggy Fortson: Review of 2023 Accomplishments of Habersham County Pickleball Club, Inc.
- b. Kathryn Warwick: Community Support for Building New Habersham County Animal Shelter

CONSENT AGENDA:

Motion by Commissioner Palmer, seconded by Commissioner Mealor to approve the consent agenda as presented. Motion carried 4-1 with Commissioner Harkness dissenting.

- a. Consider/Approve Minutes for December 18, 2023 Commission Work Session
- b. Consider/Approve Minutes for December 18, 2023 Commission Meeting
- c. Consider/Approve Transfer and Assignment of Airport Hangar H-1 Lease
- d. Consider/Approve Ratification of Purchase of 2017 Ford F-250 For Animal Control
- e. Consider/Approve Ratification of Purchase of 2016 Ford E-350 Bus for Senior Center
- f. Consider/Approve Alcohol Sales Application/Renewal for:
 - 1. The Orchard Golf and Country Club LLC located at 1057 Orchard Drive, Clarkesville- Malt Beverage, Wine and Distilled Spirits Consumption on Premises
 - 2. Leo Das LLC dba A to Z Grocery located at 1723 Crane Mill Rd, Alto- Malt Beverage Package Sales
 - 3. Old Batesville Store Restaurant located at 11801 Hwy 197N, Clarkesville- Malt Beverage and Wine Consumption on Premises

REPORTS:

- a. Planning Commission: D. Higgins, Chairman
- b. Board of Tax Assessors Report: Michael Larson, Vice Chairman
- c. County Manager's Report: Alicia Vaughn

APPOINTMENTS:

GEORGIA MOUNTAINS REGIONAL COMMISSION

1-Year Term Expiring 01/31/2025

Note: Must be Commission Chair or other Commission Member if Chair Cannot Serve

- 1. Bruce Palmer (Term Expiration): At-Large Appointment

Motion by Commissioner Harkness, seconded by Commissioner Mealor, and voted unanimously (5-0) to reappoint Commissioner Palmer as the Commission Representative for the Georgia Mountain Regional Commission.

CHESTATEE CHATTAHOOCHEE RC&D

1-Year Term Expiring 12/31/2024

1. John Hendrix (Term Expiration)-At-Large Appointment

Motion by Commissioner Tench, seconded by Commissioner Mealor, and voted unanimously (5-0) to appoint Jimmy Kowalski to the Chestatee Chattahoochee RC&D.

LIBRARY BOARD

2-Year Term Expiring 6/30/2025

1. Jennifer Garrett- At Large Appointment

Motion by Commissioner Palmer, seconded by Mealor, and voted unanimously (5-0) to table the appointment for the Library Board till next month's meeting due the lack of any applicants for the vacancy.

RECREATION BOARD

Appointments Will Serve Remainder of 5-Year Terms

1. Andrew Gailey (Resignation-Term Expires 12/31/25)- Commissioner Palmer's Appointment

Motion by Commissioner Palmer, seconded by Commissioner Harkness, and voted unanimously 5-0 to appoint Cassie Head to the Recreation board.

2. Alan Irvin (Resignation-Term Expires 12/31/25)- Commissioner Mealor's Appointment

Motion by Commissioner Mealor, seconded by Commissioner Harkness, and voted unanimously (5-0) to table this Recreation Board appointment until next month.

3. Darrell Jones (Resignation-Term Expires 12/31/24)- Commissioner Harkness' Appointment

Motion by Commissioner Harkness, seconded by Commissioner Mealor, and voted unanimously (5-0) to appoint Angela Haughton to the Recreation Board.

AIRPORT COMMISSION

3-Year Term Expiring 2/1/2027

1. Ken Schubring (Term Expiration)- Commissioner Tench's Appointment

Motion by Commissioner Tench, seconded by Commissioner Harknes, and voted unanimously (5-0) to appoint Lawrence Bridges to the Airport Commission.

2. Justin Schapansky (Term Expiration)- Commissioner Akins's Appointment

Motion by Commissioner Akins, seconded by Commissioner Mealor, and voted unanimously (5-0) to reappoint Justin Schapansky to the Airport Commission.

3. Christopher Limbach (Term Expiration)- Commissioner Mealor's Appointment

Motion by Commissioner Mealor, seconded by Commissioner Harkness, and voted unanimously (5-0) to reappoint Christopher Limbach to the Airport Commission.

DEVELOPMENT AUTHORITY

6-Year Term Expiring 02/19/2030

1. Gail Thaxton (Term Expiration)- Commissioner Palmer's Appointment

Motion by Commissioner Palmer, seconded by Commissioner Harkness to reappoint Gail Thaxton to the Development Authority. Motion carries 4-1 with Commissioner Tench dissenting.

2. Sidney Roland (Term Expiration)- At Large Appointment

Motion by Commissioner Palmer, seconded by Commissioner Harkness, and voted (5-0) to reappoint Sidney Roland to the Development Authority.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- a. First Reading of Amendment to Article II ("Open Burning") of Chapter 30 ("Fire Prevention and Protection") of the Habersham County Code of Ordinances

Commissioner Akins informed everyone that this is the first of two required readings and that no vote would occur until the February 19th Commission meeting. Commissioner Akins read the amendment allowed.

- b. Consider/Approve IGA with Tallulah Falls for Donation of Drone for Emergency Services

Motion by Commissioner Palmer, seconded by Commissioner Harkness, and voted unanimously (5-0) to approve.

- ~~e. Consider/Approve Design Change Order for Fire/EMS Headquarters Administration Facility~~ New Business item "e" was removed during the adoption of the agenda.

- d. Consider/Approve Task Order #9 With Lead Edge Design Group for Airport ROFA Project

Motion by Commissioner Palmer, seconded by Commissioner Mealor, and voted unanimously (5-0) to approve.

- e. Consider/Approve Amendments to Resolution 2023-12-001 Setting 2024 Qualifying Fees for Election

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

- f. Consider/Approve IGA with City of Alto for Animal Control Administration & Enforcement

Motion by Commissioner Mealor, seconded by Commissioner Palmer, and voted unanimously (5-0) to approve.

- ~~g. Consider/Approve IGA with City of Baldwin for Animal Control Administration & Enforcement~~ New Business item "g" was removed during the adoption of the agenda.

- h. Consider/Approve IGA with City of Clarkesville for Animal Control Administration & Enforcement

Motion by Commissioner Mealor, seconded by Commissioner Palmer, and voted unanimously (5-0) to approve.

- i. Consider/Approve IGA with City of Cornelia for Animal Control Administration & Enforcement

Motion by Commissioner Mealor, seconded by Commissioner Palmer, and voted unanimously (5-0) to approve.

- j. Consider/Approve IGA with City of Mt. Airy for Animal Control Administration & Enforcement

Motion by Commissioner Mealor, seconded by Commissioner Palmer and voted unanimously (5-0) to approve.

- k. Consider/Approve Resolution 2024-01-001 Authorizing Transfer of Mountain Judicial Circuit Supplement of the Juvenile Court Assistant District Attorney Position and for Other Purposes

This item was added during the adoption of the agenda.

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

ADDITIONAL COMMENTS

Commissioner Harkness thanked everyone for coming and wanted to thank Commissioner Akins and Commissioner Mealor for their renewed support in nominating him as Vice Chairman. To Commissioner Tench and Commissioner Palmer, he stated that he would work this year to try to earn their trust and work with them regardless of their vote tonight. He wanted to reaffirm his position of working for the people of the county, even though he is the “contrarian”.

Commissioner Palmer wanted to wish everyone a happy New Year and wanted to thank everyone, both staff and citizens, for taking time to attend and coming out to see what the Commission does. He realizes that they are not going to make everyone happy, but the best they can do is to make decisions they can sleep well at night with.

Commissioner Akins thanked everyone for coming out. He stated that the Commission has a lot of good work ahead of them. They have a retreat and budget season coming up and they will hopefully get things pointed in the right direction.

Commissioner Mealor had no additional comments.

Commissioner Tench had no additional comments.

EXECUTIVE SESSION:

Motion by Commissioner Harkness, seconded by Commissioner Mealor to go into executive session for 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 Mealor- aye
Commissioner Tench-aye
Commissioner Palmer-aye

Motion carries unanimously (5-0) to enter executive session at 8:06 p.m.

Motion by Commissioner Akins, seconded by Commissioner Harkness, and voted unanimously (5-0) to come out of closed session at 9:01 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.

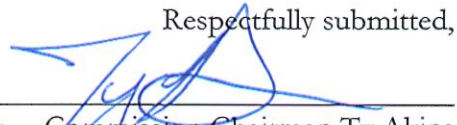
Motion by Commissioner Mealor, seconded by Commissioner Palmer, and voted unanimously (5-0) to adopt the representation authorizing such affidavit as per the Attorney’s recommendation.

ADJOURN

Motion by Commissioner Harkness, seconded by Commissioner Akins, and voted unanimously (5-0) to adjourn at 9:01 p.m.

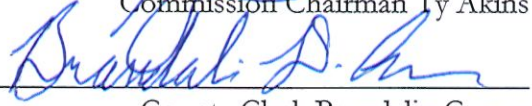
Respectfully submitted,

By:



Commission Chairman Ty Akins

Attest:



County Clerk Brandalin Carnes