

CITY OF CORNELIA  
MINUTES OF MEETING  
AUGUST 6, 2024

The Cornelia City Commission met in a Workshop Session on Tuesday, August 6, 2024, at 5:00 PM in the Cornelia Municipal Building Conference Room, 181 Larkin Street, Cornelia, GA. Mayor, John Borrow, called the meeting to order and the following Commissioners were present: Tony Cook, Mark Reed, Don Bagwell and Janice Griggs. Also, present: City Attorney, Steve Campbell, City Manager, Donald Anderson, City Clerk, Debbie Turner.

The mayor opened the meeting and ask Habersham Chamber President, Ellie Van Doornum to give her report. Ms. Doornum said that there were some big expenses in April for marketing. They paid for the NEGA Mt. Travel Association, which is a co-op that you buy into, they do Magazine Ads, TV Ads, Radio and Billboard ads. It is paid twice a year at \$5,500. but she said they paid it in one installment of \$11,000. Ms. Doornum said that they will continue with it into 2025 just because what you get from it is well worth the cost. The contract with Atlanta Mag. is now complete and they will not renew as they are moving more towards a digital format. She went over the year-to-date expenses and how the money is distributed. She introduced Ms. Amy Ragsdale who built the Website Visit Habersham. Ms. Ragsdale showed a video of the website and explained how the privacy settings work and that it is accessible for anyone, for instance if someone cannot see colors it can be changed. Ms. Ragsdale said that the website is geared toward visitors so if someone is searching the website they can see what events are happening and be able to have an itinerary and even book a stay. It is a holistic approach she said. Commissioner Bagwell asked if there is a mobile app? Ms. Ragsdale said they use Mobile First but it would look different on the mobile app. Commissioner Reed asked what the chamber contributed, she said they spent 40% from Cornelia funds getting the website-built Visit Habersham. Commissioner Reed ask Ms. Doornum if the Hotel/Motel Tax covers everything? She explained that they get 40% from Cornelia and about \$1000. per year from Clarkesville and the rest comes from the County. The report is made an integral part of the minutes.

Jolie Mixon from Mixon, Mixon, Brown & Tench spoke about the audit. Ms. Mixon said that the audit was completed and sent to the state before the

June 30<sup>th</sup> deadline. Ms., Mixon said she did some comparisons between 2022 and 2023, she also did some graphs that she will point out so you can see the difference. She said it was a good audit and that the issues that were found last year have been resolved. There was one finding that had to do with the CDBG Grant, there was a newly open bank account, and one check had been issued toward the end of the year. That check had not been recorded in the General Ledger and that was the only finding. She said there were a couple of changes from 2022 to 2023, the Sanitation and Community House funds were transferred to Enterprise funds from the general fund. In 2023 Public Safety and Court Services were added as well. The note under W/S Authority with South State bank was paid in full as well as one of the Capital Leases for fire equipment. In comparing government wide expenses revenue increased by 3.6% in 2023 and the expenses increased by 5.6%. In Capital Assets the city has over \$113,000,000 that is Historical Cost. Total revenues in 2023 decreased from year 2022 by about 14% and expenses decreased by 10%. 85% of the revenue is from taxes, 15% is from charges for services and 1% is from Intergovernmental Revenues. On the expense side Public Safety makes up about 70%. Ms. Mixon went over the rest of her report, and she said we are in very good standing. Mayor Borrow thanked her and Ms. Chandler for making sure that our finances are doing good and making sure the property tax paying citizens know that the money is being spent properly. This report is made an integral part of the minutes.

Mayor Borrow said that if there is time that we will try and do the executive session before the regular meeting. He said that we would also put the administrative hearing at the end of the meeting. City Manager Anderson stated that the Special Events Permit is from a lady who wants to use the Park for her North Ga. Arts Festival. He said that she wants to put Vendors on the ballfield so there should be a substantial damage deposit. Mr. Anderson said he does not see anyway that it would not damage the ballfield with cars driving on it. Commissioner Bagwell asked if the ballfield is used a lot, he said all the time. They discussed the parking issue and Finance Director Chandler said the Community House is rented on October 26<sup>th</sup>. They discussed it further and moved onto to the Hispanic Alliance Group. Mayor Borrow stated that he had meet with Ms. Saruza and she will speak on that tonight. They discussed the other items on the agenda.

Commissioner Reed made a motion to exit the workshop and enter executive session, seconded by Commissioner Bagwell. Approved 4 - 0

Commissioner Bagwell made a motion to exit the executive session, seconded by Commissioner Reed. Approved 4 - 0

No Action Taken!

The workshop adjourned at 5:58

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Debbie Turner, City Clerk

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John Borrow, Mayor

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Pastor Andy Chambers from the Presbyterian Church gave the invocation and CIO Director, Jeremy Dundore led the Pledge of Allegiance.

Commissioner Reed made the motion to approve the agenda, seconded by Commissioner Bagwell. Approved 4 -0

Commissioner Reed made the motion to approve the July 2<sup>nd</sup> minutes as submitted, seconded by Commissioner Cook. Approved 4 - 0

City Manager's Report - We helped Mrs. Johnson remove her boat from the property that we purchased from her. This is the last thing that she had on the property, so we are good to begin working on the project as soon as we can. While we had the equipment on site we went ahead and moved the locomotive and placed it behind the caboose. I spoke to Buck Snyder; he is working on finding a price to have a crane pick up the locomotive and turn it around, so it looks like it is pulling the locomotive. He is also going to have the locomotive re-painted with the old TFS colors. We have cleaned up the entrance to Irvin Street Park and installed a new sign at the entrance. We also installed a fence on the bank at the parking lot next to the underpass. The Historical Society has officially moved out of the Ballard Center. Their artifacts have been relocated to the Demorest City Hall. The Standard Telephone Museum has been split up and artifacts have been placed in several cities around Northeast Georgia. We allowed them to place an old switchboard and a display case with several old telephones in it in the lobby of City Hall. The Mayor, Ms. Sandy Borrow, and I met with representatives from the U.S. Forest Service about Chenocetah Tower. The Forest Service is going to apply for a grant to make repairs to the tower. The grant will also cover the cost

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of cleaning up the property around the tower as well as the road around the tower. They would like to remove a lot of the trees to improve the view from the tower. This will be a 3-year process, the first step being creating the plan. While they were here, we marked several trees that we feel are hazards and should be removed immediately. We received notice last week that the trees that we identified have been approved and we should expect an agreement for the removal of these trees in the next couple of weeks. We received Notice that our ARC grant that we applied for to help with the cost of the Amphitheater Project has been approved. The amount of the grant is \$1 million to help with the \$2.8 million cost of the project. The next step is to complete the Environmental Review which will take 30 to 60 days to complete. Once this is done, we will be able to begin working on the demolition of the buildings. Carter & Sloope are working on the plans for the project so we should be able to put the project out for bid before the end of the year. The goal is to at least have the property graded in time for the annual Music Festival in May. A copy of this report is made an integral part of the minutes.

#### Public Forum:

Blake Foster came forward to speak on behalf of the Homeless Population. Mr. Foster said that he has created a Homeless Task force made up of twenty members. He stated that he was trying to help them find a place to stay. Don Higgins had given him permission to setup a tent city on his property on Industrial Blvd. and that our City Marshall, Paul Lewellen had shut it down. He said he did not know that having a tent city was against our Urban Camping Ordinance. He said these people need help and that we should be able to house these people in one of our buildings or change our ordinance to allow for Homeless tents. Mr. Foster said that he has tried to get all the people off the property by the deadline (August 6, 2024) that the Marshal's office gave them. He said that most of these people are just down on their luck and need help. Mayor Borrow thanked him for coming.

Pastor Andy Chambers from the First Presbyterian Church came forward to say that he tries to help the homeless as much as possible giving

them a hot meal, buying coats or putting them up in a motel for a couple of nights. He said that he just wants to treat them like the human beings they are. He said that every night he has two people sleeping on the front porch steps. Mr. Chambers said that their church is small, and they do not have funds to help as much as he would like and that he cannot let them stay inside the Church because of Insurance. Commissioner Cook said he was confused by that statement. Mr. Chambers said what he meant is that he is not going to ask his older church members to stay all night in the Church with someone they do not know. Commissioner Bagwell said that some experts say that some just do not want to be helped. Pastor Chambers said that yes some do come in just looking for money and he said that is not what his church is about. Mayor Borrow thanked him for coming.

Cheryl Bare came forward to speak about the homeless as well. She said she came to plead with the Mayor Commissioners to do something and the first thing that needs to change is the perception. She said that most people think that they are using drugs or just mental, she said that is not always the case. She told her story about how she lost her home and the circumstances surrounding it and how quickly it can happen. She said she would like to see something done about this problem. Mayor Borrow thanked her for coming.

Audrey Davenport came forward with a letter of appreciation from Stewart Swanson and his Family to thank the Mayor, Commissioners, City Manager Anderson and City Attorney for their support of Standard Telephone Company (1939-1999) for the last 2 decades. The Ballard Center has been the home of Habersham Historical Society for the past seven years and we thank you for that. The Historical items have been spread throughout the region, some of the items have been placed in Cornelia City Hall, Demorest City Hall, Clarkesville, Cleveland and Dahlonega. The new home of the Historical Society will be in Demorest Ga. We would like to thank Donald Anderson for his unwavering support and to Audrey Davenport for her handling of the Museum. There will be a Piedmont Scholarship in her name given every year. Mayor Borrow thanked her.

Carly McCurry came forward to speak about the Special Event Permit she is requesting. Ms., McCurry said that she is requesting to close Apple Tree Alley for her Merigold Festival on October 6<sup>th</sup>, and she would also like to use the City Park for a North Georgia Arts Festival on October 27<sup>th</sup> and close the road through the park. City Manager, Donald Anderson said that staff is still reviewing the application for the Marigold Festival, and this is not on tonight's agenda. Mayor Borrow said that we would not be able to discuss the event on October 6<sup>th</sup>, Ms. McCurry stated that she has 2.4 thousand followers and that she is expecting at least one thousand people for her Oct 27<sup>th</sup> event, she stated that she already has Vendors lined up for the event. Mayor Borrow asked if she wanted the entire road in the park closed, she said at least part of it. Mayor Borrow asked if it was from the playground to the baseball field she wanted to close the road, she said yes that is correct. Ms. McCurry gave her plan as for as where the vendors would be located. She said that she had met with Jessie Owensby, and they had discussed everything the only thing was the parking issue. City Manager Anderson stated that the Community House was rented so that is 150 parking spaces that will not be available. She said that she was told that the parking issue would be discussed with other city officials. Mayor Borrow said he loved her vision but there were many more things that need to be considered as well as a cost to use the Park just like there is a cost in renting the Community House. She said she is happy to set up a meeting and go over everything with you. Mayor Borrow said that right now there are so many unanswered questions such as do you need water, power etc. She said that all that had been worked out with Jessie in their meeting. Mayor Borrow asked the commissioners their thoughts? Commissioner Reed said that the BRAF takes months of planning. She explained that she has everything worked out except for the parking. Mayor Borrow said that he thinks they need more time to figure everything out. He said that he would get back with her in a week after everyone meets and discusses the logistics. Mayor Borrow thanked her for coming.

Steven Burdd from Clarkesville came forward to make a summation of the people who talked about the homeless people. He thanked the Mayor and Commissioners for their time. He spoke about several other states that

created homeless shelters after they realized that it was going to be a bigger problem, so they did something about it. He said he is part of the Homeless Task Force and that asking people to leave the tent city has been very difficult to find places for them. He said something needs to be done to help these people out, that we need to change our ordinance or provide a place for these people to stay. Commissioner Reed asked him if they have checked with Clarkesville or the County? Mr. Burrd stated that he has checked with them they have found nothing in Clarkesville or the County. Commissioner Reed ask why does it have to be in Cornelia? He said that it seems to be more here and the ten that he helped move out of were from here. He said they just need some help to make it easier to help them out. Mayor Borrow thanked him for coming.

Vanesa Sarazua, Hispanic Alliance GA - She was unable to attend do to car trouble!

Old Business: None

Public Hearing:

Public Hearing Regarding Proposed Four Way Stop at Maple & Grand Ave. - Mayor Borrow opened the Public Hearing for anyone to speak.

Karen Shea from 149 Grand Ave and said she has lived there for twenty years and people do go fast. A lot of people walk on that street, and she is in full support of the four-way Stop.

Andy Chambers from Maple Street said for his young drivers as well as his little kitties that sometimes get in the road he would also like to see it be a four-way stop. No one else came forward. Mayor Borrow closed the Public Hearing.

Commissioner Reed made a motion to make Maple & Grand Ave. a four-way stop, seconded by Commissioner Bagwell. Approved 4 - 0

New Business:

Proposal to Repair City Hall Retaining Wall- Mr. Anderson stated that a couple of months back it was discovered that the top layer of bricks was separated, and some sections of brick is pushed out several inches. He said he contacted Shear Structural, an Engineering company that we have used in the past. They determined that there is a lack of brick tie backs which has caused the mortar joints to separate

allowing water to get behind the bricks and freeze. We reached out to six masonry companies and only received one response from Engineered Restorations Inc. in the amount of \$46,500 and the funds will come from our reserve fund. Mr. Anderson said he recommends that we use Engineered Restorations before winter so the problem does not get worse. Commissioner Bagwell made a motion to approve Engineered Restorations Inc. in the amount of \$46,500, seconded by Commissioner Griggs. Approved 4 - 0

Bids for Hazel Creek Raw Water Pump Station Improvements - Mr. Anderson said we received three bids for the project, the highest bidder was J. Brennon Construction, Inc in the amount of \$1,998,211.57. The budget for this project is \$1.2 million so he asked Carter & Sloope to work with the contractor to change the scope of work and get it closer to budget. They have managed to lower the cost of the project to \$1,024,049.79. To reach that number, they will only install one pump instead of three and have also removed a building that would have been built to house the raw water pumps. Carter and Sloope have recommended that you award the project to J. Brennon Construction in the amount of \$1,024,049.79. The project will be paid for with a GEFA loan. Commissioner Reed Made a motion to award J. Brennon the bid, seconded by Commissioner Griggs. Approved 4 - 0

Proposal for Raised Crosswalk on Clarkesville Street - Mr. Anderson stated that we now have a heavy pedestrian presence downtown, especially on the weekend. This has created the need for public parking at the depot and Clarkesville St. We have received several complaints about pedestrian safety in the area because Clarkesville Street is used as a cut through in both directions. Mr. Anderson said he is recommending a raised crosswalk on Clarkesville St. and since Higgins Construction is under contract for this year's paving project, he asked for a proposal to construct a raised crosswalk. The cost for the construction of the crosswalk will be \$19,400. Commissioner Reed made the motion to approve Higgins Construction to construct the crosswalk, seconded by Commissioner Bagwell. Approved 4 - 0

Agreement with Carter & Sloope for Amphitheater Project - Mr. Anderson said this is an agreement with Carter & Sloope to design, bid and

manage the Amphitheater Project. The project includes the new parking lot on Front Street as well. The cost for their service is \$170,300. Commissioner Bagwell Made a motion to enter into the agreement with Carter & Sloope, seconded by Commissioner Cook. Approved 4 - 0

GMA Lease Agreement for Vac Truck Purchase - Mr. Anderson said that earlier this year we agreed to purchase a new Vac truck for the Public Utilities Department. The cost of the truck is \$478.55 so we will need to finance it. This will be a five-year lease purchase at 5.44% interest so the annual payment will be \$111,835.22. Commissioner Bagwell made a motion to approve a 5-year lease with GMA, seconded by Commissioner Griggs. Approved 4 - 0

Quotes for New Playground Equipment at City Park - City Manager Anderson said the playground equipment at City Park is in bad shape and it is so old we cannot even get parts for it anymore. The equipment that the staff would like to go with is from a company called Playground Boss in the amount of \$85,720. Mr. Anderson stated that we have \$74,317.25 left in our ARPA account that must be allocated by the end of the year. Mr. Anderson said he would like to use the ARPA funds toward this purchase and the remaining funds will come from Hotel-Motel Capital Improvement funds that were allocated for Park Maintenance. Commissioner Bagwell made a motion to approve the purchase the playground equipment, seconded by Commissioner Griggs. Approved 4 - 0

Lease Agreement with the Hispanic Alliance Group - City Manager stated that he had met with Ms. Sarazua and the Mayor has met with her also. Mr. Anderson said he likes her vision and thinks the outreach program would be a good fit for the Ballard Center. The lease is \$1 per month for one year and will expire December 31, 2025, with a 30 day out-clause they will pay all utilities and general maintenance. They will also provide Liability Insurance and Insurance on the building as well. Commissioner Reed made a motion to lease the Ballard Center to the Hispanic Alliance for 1 year, seconded by Commissioner Cook. Approved 4 - 0

Administrative Hearings -

Administrative Hearing Regarding Tacorriendo's Express Alcohol License  
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City Attorney, Steve Campbell told the Mayor and Commissioners that they are the judicial board for this hearing and that at the end of the testimony the city is asking for a 30-day suspension of the alcohol license. The hearing is being held because no Mixed Drink Sales have been reported since the Liquor License was issued in December 2022. This is a violation of Section Code 6 - 303 of the municipal code. City Attorney, Steve Campbell swore in Finance Director, Melanie Chandler to testify. Ms. Chandler testified that after conducting an internal audit in April of the Alcohol License's she realized that they had not reported any mixed drink tax report. Ms. Guzman was notified in April by Code Enforcement officer, Chris Irvin and she also spoke with Ms. Guzman on the phone April 15<sup>th</sup>, 2024. Ms. Chandler stated that she told her what was needed to be in compliance with the ordinance, Ms. Chandler said that Ms. Guzman told her on the phone that her accountant should have been paying that and she would contact him. Ms. Chandler stated that she had not heard anything from Ms. Guzman since. On June 11<sup>th</sup> she drafted a letter and had Code Enforcement hand deliver it to restaurant letting them know the information and all mixed drinks reports should be to in her office by July 1, 2024. On July 2, 2024, City Manager, Donald Anderson issued an Administrative Hearing Notice to be held on August 6, 2024, and Officer Irvin hand delivered the Notice that day. Ms. Chandler testified that she spoke with their accountant Jason Poole that day and told him what information she needed. Ms. Chandler reached out to him again on July 10<sup>th</sup> and told him she would need the information at least two weeks prior to the hearing in order to review it. On Monday, August 5, 2024, her accountant brought in a check and some mixed drink reports and bank statements. Ms. Chandler testified that she told him that would not be enough time before the hearing and that some of the documents were still missing. Ms. Chandler stated that the State Alcohol license was not issued until March 22, 2023. She stated that she had asked for daily cash receipts and their Federal Tax Return, the accountant said he had filed an extension on the return.

Mayor Borrow ask Mr. & Ms. Guzman if they had anything to say? Ms. Guzman said that her accountant was supposed to be turning the reports in and that she does not understand why it took an entire year for the city to find it. Mayor Borrow interpreted Mr. Guzman's response. He said that Mr. Guzman said they have been in business for 10 years and he knows there

have been some errors but if we work together, we can resolve it. Mayor Borrow said that it was an oversight on the city for not contacting you in a year, but you have had since April, and it was yesterday that some information was turned in. Mayor Borrow said we want you to do well, you had a location in Cornelia before and in Clarkesville with no problems. Ms. Guzman said she knows it is her responsibility and that they do not mind paying.

Mayor Borrow closed the hearing and asked the Commissioners if they had any questions. Commissioner Reed asked if they know how much they owe? Ms. Chandler stated that the accountant had brought in reports from July 2023 to June 2024. Commissioner Reed asked if they have paid everything, City Manager Anderson said we do not know because some of the information is still missing. Commissioner Bagwell asked if the communication by the city had been through the accountant or the Guzman's, City Manager Anderson said between the Guzman's. Commissioner Reed asked if the city suspends the license can they still sale beer and wine, Mr. Anderson said yes just no liquor.

Commissioner Reed made a motion to suspend the liquor license of Tacorriendo Express until the next Commission Meeting, seconded by Commissioner Bagwell. Approved 4 - 0

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Debbie Turner, City Clerk

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John Borrow, Mayor

STATE OF GEORGIA, COUNTY HABERSHAM

CITY OF CORNELIA, GEORGIA

AFFIDAVIT OF PRESIDING OFFICIAL(S) FOR A CLOSED PUBLIC MEETING

While in Regular Session, the motion was made to enter an Executive Session to discuss certain matters in a closed session.

(x) To discuss with council pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).

( ) A meeting to discuss the purchase, disposal of, or lease of property; authorize the ordering of an appraisal related to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote, which is excluded from the Open Meetings Act pursuant to Section 50-14-3(b)(1)(C).

( ) A meeting discussing the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. Section 50-14-3(b)(2).

( ) Discussion in Executive Session of Records that are otherwise protected from disclosure under the Open Records Act as pursuant to O.C.G.A. Section 50-14-3- (b)(4).

X The subject matter of the Executive Session of the Regular Session was devoted to matters within the exceptions provided by law.

     Because of events occurring during the closed session, I am unable to affirm the subject matter of the Executive Session of the Regular Session was devoted to only matters within the exceptions provided by law.

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John Borrow, Mayor, City of Cornelia

Sworn to and subscribed before me this August 6,  
2024

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Notary Public