

**THE EFFINGHAM COUNTY
COMMISSIONERS' MEETING**

The Board of Commissioners of Effingham County, Georgia, Mr. C. D. Zeigler, Chairman, Mrs. Myra W. Lewis, Vice-Chairperson, Mr. Jeffrey A. Utley, Mrs. Verna H. Phillips, Mr. Reginald S. Loper and Mr. Robert Brantley met in regular session at 8:30 a.m. on Tuesday, January 06, 2009 in the Commissioners' Meeting Room at the Effingham County Administrative Complex.

PERSONS ATTENDING THE MEETING

Mr. Eric Gotwalt, Assistant County Attorney, Mr. David Crawley, County Administrator, Mr. Adam Kobek, Project Manager, Mr. George Shaw, Zoning Administrator, Mrs. Joanna Wright, Finance Director, Mrs. Patrice Crawley, County Clerk, Mrs. Linda McDaniel, Tax Commissioner, Mrs. Janis Bevill, Chief Tax Appraiser, Mr. Clarence Morgan, Recreation Director, Mrs. Jacan Brown, Mr. Jeff Lonon, Mr. George H. Groce, Mrs. Ruth Lee, Mr. Larry Keith, Mr. Ezell Pitts, Mrs. Betty Renfro, Ms. Vickie Brown, Mr. Mike Waldron, Ms. Angela Bowen, Mr. Matt Swint, Mr. Wayne Guhl, and Mr. Randy Kuykendall.

CALL TO ORDER

Chairman Zeigler called the meeting to order.

ELECTION OF VICE CHAIRMAN

Chairman Zeigler called for the election of the Vice-Chairman. County Clerk Crawley passed out and retrieved the election ballots. Assistant County Attorney Gotwalt tallied up the votes and announced that Mrs. Myra W. Lewis was elected Vice-Chairperson.

INVOCATION AND PLEDGE TO THE FLAG

Chairman Zeigler gave the invocation and led the Pledge to the American Flag.

AGENDA APPROVAL

County Clerk Crawley stated that Old Business Number 1 had the wrong location address.

Vice-Chairperson Lewis made a motion to approve the Agenda Resolution (see copy of agenda resolution on minute book page number _____). Commissioner Loper seconded the motion. The motion carried unanimously.

Commissioner Phillips requested that the County Attorney summarize the Chairman-At-Large legislation which was implemented January 1, 2009. The Chairman's duties are to preside at all meetings, to serve as the official spokesperson for the board,

and to set the agenda for the meetings. The Chairman shall vote on matters before the Board. Four Commissioners are required to constitute a quorum and no action can be passed except upon at least three affirmative votes; however, a three to three tie shall be deemed a “no vote”. The new Legislation does not define a “no vote” and it is uncertain on how to handle a Zoning issue. The vice-chairman will be elected by the Board at the first meeting of New Year. Commissioner Phillips requested that County Attorney to give his opinion on how a tie vote on a zoning matter will be handled.

CORRESPONDENCE

Chairman Zeigler presented the previous month's correspondence. He reported that each Commissioner has been furnished a copy of all correspondence received and that these are available for all interested persons to review in the County Clerk's office.

MINUTES

Vice-Chairperson Lewis made a motion to approve the minutes for December 09, 2008 Board of Commissioners Meeting. Commissioner Utley seconded the motion. The motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

Chairman Zeigler read out loud the items on the Consent Agenda.

Commissioner Loper made a motion to amend the following Zoning Maps:

(01) Zoning Map 367-42 for the application by Colleen Webb for a conditional use to operate a paintball field facility located at 285 Third Street Ext. with the following stipulations:

1. No paintball activities shall be allowed on the north side of the lake on the property.
2. The existing 150-200 feet tree buffer along Third Street shall remain undisturbed and free of paintball activity.
3. Netting no less than twelve feet tall shall be hung on the Third Street side of the paintball activity area.

(02) Zoning Map 300-48-50 for the application by Sandra Ennis to rezone 3.07 acres located at 1737 Sandhill Road from AR-1 to AR-2 with the following stipulations:

1. Each lot shall meet the requirements of the AR-2 Zoning District
2. Site development plans shall comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts shall be permitted by USACE.
4. Subdivision plat shall be approved by the Health Department and the Zoning Office.

(03) Zoning Map 232-5 & 231-4 for the application by James T. Roberts, Sr. for conditional use for a quail hunting preserve located off of Hwy 17 North.

Commissioner Phillips seconded the motion. The motion carried unanimously.

Old Business

REBECCA ROSE – CONDITIONAL USE PERMIT (01): Zoning Administrator Shaw explained that the Board approved the First Reading of the application by Rebecca Rose for a Conditional Use permit to hold more events on the property located on Old Louisville Road at their December 09, 2008 Board Meeting. Assistant County Attorney Gotwalt felt like the stipulations on the conditional use needed to be more specific. Ms. Rose is aware of the stipulations and was told to attend the meeting if there were a problem with them.

Ms. Rose was not present.

Vice-Chairperson Lewis made a motion to approve the Second Reading for Rebecca Rose for a Conditional Use permit to hold more events on the property located at Old Louisville Road with the following stipulations:

1. Events shall be limited to such activities as art, music or theme festivals; fairs; tours; concerts; youth organization gatherings; and holiday and religious celebrations.
2. The duration of an event shall be no longer than five consecutive days.
3. Personal, non paying guest staying in motor homes or campers shall park behind Ms. Rose's garage or further east on the property and not be easily visible from the road.
4. A calendar of all proposed events for the year shall be submitted to the Zoning Administrator, the County Clerk, and the Sheriff each January. Said persons shall be given notice of any changes, additional, deletions and/or modifications to an event no later than two weeks before the event.
5. Camping on site by persons attending an event is permitted, provided that no on site camping shall be permitted more than two days prior or two days after an event.
6. Handicapped access shall be provided to activities that are open to the public.
7. An event planner or other responsible person shall be on site at the beginning of set-up through the duration of the event.
8. Events and activities shall be accessible to emergency and service vehicles.
9. Adequate toilet facilities and trash receptacles shall be provided for all events.
10. Affected property owners shall be notified of any street closings not less than two weeks before an event.
11. The Board of Commissioners may revoke permission for any proposed event or order that an event may be discontinued immediately if, in the sole judgment of the Board of Commissioners, the event will disrupt traffic within the unincorporated area of Effingham County beyond practical solution; the event will interfere with access to fire stations and fire hydrants; the event will cause undue hardship to adjacent businesses or residents; the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the county; or the event might otherwise interfere with the welfare, peace, safety, health, good order and convenience of the general public.

Commissioner Loper seconded the motion. The motion carried unanimously.

New Business

AWARD PRESENTATIONS AND RECOGNITIONS OF L. MATTHEW ROGERS, C. BEN JOHNSON, AND CLARENCE MORGAN – RECREATION AND PARKS DEPARTMENT (01): Human Resources Director Hudzinski-Sero

explained that L. Matthew Rogers, and C. Ben Johnson have successfully completed the Dale Carnegie Leadership for Managers Course. Clarence Morgan and the Effingham County Recreation and Parks Department received the 2008 Agency of the Year for Georgia Recreation and Parks for the First District.

CONSIDERATION TO APPROVE A NAME CHANGE OF PORTION OF KATHY STREET TO FENNELL LANE (02): County Clerk Crawley explained that Kathy Street is located off Zeigler Road, down from Highway 80 and has two entrances with a ditch in the middle of the road. The neighbors have signed a petition saying that there was no objection of the road change to Fennell Lane.

Commissioner Brantley stated that emergency personnel and other persons seeking an address on Kathy Street runs into a problem finding where they need to go. The name is confusing, therefore the road should be changed.

Commissioner Brantley made a motion to approve the name change of the portion of Kathy Street that is closes to Highway 80 to Fennell Lane. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE REQUEST FROM LINDSEY COLTER FOR A RELEASE OF AD VALOREM TAX (03): Tax Commissioner McDaniel explained Ms. Colter had purchased a tag for her car on October 11, 2008 and sold the vehicle within the registration period. Therefore, she is requesting a refund for her ad valorem tax.

Commissioner Utley made a motion to deny the request from Lindsey Colter for a release of ad valorem tax. Commissioner Phillips seconded the motion. The motion carried unanimously.

DISCUSSION OF REQUEST TO EXEMPT HABITAT FOR HUMANITY OF EFFINGHAM COUNTY FROM DEVELOPMENT IMPACT FEES AND BUILDING PERMIT FEES REQUIRED BY THE EFFINGHAM COUNTY CODE OF ORDINANCE (04): County Administrator Crawley explained that Mr. George Groce, the Executive Director for Habitat for Humanity of Effingham County has requested that the Board exempt their organization from all impact and permit fees for the construction of two homes to be located at 1678 and 1682 Rincon Stillwell Road. Habitat For Humanity also request that this exemption be applied to any future construction of residential structure by Habitat for the purposes of affordable housing. The Board of Commissioners had similar discussions concerning the exemption of impact

fees for projects that are determined to create extraordinary economic development and employment growth. The Board determined at that time to not allow any exemptions from impact fees. To allow an exemption requires an amendment to the development impact fees ordinance. Currently the County's comprehensive plan references the creation of affordable housing and should not require amendment. The Official Code of Georgia Section 36-71-4 (I) states that exempted development project's proportionate share of improvements for which impact fees are used, must be funded through an alternative revenue source. If the exemption is granted without determining funding sources, the County would be required to use general fund to fund the proportionate share of the improvements. Although the County's comprehensive plan references the creation of affordable housing, types and alternatives are not defined, nor are the organizations which the County will support are identified.

George Groce presented the request.

Commissioner Phillips gave direction to staff to pursue grants with Habitat For Humanity and give clarification of the ordinance.

CONSIDERATION TO APPROVE A LEASE AGREEMENT WITH GEORGIA STATE PROPERTIES COMMISSION (05): County Administrator Crawley explained that the current lease for the Georgia State Patrol on the radio tower located at 291 First Street is up for renewal. The State Properties Commission provided a draft lease agreement which is not substantially different from the one the county is currently using. An effort should be made to keep lease commitments on a year to year basis until a firm decision is made about the future use of this particular tower property.

Commissioner Phillips made a motion to approve a lease agreement with the Georgia State Properties Commissioner (see minute book page ____). Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN AGREEMENT TO PROVIDE FUNDING OR SERVICES TO NON-PROFIT ORGANIZATION FOR PUBLIC PURPOSES WITH RAPE CRISIS CENTER, SENIOR COMPANION AND THE HISTORIC SOCIETY (06): Finance Director Wright explained that in prior years various documents have served as agreements between the county and various agencies. The County Attorney has drafted a preliminary agreement that will be used with Rape Crisis, Senior Companion, and the Historic Society, and will be used in the upcoming budget process.

Commissioner Phillips made a motion to approve an agreement to provide funding or services to non-profit organizations for public purposes with Rape Crisis Center, Senior Companion, and the Historic Society (see minute book page ____). Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A CONTRACT WITH ALLTEL WIRELESS FOR CELLULAR SERVICES (07): Finance Director Wright explained that for the past several years the county has been under a contract with Alltel to provide cell phones and the contract has expired. Finance and Purchasing have reviewed the current contract and believe substantial savings can be provided to the county by reworking the contract. The monthly average cost per phone will be \$34.00 or \$1,632 monthly.

Commissioner Phillips made a motion to approve a contract with Alltel Wireless for cellular services (see minute book page ____). Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A CONTRACT WITH REDMARQ CONSTRUCTION FOR THE CONSTRUCTION OF A METAL BUILDING TO BE USED BY THE FIRE DEPARTMENT (08): Finance Director Wright explained that the Board has requested for a metal building to be constructed for use as the Egypt Fire Station. An invitation to bid solicitation was issued, publicly advertised, mailed to fourteen prospective bidders and opened May 8, 2008. The Board awarded the bid to Redmarq on October 21st based upon confirming a warranty of 20 years on the building materials. Staff believes that it is in the best interest of the County to exercise the contract in the amount of \$63,550 with Redmarq Construction.

Commissioner Utley made a motion to approve a contract with Redmarq Construction for the construction of a metal building to be used by the Fire Department (see minute book page ____). Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A BB&T TREASURY MANAGEMENT AGREEMENT (09): Finance Director Wright explained that BB&T provides online banking which gives the ability to review accounts, verify checks that have been cleared, and provides for the various banking type transactions necessary to conduct the financial business of the county within the Commercial Bank Services. Staff requests that the board approve the BB&T Treasury Management Agreement update.

Commissioner Loper made a motion to approve a BB&T Treasury Management Agreement (see minute book page ____). Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE OPENING THREE CHECKING ACCOUNTS WITH BB&T (10): Finance Director Wright explained that over the past two years the county has been moving to implement various automated systems and electronic processing. At present, Finance is looking at some areas where an improvement with receiving and transferring funds to outside agencies. To facilitate the improvement, staff is requesting to open three checking accounts. The checking accounts will be two general fund accounts and a water and sewer fund.

Commissioner Utley made a motion to approve opening three checking accounts with BB&T. Commissioner Phillips seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A BILLING SERVICE AGREEMENT WITH EMS CONSULTANTS, LTD (11): Finance Director Wright explained that over the past several years different avenues have been explored to enhance the collection of funds for services regarding Effingham County EMS ambulance billing. Presently, given the type billing there is a need of expertise and skill in the accounts receivable management, timely contract and follow-up to provide the best collection possible. The current staff is one full time and one part time employee. The part time staff is out on medical leave and the full time employee is leaving county employment. A request for service quotation was sent to 25 entities. A total of six companies responded. The request included scope of work for services, qualifications, experience and pricing. Selection evaluation criteria included, qualifications, experience of the firm, understanding of the scope of work, use of technology, reference checks, evidence of collections rates, history of compliance with accepted billing, and standardized accounting practices. After reviewing various options and the proposals, staff believes that EMS Consultants is the best selection.

Commissioner Phillips made a motion to approve a Billing Service Agreement with EMS Consultants, Ltd (see minute book page ____). Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO AUTHORIZE CHANGE ORDER NUMBER 3 FOR THE MULTI-AGENCY CALL CENTER (12): Project Manager Kobek explained that

the Board had previously approved the construction of the Multi-Agency Call Center. At the November Board meeting, the Board authorized a construction change order directive for additional electrical requirements with a not to exceed figure of \$30,000. The requested change order number 3 covers the not to exceed figure of \$30,000, the additional days to be added to the contract time line and added funding for the canopy steel that was required.

Commissioner Loper made a motion to authorize change order number 3 for the Multi-agency Call Center (see minute book page ____). Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A CONTRACT BETWEEN THE CITY OF PORT WENTWORTH AND EFFINGHAM COUNTY FOR THE USE OF

INMATE DETAIL (13): Project Manager Kobek explained that the City of Port Wentworth has approached the County Prison about paying for an inmate detail. Port Wentworth will utilize the inmate work detail to maintain city sites under the direction of an Effingham County Prison guard. The City will direct the work and the inmate detail will perform the work. The county would not have any out of pocket expenses, the City will pay for the guard and transportation, the benefit to the County will be working the inmates and not having to house and watch 24 inmates during the day at the facility. The County Attorney has not reviewed this contract but it is like the contract the Board approved with the City of Pembroke.

Commissioner Phillips made a motion to approve a contract between the City of Pt Wentworth and Effingham County for the use of inmate detail (see minute book page). Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTUION IN OPPOSTION TO FUNDING CUTS TO THE AREA AGENCY ON AGING (14):

County Administrator Crawley explained that the Effingham County Senior Citizens Center received funding from several sources, chiefly from the Board of Commissioners through the General Fund and partly through the Area Agency on Aging which is part of the Coastal Georgia Regional Development Center. The state is experiencing a shortfall in revenue and has requested that the Area Agency on Aging reduce its budget by 6% and the Georgia DHR office anticipates a further cut of 4% in the future. This will have a direct effect on the seniors who receive home delivered and/or congregate meals in Effingham County at the Senior Citizens Center. The Effingham County Senior Citizens Center provides an average

of about 97 meals a day which provides the aging population with 1/3 of their daily nutritional value. Of course what the state does not pick up the County will be left with cutting services and/or providing these meals at the county expenses.

Commissioner Phillips made a motion to approve a Resolution in opposition to funding cuts to the Area Agency on Aging (see minute book page ____). Chairman Zeigler seconded the motion. The motion carried unanimously.

PERSONNEL HEARING OF MICHAEL WALDRON (15): Assistant County Attorney Gotwalt explained that Mike Waldron requested an appeal hearing before the Board of Commissioners by filing a written appeal of the determination of the County Administrator. Mr. Waldron may have a representative present, may bring others to testify, may submit written documents, and may question individuals testifying against him.

Mr. Mike Waldron presented the following concerning his appeal for dismissal from Animal Control:

- Animal Control Monthly Report Data.
- Solicitor Mark Lee to verify that Mike Waldron was not charged for reckless conduct and discharging a firearm while under the influence of alcohol as stated under Situation A of the November 7,2008 disciplinary notification.
- Animal Control Officer Wayne Guhl who presented pictures and commented on Situation B of the November 7,2008 disciplinary notification.
- Animal Control Officer Wayne Guhl and Sheriffs Deputy Swint commented on Situation C of the November 7, 2008 disciplinary notification.
- Animal Control Officer Wayne Guhl and Angela Bowman commented on Situation D of the November 7, 2008 disciplinary notification.

County Administrator Crawley stated that the dismissal was investigated and that the determination of dismissal should be upheld.

Human Resources Director Hudzinski-Sero explained that Mr. Michael Waldron violated the Effingham County Human Resources Standards of Practice Policy 2.12, E, Number 1, E and Policy 6.01 B, Number1. Mr. Waldron signed for receipt of the Human Resources Standards of Practice on March 7, 2007. The Human Resources Standards states the disciplinary action can be taken up to and including separation of employment.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

County Administrator Crawley discussed the following:

- ◆ Old Augusta Phase I and Old Augusta Phase II.

- ◆ Request from Georgia Power concerning a portion of Old Augusta Central.
- ◆ GEFA timeline
- ◆ Wellness Fair
- ◆ Historic Courthouse Committee
- ◆ Workshops
- ◆ Speed Limit reduce request

Commissioner Phillips discussed the following:

- ◆ Chamber of Commerce Government Affairs Committees

EXECUTIVE SESSION

At 11:44 a.m., Chairman Zeigler made a motion to go into Executive Session to discuss personnel, property and pending litigation. Commissioner Phillips seconded the motion. The motion carried unanimously.

County Administrator Crawley and Commissioners discussed personnel, property and pending litigations. (See copy of Chairperson's affidavit on minute book page number _____).

CONTINUE NEW BUSINESS

The Board reconvened at 12:36 p.m.

County Attorney Gotwalt explained that earlier the Board heard evidence in the personnel appeal of Mike Waldron and has deliberated in Executive Session.

Commissioner Phillips made a motion to uphold the decision of termination of Mike Waldron and directs staff to prepare a written determination for the Board to review and adopt at their January 20, 2009 meeting. Chairman Zeigler seconded the motion. The motion carried unanimously.

ADJOURNMENT

At 12:38 p.m. Vice-Chairman Loper made a motion to adjourn the meeting. Commissioner Phillips seconded the motion. The motion carried unanimously.

C. Dusty Zeigler, Chairman

Patrice R. Crawley, County Clerk