

**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, Sr. and Mr. Robert Brantley met in regular session at 3:00 p.m. on Tuesday, March 17, 2009 in the Commissioners' Meeting Room at the Effingham County Administrative Complex.

**PERSONS ATTENDING THE MEETING**

Mr. Eric Gotwalt, County Attorney, Mr. David Crawley, County Administrator, Mr. George Shaw, Zoning Administrator, Mrs. Patrice R. Crawley, County Clerk, Mr. Bart Holt, Mr. Greg Helmly, Ms. Karen Owen, Mr. Robert Owen, Ms. Rachel Bracker, Mr. Craig Broken, Ms. Susan Combs, Mr. Archie Combs, Mr. R. Chad Cole, Ms. Kristi David, Mr. Eric Jackson, Mr. Jeffrey Ingram, Mr. Scott Yanchik, Ms. Cheri Gordon, Ms. Jackie Manz, Ms. Rhetta Gagne', Mr. Art Gagne', Ms. Cyndi Lampp, Mr. Chris Lampp, Mr. Andy Weber, Mrs. Alyssa Weber, Mr. Larry Moore, Mr. Charles Williams and Ms. Shelly King.

**CALL TO ORDER**

Chairman Zeigler called the meeting to order.

**INVOCATION AND PLEDGE TO THE AMERICAN FLAG**

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

**AGENDA APPROVAL**

Commissioner Phillips made a motion to approve the Agenda Resolution with tabling Planning Board Number 02 (see copy of agenda resolution on minute book page number \_\_\_\_\_). Commissioner Utley seconded the motion. The motion carried unanimously.

**MINUTES**

Vice-Chairman Lewis made a motion to approve the minutes for the March 03, 2009 Board of Commissioners Meeting as corrected. Chairman Zeigler seconded the motion. The motion carried unanimously.

**PUBLIC COMMENTS**

There were no public comments.

**CONSENT AGENDA**

**CONSIDERATION TO APPROVE SANITATION RELEASES AS SUBMITTED BY THE SANITATION DIRECTOR (01):** Commissioner Loper made

a motion to approve sanitation releases as submitted by the Sanitation Director (see minute book page \_\_). Commissioner Utley seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**CONSIDERATION TO APPROVE A POLICY ESTABLISHING A MINIMUM NUMBER OF ACRES AS A CONDITION FOR QUALIFYING CONSERVATION USE VALUATION ASSESSMENT (CUVA) (01):** Chief Tax Appraiser Bevill explained that real property that is devoted to bona fide conservation uses is assessed at 40% of its current use value. This favorable tax treatment is designed to protect property owners from being pressured by the property tax burden to convert their land from agricultural use to residential or commercial use. The property must be maintained in a qualifying use of a period of ten years. In return for the favorable tax treatment, the property owner must keep the land undeveloped in a qualified use for a period of ten years or incur stiff penalties. Owners who breach their conservation use covenant must pay back to the taxing authorities twice the savings they have received over the life of the covenant up to the point it was breached. Owners of a tract, lot or parcel of land that totals less than ten acres are required to submit additional relevant records to prove bona fide conservation use. The current use valuation of any conservation use property may not increase or decrease by more than 3 percent from one year to the next during the covenant period. In 2008, House Bill 1081 amended Section 1-3 of O.C.G.A. 48-5-7.4 Section 1 which states: County governing Authority may establish a minimum number of acres as a qualification for properties entered into a Conservation Use Covenant; Minimum acres may not exceed 25 acres; Apply to new covenants after adoption by the BoC on this; applies to renewal covenants beginning January 1, 2012. Currently, there are 156 parcels in CUVA under 10 acres in Effingham County. Past history of allowing parcels in less than 10 areas have been for several reasons and applications on submitting parcels less than 10 acres continue to be received in the Tax Appraisers Office. The Board of Tax Assessors adopted a policy that would not allow improved parcels of 5 acres or less, split out for refinancing, because the primary purpose of the parcel is clearly residential. The primary purpose of qualifying CUVA properties is good faith production of agricultural products or timer. It is recommended that the Board of Commissioner establish a minimum number of 10 acres as a qualifying condition for

properties entering into a Conservation Use Valuation Assessment Covenant beginning in 2009 digest year.

Commissioner Utley made a motion to approve a 10 acre minimum as a condition for qualifying Conservation use Valuation Assessment (CUVA) and for the County Attorney to draft up a Resolution for approval at the next meeting. Commissioner Phillips seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE AMENDMENT TO THE AGING SERVICE CONTRACT WITH THE COASTAL REGIONAL DEVELOPMENT CENTER (02):** Finance Director Wright explained that every year the County renews a contract with Coastal Georgia Regional Development Center to be the provider of Aging Services to the senior citizens in Effingham County. The annual contract has already been approved and an amendment has been received which increases some portions of the funding while decreasing others.

Commissioner Loper made a motion to approve the amendment to the Aging Service Contract with the Coastal Georgia Regional Development Center (see minute book page \_\_). Commissioner Phillips seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE MOVING THE POSITION OF CONSTABLE FOR THE MAGISTRATE COURT OF EFFINGHAM COUNTY FROM CONTRACT EMPLOYEE TO REGULAR PART TIME EMPLOYEE WITH JOB DESCRIPTION (03):** Human Resources Director Hudzinski-Sero explained that currently the Sheriff Department court employees, in overtime, have been supporting the duties of executing warrants, summonses, executions and other processes directed to them by the Magistrate Court in the absence of a contracted Constable. In order to reduce usage of overtime and keep processes on schedule, Magistrate Court Judge Scott Hinson has requested to rehire a constable strictly for the Magistrate Court and move the status to a part-time regular position with job description.

Commissioner Utley made a motion to approve moving the position of constable for the Magistrate Court of Effingham County from contract employee to regular part-time employee with job description (see minute book page \_\_). Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A LETTER TO PARK WEST SUBDIVISION CONCERNING NOTICE OF SHORTFALL (04):** County Engineer Liotta explained that the water, sewer, and re-use water service agreement for Park West

subdivision requires the Developer to guarantee impact fee payments over a 10 year build out period. The agreement is based on 14 attached and 46.1 detached ERU's per year. Since water, wastewater, and reuse service became available to the project on June 21, 2006, the annual payment guarantee due date is June 30. As of June 30, 2008, this obligation has not been made. As per the Agreement, the developer has 30 days to review this statement, and then an additional 30 days to fund the shortfall. If the shortfall is not funded by June 30, 2009, the County may elect to draw the entire Letter of Credit.

Chairman Zeigler made a motion to approve a letter to Park West subdivision concerning notice of shortfall. Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE FIRST READING OF THE INCREASE OF THE EFFINGHAM COUNTY WATER RATES (05):** County Engineer Liotta explained that according to the water agreement with Savannah, the base wholesale rate to Effingham County is the effective rate charged by Savannah to its retail water customers on the inside city rate schedule. The City raised the inside city retail rate by eight cents per thousand gallon in both 2007 and 2008. In 2007, the Board of Commissioners raised the rates for our retail customers by .08/1000; however, this was not done in 2008. Furthermore, the wholesale rate was not changed in either 2007 or 2008. The City has notified staff that it intends to increase the rate by ten cents per thousand gallons from \$1.52/1000 to \$1.62/1000 effective April 1, 2009. Additionally, due to a recent policy change, water for construction purposes is no longer made available in unlimited amounts for a fixed fee. Staff is requesting to raise the retail rate by \$0.18/1000 and the wholesale rate by \$0.26/1000 and amending the requirement to meter water for construction purposes.

Commissioner Brantley made a motion to approve the first reading of the increase of the Effingham County water rates. Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE SURPLUS VARIOUS ITEMS FOR SALE AT THE UPCOMING AUCTION ON MARCH 28<sup>th</sup> AT THE EFFINGHAM COUNTY FAIRGROUNDS (06):** County Administrator Crawley explained that various items that are no longer needed by departments or in state of disrepair, or too costly to repair need to be surplus to be sold at the upcoming auction.

Commissioner Loper made a motion to approve surplus various items for sale at the upcoming auction on March 28<sup>th</sup> at the Effingham County Fairgrounds (see minute book page \_\_\_). Vice-Chairman Lewis seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A CONTRACT WITH SHEPPARD WELL AND PUMP SERVICE FOR THE WELL AND WATER TANK FOR EGYPT FIRE STATION (07):** County Administrator Crawley explained that the Board had accepted the bid from Sheppard Well and Pump Service on February 3, 2009. Staff is requesting that the board approve a contract with Sheppard Well and Pump Service for the well and water tank for Egypt Fire Station.

Commissioner Utley made a motion to approve a contract with Sheppard Well and Pump Service for the well and water tank for Egypt Fire Station (see minute book page \_\_\_). Vice-Chairman Lewis seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE REAPPOINTING CHARLES DIXON AND MIKE WILSON TO THE RECREATION BOARD (08):** County Clerk Crawley explained that two appointments were needed for the Recreation Board. The appointments were in District One, Charles Dixon and At-Large Mike Wilson. Both of these gentlemen are willing to service another term for four years.

Commissioner Loper made a motion to approve reappointing Charles Dixon and Mike Wilson to the Recreation Board. Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE REAPPOINTING SHEILA BISHOP AND TO APPOINT PATRICIA ANN YARBROUGH TO THE HOSPITAL AUTHORITY BOARD (09):** County Clerk Crawley explained that Commissioner Phillips had requested that Sheila Bishop be reappointed to represent District 5 to the Hospital Authority Board. Commissioner Brantley has requested to appoint Patricia Ann Yarbrough to represent District 1 to the Hospital Authority. Three names for each district are to be submitted to the Hospital Authority.

Commissioner Utley made a motion to approve Sheila Bishop, David Crawley, Patrice Crawley, Patricia Ann Yarbrough, Robert Brantley, and Cathy Brantley as names to serve on the Hospital Authority Board. Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE ACCG-IRMA SAFETY DISCOUNT VERIFICATION FORM FOR THE LOSS CONTROL & SAFETY INCENTIVE DISCOUNT PROGRAM (10):** County Clerk Crawley explained that for the eighth year, the Association County Commissioner of Georgia-Interposol Risk Management Agency (IRMA) is offering a 5% safety discount to a maximum of \$5,000 on the County property and liability premium. To take advantage of this opportunity, the member must meet the specific criteria designed to avoid or minimize the severity of property and liability losses, which has been done.

Commissioner Loper made a motion to approve the ACCG-IRMA Safety Discount Verification form for the Loss Control & Safety Incentive Discount Program (see minute book page \_\_\_). Vice-Chairman Lewis seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE NOMINATION OF COMMISSIONER ROBERT BRANTLEY TO THE EFFINGHAM COUNTY CHAMBER OF COMMERCE BOARD OF DIRECTORS (11):** County Administrator Crawley explained that Effingham County Chamber of Commerce Board of Directors is seeking nominations to fill one board seat for the upcoming year.

Chairman Zeigler made a motion to submit Robert Brantley as a nominee to the Effingham County Chamber Board of Directors to be liaison commissioner for the Chamber to attend their Board meetings to report back to the Board. Commissioner Phillips seconded the motion. The motion carried unanimously.

**REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF**

Commissioner Loper discussed the following:

- ◆ First water council meeting

Chairman Zeigler discussed the following:

- ◆ Meeting with Copper station concerning their annexation
- ◆ CPCE concerns about the building department and suggestion of upgrades for more technology to enhance that department

Commissioner Phillips discussed the following:

- ◆ Old Augusta Road

Zoning Administrator Shaw discussed the following:

- ◆ Public workshop for the expansion of the Coastal Comprehensive Plan

County Administrator Crawley discussed the following:

- ◆ Donation of 2 trailers to the Sheriff's department for storage and office space and ceiling tile from Capital Material Supply
- ◆ Guyton Annexation Letter
- ◆ Guyton Sewer Letter
- ◆ ACCG Legislative update

- ◆ Census Committees
- ◆ Hospital Board results of email request and information on performance audit
- ◆ Library low country boil
- ◆ WODA Group request for presentation
- ◆ Transportation Advisory Board update
- ◆ LifeLink of Georgia request
- ◆ Insurance Commissioner representative will no longer be coming to Effingham County
- ◆ GEFA Grant

Human Resources Director Hudzinski-Sero discussed the following:

- ◆ Effingham County Recreation and Health and Wellness Committee will be offering a CPR Class in April

**DINNER BREAK**

At 5:22 p.m. Commissioner Phillips made a motion to break for dinner. Vice-Chairman Lewis seconded the motion. The motion carried unanimously.

**PLANNING BOARD PRESENTMENTS**

The Board reconvened at 6:00 p.m. for Planning Board Presentments.

Chairman Zeigler stated that Planning Board Number 02 was tabled to April 21, 2009 at 6:00 p.m.

Mr. Greg Helmly spoke concerning the application by Barrett C. & Joshua R. Rahn to rezone 64 acres from R-1 to R-1A.

**OLD BUSINESS**

**EMILEO & ISABELLA PEPE – CONDITIONAL USE (01):** Zoning Administrator Shaw explained that Emileo & Isabella Pepe request a conditional use to live in a motor home for up to two years while waiting for a new home to be constructed. The Pepe's have received a building permit.

The public hearing was held On February 17, 2009 with no objectors.

Commissioner Utley made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 404-3A for a conditional use to place a camper on their property located at 5293 Hwy 119 North while constructing a home with the stipulation that the building permit is good for a maximum period of one year. Commissioner Loper seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**BARRETT C & JOSHUA R. RAHN – PUBLIC HEARING (02):** This request was table at the Agenda Approval to April 21<sup>st</sup> at 6:00 p.m.

**SECTION 5.1 – AGRICULTURAL RESIDENTIAL DISTRICT OF THE EFFINGHAM COUNTY ZONING ORDINANCE – PUBLIC HEARING (03):** A Public Hearing was held to amend Section 5.1 – Agricultural residential district of the Effingham County Zoning Ordinance to allow motor vehicle parks as a conditional use in the AR-1 Zoning District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Loper made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Section 5.1 – Agricultural Residential District with the stipulation that a parcel must be minimum of 100 acres to apply for this conditional use.

Commissioner Utley seconded the motion. The motion carried unanimously.

**SECTION 3.38 – SIGNS ORDINANCE OF THE EFFINGHAM COUNTY ZONING ORDINANCE – PUBLIC HEARING (04):** A Public Hearing was held to amend Section 3.38 – Signs of the Effingham County Zoning Ordinance to allow internally illuminated billboards.

Mr. Bart Holt presented the request.

There were no objectors present.

Commissioner Loper made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Section 3.38 – signs. Commissioner Brantley seconded the motion. Chairman Zeigler opposed the motion. Vice-Chairman Lewis, Commissioner Phillips, Commissioner Utley, Commissioner Loper, and Commissioner Brantley voted in favor of the motion. The motion carried.

**ADOPTION OF THE AMENDED ZONING MAP – PUBLIC HEARING (05):** A Public Hearing was held on the adoption of the amended zoning map.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Chairman Zeigler made a motion to approve the First Reading of the amendment to the Effingham County Zoning Map. Commissioner Loper seconded the motion. The motion carried unanimously.

**EXECUTIVE SESSION**



At 6:53 p.m., Chairman Zeigler made a motion to go into Executive Session to discuss personnel, property and pending litigation. Vice-Chairman Lewis 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 \_\_\_\_\_).

**ADDITION TO THE AGENDA**

Commissioner Utley made a motion to add New Business Number 12 Consideration to exempt seven employees for drug testing to the Agenda. Commissioner Phillip seconded the motion. The motion carried unanimously.

**CONSIDERATION TO EXEMPT SEVEN EMPLOYEES FOR DRUG TESTING (12):** Assistant County Attorney Gotwalt stated that due to some changes in IRS regulations, it was necessary to give some of the poll workers a W-2 instead of a 1099. When given a W-2 to an employee they are considered a County Employee, therefore, will have to be drug tested. There are seven employees who have already worked during the elections and their employment has ended, that are now required to receive a W-2 and falls into the category to drug test. Staff is requesting to exempt these seven employees for drug testing since their employment has ended.

Chairman Zeigler made a motion to exempt seven employees for drug testing. Commissioner Brantley seconded the motion. The motion carried unanimously.

**ADJOURNMENT**

At 8:20 p.m. Chairman Zeigler made a motion to adjourn the meeting. Commissioner Brantley seconded the motion. The motion carried unanimously.

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C. D. Zeigler, Chairman

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Patrice R. Crawley, County Clerk