

**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 1:00 p.m. on Tuesday, May 19, 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, Mrs. Rushe Hudzinski-Sero, Human Resources Director, Mrs. Joanna Wright, Finance Director, Mr. Adam Kobek, Project Manager, Mr. Steve Liotta, County Engineer, Ms. Claudia Collier, Mr. Michael Willoughby, Mr. Charlie Gnann, and Ms. Linda Overmon.

CALL TO ORDER

Chairman Zeigler called the meeting to order.

INVOCATION AND PLEDGE TO THE AMERICAN FLAG

Vice-Chairperson Lewis gave the invocation and led the Pledge to the American Flag.

AGENDA APPROVAL

County Administrator Crawley explained that County Attorney Gotwalt would like to have some discussion on Consent Agenda Item 01. Therefore this item would need to be moved to Old Business Number 01.

Vice-Chairperson Lewis made a motion to approve the Agenda Resolution with moving of Consent Agenda Number 01 to Old Business Number 01. Commissioner Phillips seconded the motion. The motion carried unanimously.

MINUTES

Vice-Chairman Lewis made a motion to approve the minutes for the May 05, 2009 Board of Commissioners Meeting. Chairman Zeigler seconded the motion. The motion carried unanimously.

WORKSHOP

DEFINED BENEFIT RETIREMENT PLAN (01): Human Resources Director Hudzinski-Sero explained that the final transfer of funds for the Defined Benefit Plan from ACCG to Merrill Lynch was completed on April 1, 2009. The purpose of this workshop is to provide education for the Board regarding Defined Benefit Plan transition,

board options, strategy discussion, and investment policy requirements. Upon completion of the workshop the Board will direct staff on the investment policy requirements they wish to have represented in future plan documents and/or policy agreements. The board will be required to vote and approve the immediate need, per the policy, for the investment of the 40% increment of \$875,529.44 and the contributions of \$570,135.60.

Mr. David Schultz, with Tegra Financial Partners and Mrs. Gini Nichols with Merrill Lynch were present to answer any questions regarding the Defined Benefit Plan, Investment Objectives and Allocations.

WATER AND SEWER (02): County Administrator Crawley and County Engineer Liotta discussed the water and sewer service delivery strategy. Due to the time frame to approve the Service Delivery Strategy, the County and the Municipalities will need to send in a combined request for an extension on the Service Delivery Strategy.

BUDGET (03): County Administrator Crawley presented the Fiscal Year 2009/2010. Due to the time restraints, the presentment of the Budget was continued to later into the meeting.

The Board started the regular board meeting at 3:00 p.m.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

Chairman Zeigler read out loud the Consent Agenda.

(02) Zoning Map 264-12 for the application by Southern Land Investors to rezone 34.38 acres located at the corner of Hwy 21 & Savannah Town Rd from AR-1 to B-3

Commissioner Loper made a motion to approve the Second Reading to amend Article IV- (Subdivision Regulations) of the Effingham County Subdivision Regulations (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

NEW BUSINESS

PRESENTATION OF THE TOP OPS AWARD FROM THE GEORGIA ASSOCIATION OF WATER PROFESSIONALS TO LARRY BLACKBURN (01):

Human Resources Director Hudzinski-Sero explained that Larry Blackburn, an employee at the WWTP, has been awarded the Top Ops Award from the Georgia Association of Water Professionals (GAWP) for outstanding and innovative performance in the field of

Wastewater Plant Operations in the GAWP District 9. This is the first time in seven years the Top Ops Award was received by an employee outside of Chatham County.

CONSIDERATION TO ALLOCATE THE DEFINED BENEFIT PLAN ASSETS INTO A UNIFIED MANAGED ACCOUNT (02): Human Resources Director Hudzinski-Sero explained that in December 2007, the Board voted to change the retirement contract providers from Charles Schwaab San Francisco/GEB Corp/ACCG to Merrill Lynch Savannah/TEGRA. The final transfer of funds for the Defined Benefit Plan from ACCG was completed on April 1, 2009. The Board needs to approve to allocate the defined benefit plan assets into an unified managed account . Staff recommends in lieu of market conditions but understanding the urgency under the investment policy, it is recommend allocating the Defined Benefit Plan assets into a Unified Managed Account with the objective of a Moderate Portfolio be elected for approval.

Commissioner Phillips made a motion to allocate the Defined Benefit Plan assets into a unified managed account with the objective of a moderate portfolio. Commissioner Utley seconded the motion. The motion carried unanimously.

OLD BUSINESS

SOUTHERN LAND INVESTORS – REZONE (01): The Planning Board recommends approving the Second Reading to amend the Zoning Map 264-12 for the application by Southern Land Investors to rezone 34.38 acres located at the corner of Hwy 21 & Savannah Town Rd from AR-1 to B-3.

County Attorney Gotwalt explained that the board needs to makes sure the stipulations on the property are defined properly.

Mr. David Adkins, and Mr. Jimmy Dubberly explained the reason for the rezoning.

Commissioner Utley made a motion to approve the Second Reading to amend the Zoning Map 264-12 for the application by Southern Land Investors to rezone 34.38 acres located at the corner of Hwy 21 & Savannah Town Rd from AR-1 to B-3 with the following stipulations:

1. A 50 foot buffer shall be maintained.
2. A conditional use shall be granted for a Rehabilitation Center for Developmentally Disabled Persons only.
3. Any other commercial use shall be approved by the Board of Commissioners.
4. Housing facilities for developmentally disabled individuals shall be allowed as a conditional use, incidental to the operation of a Rehabilitation Center; provided that such housing facilities shall be limited to detached single family dwellings.

Commissioner Loper seconded the motion. The motion carried unanimously.

NEW BUSINESS - CONTINUED

CONSIDERATION TO APPROVE TRANSFERRING ADMINISTRATION OF LEASE WITH EONE NUMBER 2853-009 TO EITHER A FINANCE COMPANY, LEASE ADMINISTRATOR, OR OTHER TRANSFEREE (03):

Finance Director Wright explained that the county currently has a lease with E-One (2853-009). The annual payment is \$30,546. The total financed amount was \$199,561 with the final payment due in 2013. The lease agreement does permit a transfer and E-One is requesting to allow them to assign or transfer the lease to a new administrator. The transfer would not affect the county's financing portion of lease agreement only the administration of the lease. The effect to the county would be to adjust to whom the payments are made to.

Commissioner Loper made a motion to approve transferring administration of the lease with E-One Number 2853-009 to either a finance company, lease administrator, or other transferee (see minute book page _). Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO PAYOFF OUTSTANDING FIRE LEASES (04):

Finance Director Wright explained that the county has several leases coming up for payment in June and August. These leases range in amounts and interest rates. Current interest the county is receiving on these fire funds is .21% The highest interest being paid is 5.38%. Staff is requesting to use up to \$1,000,000 of the fire fund balance to payoff outstanding fire leases.

Vice-Chairperson Lewis made a motion to payoff outstanding fire leases. Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION TO SUBMIT A LOAN APPLICATION TO THE GEORGIA ENVIRONMENTAL FACILITIES AUTHORITY (GEFA) FOR PUMP STATION #5 UPGRADE (05):

County Engineer Liotta explained that the Board has been made aware of the stimulus grant from Georgia Environmental Facilities Authority (GEFA) several projects. \$148,000 in the form of "principal forgiveness" has been made available under the final Fundable Priority List for the pump station upgrade, but the total cost of the project is estimated at about \$370,000. An application for a new GEFA loan is required at this time. One of the requirements of the application is to include a resolution or meeting minutes approving the submittal of the application to GEFA. Upon completion of the design, and approval

by EPD, the project can then be bid. Reimbursement draw requests cannot be made from the stimulus funds until a GEFA grant contract is executed and construction is underway.

Commissioner Phillips made a motion to approve a Resolution to submit a loan application to Georgia Environmental Facilities Authority for pump station number 5 upgrade (see minute book page __). Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A PROPOSAL WITH ECOLOGICAL PLANNING GROUP TO UPDATE THE COUNTY STORMWATER ORDINANCE AND LOCAL DESIGN MANUAL (06): County Engineer Liotta explained that the current Effingham County stormwater ordinance (Chapter 34 – Flood Damage Prevention) was originally adopted in 1995. A revised Water Resource Protection Ordinance, as well as complementary Stormwater Management Local Design Manual, was prepared in 2004 and adopted by the Board of Commissioners on January 4, 2005. Since FEMA and EPD are currently working on modernizing the county flood maps, a corresponding update to the model ordinance will soon be required. The local design manual has been used since its creation but it is in need of updates to include the latest “coastal supplement” to the Georgia Stormwater Management Manual. The update would also include incorporation of this into a new comprehensive development manual. Staff solicited a quote from Ecological Planning Group, whose principal prepared the local design manual, to both update the manual and the ordinance. Since the same people produced the original manual, it would be highly inefficient to bring in another firm to update the manual and ordinance.

Chairman Zeigler made a motion to approve a proposal with Ecological Planning Group to update the County Stormwater Ordinance and Local Design Manual (see minute book page __). Commissioner Phillips seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN ADDENDUM TO THE CONTRACT WITH ALLTEL WIRELESS FOR CELLULAR SERVICES (07): Purchasing Agent Newland explained that on January 6, 2009 the Board approved a contract with Alltel Wireless to provide cellular service for approved county employees’ usage. Under the current contract, the maximum number of lines that can be added to the plan at the contracted rate is the new addendum specifies that additional lines can be added at any

time during the first year of the contract and still share the same pricing and contract benefits as the existing lines.

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

CONSIDERATION TO APPROVE A CHANGE ORDER WITH MOTOROLA FOR THE MULTI AGENCY CALL CENTER (08): Project Manager Kobek explained that the Board has previously purchased equipment from Motorola for the new Multi-Agency Call Center. Preliminary Dates were set for training exercises and sessions in accordance with the close of building construction in anticipation of the building going live. Due to a need for adequate and proper staffing, the training dates were required to be changed. The training dates were requested to be moved to a later date within 30 days of the scheduled training. The contract with Motorola stipulates that if the training session is canceled this will be done within 30 days prior to the scheduled training. County staff was trying to meet the training schedule but decided that it would be more beneficial to 911 staff to postpone the training. Several of the trainers had already been booked for training and could not be rescheduled with another location.

Commissioner Phillips made a motion to approve a change order with Motorola for the Multi Agency Call Center (see minute book page ____). Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A CHANGE ORDER WITH R.B. BAKER FOR OLD AUGUSTA SOUTH (09): County Administrator Crawley explained that the Board had hired the firm of R.B. Baker to construct Phase I of Old Augusta Road. The work has been ongoing over the past 12 months. Phase I of Old Augusta Road spans from Chimney Road and will eventually connect to S.R. 21. During the course of the work, a natural drain was found beneath the new right of way that required special drainage. Change order 1 is for the extra material and supplies to properly prepare the road bed. Change order 2 will allow for underground electrical services under the road and avoid possibly cutting the road in the future.

Commissioner Phillips made a motion to approve a change order with R.B. Baker for Old Augusta South (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE CANCELLING THE JULY 7TH BOARD MEETING AND HOLDING ALL JULY BUSINESS AT THE JULY 21ST MEETING (10): County Administrator Crawley explained that in the past the Board has only had one meeting in July due to the Fourth of July holiday. Staff recommends to cancel the July 7th meeting and to hold all business at the July 21st meeting.

Chairman Zeigler made a motion to approve cancelling the July 7th Board meeting and to hold all July business at the July 21st meeting. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A COUNTY RIGHT OF WAY AGREEMENT WITH DOT FOR THE IMPROVEMENT FOR INSTALLING A CENTER TURN LANE INTO NEW EFFINGHAM COUNTY MIDDLE SCHOOL (11) AND CONSIDERATION TO APPROVE A COUNTY REQUEST FORM WITH DOT FOR THE IMPROVEMENT OF INSTALLING A CENTER TURN LANE INTO NEW EFFINGHAM COUNTY MIDDLE SCHOOL (12): County Administrator Crawley explained that the Effingham County Industrial Development Authority agreed to move funding committed by the Georgia Department of Transportation from Old River Road to Georgia Highway 119 to allow for the construction of a center turn lane in front of the new Effingham County middle school. DOT has committed \$181,847.61 and will allow for the transfer of these funds to construct necessary improvements adjacent to the new middle school. DOT requires that a right of way agreement and a county request form for the improvement of installing a center turn lane into New Effingham County Middle School.

Commissioner Loper made a motion to approve a county Right of Way agreement and a county request form with DOT for the improvement of installing a center turn lane into New Effingham County Middle School (see minute book page _). Commissioner Utley seconded the motion. The motion carried unanimously.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Commissioner Brantley discussed the following:

- ◆ Hwy 80 pipe

Commissioner Loper discussed the following:

- ◆ State of Georgia rebate on property taxes

Chairman Zeigler discussed the following:

- ◆ Library request for more money
- ◆ Hospital Authority lunch and learn and Eric Johnson will be attending
- ◆ Sheila Bishop being reappointed to the Hospital Authority
- ◆ Transportation advisory board

Commissioner Phillips discussed the following:

- ◆ Health Department request of a car
- ◆ Family Connection meeting update

County Attorney Gotwalt discussed the following:

- ◆ Working on an ordinance for trespassing by swimming in the ponds at Recreation facilities

Zoning Administrator Shaw discussed the following:

- ◆ Meeting with the owners of Robeling Road racetrack

County Engineer Liotta discussed the following:

- ◆ Chapter 75 utility ordinance

Human Resources Director Hudzinski-Sero discussed the following:

- ◆ CPR Saturday that was held at the Recreation Department

County Administrator Crawley discussed the following:

- ◆ Old Augusta Phase I and II
- ◆ Morgan Road issue
- ◆ Mosquito calls
- ◆ Ga Trend – ½ of a page advertisement
- ◆ Boat ramp at Tuckasee King
- ◆ GEFA debt service
- ◆ Public defender office space
- ◆ Live Oak public libraries
- ◆ Stillwell Road closing due to the bridge repair
- ◆ Ribbon cutting at the Extension Service and the Board of Elections

CONTINUE – BUDGET WORKSHOP

County Administrator Crawley discussed with the Board the Budget for Fiscal Year 2009/2010.

DINNER BREAK

At 5:14 p.m. Commissioner Phillips made a motion to break for dinner. Vice-Chairman Lewis seconded the motion. The motion carried unanimously.

PLANNING BOARD PRESENTMENTS

NEW BUSINESS

LINDA S. OVERMON – PUBLIC HEARING (01): A Public Hearing was held on the application by Linda Overmon to rezone 4.79 acres located on Magnolia Drive from AR-1 to AR-2 Map 302 Parcel 27 in the First District.

Ms. Linda Overmon presented the request.

There were no objectors present.

Commissioner Brantley made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 302-27 to rezone 4.79 acres located on Magnolia Drive from AR-1 to AR-2 with the following stipulations:

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

Commissioner Loper seconded the motion. The motion carried unanimously.

R. B. BAKER CONSTRUCTION, INC. – PUBLIC HEARING (02) - A Public Hearing was held on the application by R. B. Baker Construction, Inc. to rezone 6.96 acres located on Old River Road from B-2 to I-1 Map 330 Parcel 46 in the First District.

Mr. Michael Willoughby presented the request.

Mr. Hubert Sapp stated his concerns on the rezoning.

Commissioner Brantley made a motion to deny the request by R.B. Baker Construction, Inc. to rezone 6.96 acres located on Old River Road. Commissioner Phillips seconded the motion. The motion carried unanimously.

LAVON & CECELIA MORRELL (03): This item was heard and voted on at the previous Commissioners Board meeting. Therefore, should not have been on the agenda.

SHIRLEY L. DAUGHTRY – PUBLIC HEARING (04): A Public Hearing was held on the application by Shirley Daughtry to rezone 2 acres located on Kelly Drive from R-1 to AR-1 Map 436 Parcel 11 in the First District.

Mr. Shirley Daughtry presented the request.

There were no objectors present.

Commissioner Brantley made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 436-11 to rezone 2 acres located on Kelly Drive from R-1 to AR-1. Commissioner Loper seconded the motion. The motion carried unanimously.

NEIL & PRISCILLA CREASY – PUBLIC HEARING (05): A Public Hearing was held on the application by Neil & Priscilla Creasy to rezone 3.88 acres located at 565 Sisters Ferry Rd from AR-1 to AR-2 Map 386 Parcel 14-16 in the Third District.

Ms. Priscilla Creasy presented the request.

There were no objectors present.

Commissioner Utley made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 386-14-16 to rezone 4.18 acres located at 519 Savannah Town Rd from AR-2 to AR-1 with the following stipulations:

1. Each lot meets the requirements of the AR-2 zoning district.

2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts permitted by USACE.
4. Subdivision plat must be approved by the Health Department and the Zoning Office.

Commissioner Brantley seconded the motion. The motion carried unanimously.

JULI GNANN & CHRISTA GNANN – PUBLIC HEARING (06): A Public Hearing was held on the application by Juli Gnann & Christa Gnann for a variance to operate a beauty shop in a building outside of a home located at 103 Laura Lane Map 443A Parcel 11 in the Fourth District.

Mr. Charlie Gnann and Ms. Christa Gnann presented the request.

No objectors were present.

Ms. Debra Bennett stated why she is for the rezoning.

Chairman Zeigler made a motion to deny the application by Juli Gnann & Christa Gnann. Vice-Chairperson Lewis seconded the motion. Chairman Zeigler, Vice-Chairperson Lewis, and Commissioner Brantley voted for the motion. Commissioner Loper, Commissioner Utley, and Commissioner Phillips opposed the motion. The motion fails.

Commissioner Loper made a motion to approve the application by Juli Gnann & Christa Gnann with the stipulation that only a beauty shop can be held in the building. Commissioner Utley seconded the motion. Commissioner Loper, Commissioner Utley, and Commissioner Phillips voted in favor of the motion. Chairman Zeigler, Vice-Chairperson Lewis, and Commissioner Brantley opposed the motion.

Chairman Zeigler made a motion to table. Vice-Chairperson Lewis seconded the motion. Chairman Zeigler, Vice-Chairperson Lewis, Commissioner Utley, and Commissioner Brantley voted in favor of the motion. Commissioner Loper and Commissioner Phillips opposed the motion. The motion passed.

EXECUTIVE SESSION

At 6:36 p.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 property and pending litigations. (See copy of Chairperson's affidavit on minute book page number _____).

CONTINUE – COMMITTEE REPORTS

At 7:20 p.m. the Board continued Committee Reports.

County Administrator Crawley discussed the following:

- ◆ WODA's letter of Support

ADJOURNMENT

At 7:25 p.m. Chairman Zeigler made a motion to adjourn the meeting. Commissioner Brantley seconded the motion. The motion carried unanimously.

C. D. Zeigler, Chairman

Patrice R. Crawley, County Clerk