

**THE EFFINGHAM COUNTY
COMMISSIONERS' MEETING**

The Board of Commissioners of Effingham County, Georgia, Mr. C. D. Zeigler, Chairman, Mrs. Myra W. Lewis, Vice-Chairperson, Mrs. Verna H. Phillips, Mr. Jeffrey A. Utley, Mr. Reginald S. Loper, Sr. and Mr. Robert Brantley met in regular session at 3:00 p.m. on Tuesday, June 16, 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, Mr. Dave Howes, Mr. Bobby Wilson, Mr. Michael Willoughby, and Mr. Bobby Macke

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 the contract for the center turning lane on Hwy 119 adjacent to the new Middle School with the Georgia Department of Transportation was received after the agenda was published. This project needs to start as soon as possible, therefore, it will be necessary for the Board to add the contract to the agenda. The applicant of Planning Board New Business Number 6 has requested that the item be tabled until the July 21st meeting.

Vice-Chairperson Lewis made a motion to approve the Agenda Resolution with adding New Business Number 08 – Consideration to approve a contract with the Georgia Department of Transportation concerning the base and plant mix surfacing on center turn lane and decel lane for the SR 119 at New Middle School and to table Planning Board Number 06 – application by Hodgeville Holdings, LLC. Commissioner Loper seconded the motion. The motion carried unanimously.

MINUTES

Vice-Chairman Lewis made a motion to approve the minutes for the June 02, 2009 Board of Commissioners Meeting. Chairman Zeigler seconded the motion. The motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

Chairman Zeigler read out loud the Consent Agenda.

(01) Consideration to approve the Tax Commissioners request to release or not to release penalties.

Commissioner Phillips made a motion to approve the Tax Commissioners request to not release penalties as submitted (see minute book page _). Chairman Zeigler seconded the motion. The motion carried unanimously.

OLD BUSINESS

CONSIDERATION TO APPROVE THE SECOND READING OF THE AMENDMENT TO CHAPTER 46 PARKS AND RECREATION (01), CONSIDERATION TO APPROVE THE SECOND READING OF THE AMENDMENT CHAPTER 75 OF THE OFFICIAL CODE OF EFFINGHAM COUNTY (WATER, SEWER, AND RE-USE) (02), AND CONSIDERATION TO APPROVE THE SECOND READING OF A RESOLUTION TO ADOPT THE WATER, SEWER, AND RE-USE SCHEDULE OF FEES (03): The Board of Commissioners discussed and approved the first reading of amendments to Chapter 46 Parks and Recreation, Chapter 75 of the Official Code of Effingham County (water, sewer, and re-use), and a Resolution to adopt the water, sewer, and re-use schedule of fees at their June 02, 2009 meeting.

Commissioner Loper made a motion to approve the second reading of the amendment to Chapter 46 Parks and Recreation (01), the second reading of the amendment Chapter 75 of the Official Code of Effingham County (water, sewer, and re-use) (02), and the second reading of a Resolution to adopt the water, sewer, and re-use schedule of fees (03) (see minute book page ____). Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

NEW BUSINESS

CONSIDERATION TO APPROVE AN EXTENDED WARRANTY FOR THE CENTURION WIRELESS SECURITY SYSTEM AT THE JUDICIAL

COMPLEX (01): Project Manager Kobek explained that the Judicial Complex was outfitted with an emergency response call system. This system provides “push for emergency” buttons which when pressed sends signals to security personnel. The system has worked since it has been installed with no problems. The system is now out of warranty and the company has sent an extended warranty offer. The extended warranty is against defects in materials or workmanship for a period of 1 year with replacement parts and repairs. The cost is \$332 for one year.

Commissioner Loper made a motion to approve an extended warranty with the Centurion Wireless Security system at the Judicial Complex (see minute book page ____). Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN AMENDMENT TO THE CONTRACT WITH JT TURNER CONSTRUCTION FOR THE REHABILITATION OF THE EFFINGHAM COUNTY COURTHOUSE (02):

Project Manager Kobek explained that in April, the Board approved a contract with JT Turner Construction for the rehabilitation of the Effingham County Courthouse. The contract calls for the “work” to be completed in 365 days. The “work” is the completion of the scope as defined in the design build documents. There is however, selective demolition and exploration that needs to take place prior to the acceptance of the design build documents. This amendment to the contract allows for the selective demolition and exploration of the project prior to the beginning of the 365 day calendar to complete the work. The amendment is for the purpose of clearly stating when the 365 day calendar for completion will begin, no later than August 31, 2009, will not cost the County any additional money; will be working under the same conditions as the contract calls for, and allows JT Turner Construction access to the building to begin selective demolition and exploration, prior to the County’s acceptance of the design build documents. Selective demotion and exploration includes removal of items such as floor coverings and suspended ceilings and any partition walls in the 1979 additional. A second notice to proceed will be issued when one of the following first occurs: obtaining a remodeling permit from the City of Springfield, acceptance of the design build documents, or no later than August 31, 2009.

Commissioner Brantley made a motion to approve an amendment to the Contract with JT Turner Construction for the rehabilitation of the Effingham County Courthouse

(see minute book page ____). Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO ISSUE A NOTICE TO PROCEED TO JT TURNER CONSTRUCTION FOR SELECTIVE DEMOLITION AND EXPLORATION OF THE HISTORIC COURTHOUSE (03): Project Manager Kobek explained that earlier this year the Board approved a contract with the design build team of JT Turner Construction and Hussey, Gay, Bell, and DeYoung. The notice to proceed is only for selective demolition and exploration. This portion of the work will be to remove items such as carpet, floor coverings, and suspended ceilings, and to carry out some explorations for features such as fire places, mantels, and fire boxes. The 365 day construction clock will not begin with this notice to proceed, that clock will begin when one of the following occur, County's acceptance of the design, a remodeling or construction permit is requested or no later than August 31, 2009. Selective demolition and exploration are an important aspect of the total scope of work to be completed. It has been determined that it is wiser to allow the contractor to begin this work now to properly design the spaces based on the discoveries made during this portion of the work. All general conditions will begin with this notice to proceed such as a job trailer, temporary power, site fencing and security.

Commissioner Utley made a motion to approve the issuance of the Notice to Proceed to JT Turner Construction for selective demolition and exploration of the Historic Courthouse. Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN ENERGY MODEL FOR THE HISTORIC COURTHOUSE (04): Project Manager Kobek explained that the Board will be starting rehabilitation of the Historic Courthouse very soon. One issue that has been discussed is the possibility of working toward LEED Certification. In this discussion a true cost of extra materials, fixtures and work is not readily available without a better understanding of how the building uses and loses energy. An energy model will show the design and construction team the extent of work necessary to improve the building efficiencies. The energy model will also provide a better understanding of the true costs of obtaining LEED certification. The cost to perform an energy model for the Courthouse will not exceed \$5,720. The energy modeling allows in-depth comparative analysis of potential building systems and strategies to optimize energy performance. Modeling

enables the team to make integrated design decisions based on a full understanding of cost and how systems interact. The completion of an energy model will allow the design team to put a more permanent figure on the real cost associated with LEED certification.

Commissioner Loper made a motion to approve an energy model for the Historic Courthouse. Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE APPOINTING HERB JONES TO THE COASTAL REGIONAL COUNCIL (05): County Clerk Crawley explained that Governor Sonny Perdue signed HB 1216 which aligns new Regional Commission boundaries with the state's current service delivery region boundaries. In addition, the legislation created a new board structure for all Regional Commissions. The governing body of the new Coastal Regional Commission will be called the council. Chairman Zeigler is automatically one of the new Council members. One non-public appointment is needed. Mr. Herb Jones has represented the Board of Commissioner on the Coastal Regional Board for the past several years. Since Mr. Jones is interested to continue serving on the Coastal Regional Council, it is staff's recommendation to appoint him for this council.

Commissioner Phillips made a motion to approve appointing Herb Jones to the Coastal Regional Council. Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE FIRST ONE YEAR OPTION OF A CONSULTING SERVICES AGREEMENT WITH MORELAND ALTOBELLI ASSOCIATES, INC. FOR RIGHT OF WAY AND EASEMENT ACQUISITION SERVICES (06): County Administrator Crawley explained that Moreland Altobelli Associates, Inc. has provided right-of-way and easement acquisition services for Effingham County since 2003. Effingham County entered into an agreement June 17, 2008 for one year with the option to renew for three additional one year terms. Mr. Billy Gordon as the project manager has provided excellent services acquiring right-of-way for projects such as Old Augusta Road. The proposed extension will be under the same terms and scope of services as the June 17, 2008 agreement.

Commissioner Phillips made a motion to approve the first one year option of a consulting services agreement with Moreland Altobelli Associates, Inc. for right of way and easement acquisition services (see minute book page ____). Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A LETTER OF SUPPORT FOR A FORD DEALERSHIP IN EFFINGHAM COUNTY (07): County Administrator Crawley explained that Mr. Mark Grainger is interested in buying the Old Springfield Ford dealership and there is a pending buy and sell agreement on the table with Ford Motor Company. Ford is contemplating exercising their first right of refusal and not moving forward with the buy and sell agreement. Mr. Grainger has requested a letter of support be sent to Ford Motor Company, which is an opportunity for the Board to help the local business community in Effingham County.

Commissioner Brantley made a motion to approve a letter of support for a Ford dealership in Effingham County. Commissioner Loper seconded the motion. The motion carried unanimously.

ADDITION TO THE AGENDA

CONSIDERATION TO APPROVE A CONTRACT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION CONCERNING THE BASE AND PLANT MIX SURFACING ON CENTER TURN LANE AND DECEL LANE FOR SR 119 AT THE NEW MIDDLE SCHOOL (08): County Administrator Crawley explained that the Board of Education is requesting to have a center turn lane and decel lane for their new middle school located on SR119. In order for the Board of Education to have the Georgia Department of Transportation help fund this project, the Board of Commissioners must serve as the fiscal agent and enter into a contract. The new school is projected to open in August of this year.

Commissioner Loper made a motion to approve a contract with the Georgia Department of Transportation concerning the base and plant mix surfacing on center turn lane and decel lane for SR119 at the new middle school (see minute book page ____). Chairman Zeigler seconded the motion. The motion carried unanimously.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Commissioner Loper discussed the following:

- ◆ Cost of Living Adjustments
- ◆ Food for the Brown family

Vice-Chairperson Lewis discussed the following:

- ◆ Thank you to County Administrator Crawley for his help with answering questions

Commissioner Phillips discussed the following:

- ◆ Hurricane preparedness
- ◆ IDA appointment
- ◆ Old Augusta power poles

Chairman Zeigler discussed the following:

- ◆ City of Guyton meeting

County Administrator Crawley discussed the following:

- ◆ Old Augusta Phase I and II
- ◆ Morgan Road issue
- ◆ Hwy 80 drainage issues
- ◆ Transportation Engineer
- ◆ Brick mail boxes
- ◆ Effingham Parkway
- ◆ Sheriff's administration and jail renovation
- ◆ OMI Flight
- ◆ DA's Office
- ◆ Family Connection
- ◆ 911 Call Center start up
- ◆ Special called meeting
- ◆ Impact fees

Zoning Administrator Shaw discussed the following:

- ◆ Faulkville Church speed limit signage

EXECUTIVE SESSION

At 4:18 p.m., Chairman Zeigler made a motion to go into Executive Session to discuss personnel, property and pending litigation. Vice-Chairperson 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 _____).

DINNER BREAK

At 5:15 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

R. B. BAKER CONSTRUCTION – PUBLIC HEARING (01): A Public Hearing was held on the application by R. B. Baker for conditional use located at 1635 Old River Road Map 331 Parcel 1 & 2 in the First District.

Mr. Michael Willoughby presented the request.

Mr. Richard Sapp and Mr. Hubert Sapp explained their concerns for the conditional use.

Commissioner Brantley made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 331-1 & 2 for a conditional use located at 1635 Old River Road with the following stipulations:

1. Work hours will be from 7 a.m. to 6 p.m. Monday through Friday

2. Electric pumps and generators
3. Dust control
4. Buffers
5. Must use Bay Road to access the property
6. Gravel must be placed on the entrance of the road

Commissioner Utley seconded the motion. The motion carried unanimously.

GREGG HOWZE – PUBLIC HEARING (02) - A Public Hearing was held on the application by Gregg Howze to rezone 950 acres located off Godley Road from A-2 to AR-1 Map 419 Parcel 1 in the First District.

Mr. Gregg Howze presented the request.

There were no public comments.

Commissioner Brantley made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 419-1 to rezone 950 acres located off of Godley Road from AR-2 to AR-1 with the following stipulations:

1. Each lot meets the requirements of AR-1 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.
5. The off road vehicle park must meet all requirements of 5.1.1.4 of the Zoning Ordinance including a 300 foot buffer from any residential property.
6. Hours of operation shall be limited to daylight hours only.
7. A site development plan must be submitted to the Planning and Engineering department.

Commissioner Loper seconded the motion. The motion carried unanimously.

GREGG HOWZE – PUBLIC HEARING (03): A Public Hearing was held on the application by Gregg Howze for a conditional use located at 108 Godley Road to operate an off road vehicle facility Map 419 Parcel 1 the First District.

Mr. Gregg Howze presented the request.

There were no public comments

Commissioner Brantley made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 419-1 for a conditional use located at 108 Godley Road to operate an off road vehicle facility with the following stipulations:

1. All wetland impacts permitted by USACE.
2. The off road vehicle park must meet all requirement of 5.1.1.4 of the Zoning Ordinance including a 300 foot buffer from any residential property.
3. Hours of operations shall be limited to daylight hours only.
4. A site development plan must be submitted to the Planning and Engineering department.

Commissioner Loper seconded the motion. The motion carried unanimously.

W. GREGG HOWZE – PUBLIC HEARING (04): A Public Hearing was held on the application by W. Gregg Howze to rezone 25 acres located off of Springfield Tusculum Road from R-1 to AR-1 Map 318 Parcel 14 in the Third District.

Mr. Gregg Howze presented the request.

There were no public comments.

Commissioner Utley made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 318-14 to rezone 25 acres located off of Springfield Tusculum Road from R-1 to AR-1 with the following stipulations:

1. Each lot meets the requirements of the AR-1 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.
5. A minimum lot size of ½ acre.

Commissioner Loper seconded the motion. The motion carried unanimously.

W. GREGG HOWZE – PUBLIC HEARING (05): A Public Hearing was held on the application by W. Gregg Howze for an experimental development to allow for an equestrian development located off of Springfield Tusculum Road Map 318 Parcel 14 in the Third District.

Mr. Gregg Howze presented the request.

No objectors were present.

Commissioner Utley made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 318-14 to allow for an equestrian development located off of Springfield Tusculum Road with the following stipulations:

1. Roads must meet all County road standards with the exception of pavement.
2. The roads will remain private roads. The roads must be brought up to County standards if they are ever to be deeded to the County.
3. A home owners association or other similar entity must be created to maintain the roads and common areas.
4. An assessment structure must be created to ensure sufficient funds are available to maintain the roads and common areas.

Commissioner Loper seconded the motion. The motion carried unanimously.

BOBBY WILSON – PUBLIC HEARING (06): A Public Hearing was held on the application by Bobby Wilson to rezone 2 acres located on Race Path Road from AR-1 to AR-2 Map 391 Parcel 11 in the Fourth District.

Mr. Bobby Wilson presented the request.

There were no public comments.

Commissioner Loper made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 391-11 to rezone 2 acres located on Race Path Road 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 Brantley seconded the motion. The motion carried unanimously.

ROBERT MACKE, JR – PUBLIC HEARING: A Public Hearing was held on the application by Robert Macke, Jr. to rezone 2.01 acres located on Race Path Road from AR-1 to AR-2 Map 391 Parcel 11 in the Fourth District.

Mr. Robert Macke presented the request.

There were no public comments.

Commissioner Loper made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 391-11 to rezone 2.01 acres located on Race Path Road 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.
5. Only a site built home shall be constructed on said property.

Commissioner Brantley seconded the motion. The motion carried unanimously.

JOSEPH SHEAROUSE – PUBLIC HEARING (09): A Public Hearing was held on the application by Joseph Shearouse to rezone 1.96 acres located at 193 Old Augusta Road from AR-1/I-1 to AR-2 Map 475 Parcel 58B, 70 in the Fifth District.

Zoning Administrator Shaw presented the request.

There were no public comments.

Commissioner Phillips made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 475-70 & 58B to rezone 1.96 acres located at 193 Old Augusta Road from AR-1/I-1 to AR-2.

Commissioner Brantley seconded the motion. The motion carried unanimously.

NEW SAVANNAH, LLC. – EXTENSION REQUEST (10): A Public Hearing was held on the request from New Savannah, LLC for a twelve month extension on the approved preliminary plan for the Exley Tract development located on Hwy 21 South Map 466 Parcel 8, 8A – B, 10-11 & 467-1 in the Fifth District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Phillips made a motion to approve the request from New Savannah LLC a twelve month extension on the approved preliminary plan for the Exley Tract development located on hwy 21 South Map 466, Parcel 8, 8A – B, 10-11 & 467-1.

PUBLIC HEARING

BUDGET FISCAL YEAR 09/10: The Board of Commissioners held a public hearing concerning the budget for fiscal year 09/10.

There were no objectors present.

ADJOURNMENT

At 8:05 p.m. Chairman Zeigler made a motion to adjourn the meeting. Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

C. D. Zeigler, Chairman

Patrice R. Crawley, County Clerk