

**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 2:00 p.m. on Tuesday, August 18, 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. Murray Marshall, Mr. Raymond Starling, Mrs. Sue Tebeau, Mr. L. Stephen Mobley, Mr. Mickey Kicklighter, Mr. Rickey Kicklighter, Mr. Frank Arden, Ms. Ramon G. Gay, Ms. Jeannette Gilliam, Ms. Patricia Saxon, Ms. Ashley Lancaster, Mr. Richard Lancaster, Mrs. Judy Zittrouer, Mr. Robert Reese, Ms. Geraldine Reese, Ms. Rebecca Malcolm, Mr. Jackson Malcolm, Mr. Chad Zittrouer, Ms. Kendra Durrence, Mr. Ray Zittrouer, Ms. Mary Grace Fisher, Mr. Alec Metzger, Mr. William Hendrix, Mr. Derral Durrence, Mr. Ryan Moore, Mr. Wayne Edwards, Mr. Ellis Skinner, Mr. Devon Dean, III, and Mr. Darrel Hutcheson.

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 applicants for Old Business number 1, Planning Board Old Business number 1 and 2 have requested to have their item removed from the Agenda.

Commissioner Phillips made a motion to approve the Agenda Resolution with removing Old Business number 1, Planning Board Old Business number 1 and 2. Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

MINUTES

Commissioner Utley made a motion to approve the minutes for the August 04, 2009 Board of Commissioners Meeting with the changes stated. Commissioner Loper seconded the motion. The motion carried unanimously.

WORKSHOP

County Administrator Crawley discussed with the Board their Vision, Strategy, and Tactics of Effingham County.

Mr. Raymond Starling requested that the Board request that the Georgia Department of Revenue Local Government Services Division do a performance review of the Effingham County Board of Assessors pertaining to policy, procedures, cost schedules, land value schedules, etc.

The Board of Commissioner started the regular session of the meeting at 3:00 p.m.

OLD BUSINESS

CONSIDERATION TO APPROVE THE SECOND READING TO AMEND ZONING MAP 331-1 & 2 FOR AN APPLICATION BY R. B. BAKER CONSTRUCTION FOR CONDITIONAL USE LOCATED AT 1635 OLD RIVER ROAD IN THE FIRST DISTRICT (01): This item was removed during the approval of the Agenda.

CONSIDERATION TO APPROVE THE SECOND READING TO AMEND CHAPTER 30 OF THE OFFICIAL CODE OF EFFINGHAM COUNTY GEORGIA ARTICLE III SOIL EROSION AND SEDIMENTATION CONTROL (02): County Engineer Liotta explained that the Board had approved the First Reading to the amendment of the Soil Erosion and Sedimentation Control with changes at the August 4, 2009 Board of Commissioners Meeting.

Commissioner Loper made a motion to approve the second reading to amend Chapter 30 of the Official Code of Effingham County Georgia Article III Soil Erosion and Sedimentation Control (see minute book page ____). Commissioner Utley seconded the motion. The motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

CONSIDERATION TO AMEND THE EFFINGHAM COUNTY BOARD OF COMMISSIONERS HUMAN RESOURCES STANDARDS OF PRACTICE SECTION 2.14 – TRAVEL, EMPLOYMENT AND BOARD OF COMMISSIONERS EXPENSES (03): County Administrator Crawley explained that

the Board tabled the Travel Policy at the August 4, 2009 meeting for staff to make changes that were discussed.

Commissioner Utley made a motion to amend the Effingham County Board of Commissioners Human Resources Standards of Practice Section 2.14 – Travel, Employment and Board of Commissioners expenses (see minute book page ____).

Commissioner Brantley seconded the motion. The motion carried unanimously.

NEW BUSINESS

AWARD PRESENTATIONS AND RECOGNITION FOR SUPERVISORS AND DEPARTMENT HEADS THAT HAVE SUCCESSFULLY COMPLETED THE DALE CARNEGIE COURSE IN MAY/JULY 2009 SESSION (01): Human Resources Director Hudzinski-Sero explained that Ms. Karen Arnold, Ms. Stephanie Johnson, Mr. Jimmy Parker and Ms. Jane Young had successfully completed the Dale Carnegie Course in the May/July 2009 session and received recognition during the program.

Sanitation Director Burns was extended a special program thank you for her assistance in the organization of the SWANA National Convention held in Savannah in June, 2009.

Staff has requested that the Board recognize these individuals for their accomplishments during the presentation of their individual awards.

CONSIDERATION TO APPROVE AN AGREEMENT WITH TRAYLOR BUSINESS SERVICES, INC. TO VERIFY TAX RETURNS ON BUSINESS PERSONAL PROPERTY REPORT (02): Chief Tax Appraiser Bevill explained that the appraisal procedures manual was developed in accordance with Georgia Code Section 48-5-269.1 which directs the Revenue Commissioner to adopt by rule, subject to Chapter 13 of Title 50, the “Georgia Administrative Procedure Act” and maintain an appropriate procedural manual for use by the county property appraisal staff in appraising tangible real and personal property for ad valorem tax purposes. The purpose of this program is to assure that equal treatment is provided to all taxpayers by establishing a verification program in which all accounts are examined. The agreement with Traylor Business Services, Inc. will be to verify tax returns on business personal property reports and keep Effingham County in compliance with Georgia Law and the rules and regulations adopted by the Georgia Department of Revenue.

Commissioner Utley made a motion to approve an agreement with Traylor Business Services, Inc. to verify tax returns on business personal property report (see

minute book page __). Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO AWARD A BID ON A PUMPER/TANKER FOR THE FIRE DEPARTMENT AND APPROVE A RESOLUTION FOR FINANCING FOR THE PUMPER/TANKER (03): Public Safety Director Ashcraft explained that a replacement fire truck is scheduled for fire station number 7 in the Mizpah/Kildare area. The old Kildare truck will be moved to the Egypt station and the old Grumman Engine at Egypt will be moved to reserved status. The 5000 gallon forestry tractor-trailer tanker will move to reserve status. This will allow the 2003 model Tanker at station 7 be relocated to the Faulkville area. This request combines the function of an engine and a tanker into a single apparatus. This configuration is appropriate for our smaller satellite stations and should produce a cost savings of over \$200,000. There are two options to pay for this purchase. The County can pay cash from the Fire Fund or finance the purchase with a low interest rate loan. With current interest rates, it may be in the County's best interest to keep the cash in reserve and go with a financing option. Staff is asking for Board approval of a resolution to allow the Finance Director, County Administrator and County Attorney to obtain the financing option that is most beneficial for the County at this time.

Commissioner Phillips made a motion to award a bid to Pierce for the pumper/tanker for the Fire Department and approve the Finance Director to secure the purchase and continue to review the financing option until the completion date is closer (see minute book page ____). Commissioner Loper seconded the motion. The motion carried unanimously.

APPEARANCE

ROB CONNOR – Mr. Rob Connor requested that the Board put a moratorium on Sunday alcohol sales.

NEW BUSINESS- CONTINUED

CONSIDERATION TO APPROVE THE FINAL PLAT, A LETTER OF CREDIT IN THE AMOUNT OF \$80,346 FOR BONDING OF ALL UTILITIES AND INFRASTRUCTURE AND A LETTER OF CREDIT FOR A GRASSING BOND IN THE AMOUNT OF \$11,544 FOR HONEY RIDGE SUBDIVISION, FINAL PHASE (04): County Engineer Liotta explained that all the documentations were not submitted, therefore this item needs to be tabled until September 1, 2009.

Commissioner Phillips made a motion to table the final plat, letter of credit, and grassing bond for Honey Ridge Subdivision, Final Phase. Vice-Chairman Lewis seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A CONTRACT WITH THOMPSON'S SPORT SHOP FOR ATHLETIC APPAREL FOR THE RECREATION DEPARTMENT (05): Purchasing Agent Newland explained that on August 4th, the Board of Commissioners accepted the bid from Thompson's Sports Shop to provide Athletic Apparel for the Recreation Department. The Board now needs to approve the contract with Thompson's Sport Shop.

Commissioner Phillips made a motion to approve a contract with Thompson's Sport Shop for Athletic Apparel for the Recreation Department (see minute book page ____). Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A LEASE AGREEMENT WITH TOSHIBA FOR TWO COPIERS FOR SANITATION DEPARTMENT AND E-911 COMMUNICATION CENTER (06): Purchasing Agent Newland explained that in July, 2008 the Board awarded the bid for copiers to DocuQuest, a Toshiba company, with the expectation that all copiers would be standardized and the leases would eventually be consolidated into one lease. Currently, there are 27 copiers in various departments throughout the County. Twenty-one copiers have been replaced with Toshiba units. The final six copiers are on leases that expire in late 2010. Currently, the Sanitation Department does not have a working copier and E-911 Communication Center is currently operating with a loaner machine.

Vice-Chairperson Lewis made a motion to approve a lease agreement with Toshiba for two copiers for Sanitation Department and E 911 Communication Center (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO PURCHASE A NEW GENERATOR FOR THE OPERATION OF THE FUEL PUMPS AT THE BACKYARD FUEL ISLAND (07): Purchasing Agent Newland explained that the generator currently in use for the fuel pumps is a manual unit that requires someone to physically turn it on to run. This is a potential problem if there is a weather emergency or catastrophic event which may prohibit someone from getting to the unit and thus the County will be without fuel. Cummins is the lowest quote received and the generator meets the needs of the County. The old generator will be maintained as a portable unit.

Chairman Zeigler made a motion to purchase a new generator from Cummins for the operation of the fuel pumps at the backyard fuel island (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A BID AND CONTRACT FOR THE SURFACE TREATMENT OF FOURTEEN EXISTING ASH ROADS IN EFFINGHAM COUNTY (08): Purchasing Agent Newland explained that staff and OMI produced bid specifications for surface treatment of various ash roads in Effingham County. The bid was sent to eight contractors. Littlefield Construction Company was the lowest bidder. Staff requests that the Board award the bid and contract for the surface treatment of Fourteen Existing Ash Roads to Littlefield Construction Company.

Commissioner Utley made a motion to award a bid and contract for the surface treatment of fourteen existing Ash Roads to Littlefield Construction Company (see minute book page ____). Commissioner Phillips seconded the motion. Chairman Zeigler opposed the motion. Vice-Chairperson Lewis, Commissioner Phillips, Commissioner Utley, Commissioner Loper, and Commissioner Brantley voted in favor of the motion. The motion carried.

DISCUSSION OF THE BOARD OF COMMISSIONERS MAJOR MEDICAL AND SUPPLEMENTAL INSURANCE CONTRACT (09): Human Resources Director Hudzinski-Sero explained that the Board has received the renewal contract for major medical and supplemental insurance which represents all of the components of the current insurance plan. The National Average Increase of 20 to 22% was expected and our current average increase is 14%. The claim experience showed expenditure above/below premiums and loss ratios in medical (-27%), prescription (-10%), and dental (-7%) plans. Staff wanted to bring the information on the major medical and supplemental insurance for the Board to review before bringing the actual numbers and contract. Staff will continue to rework this rate.

CONSIDERATION TO HIRE NATALIE JENKINS AS TEMPORARY HELP IN THE COMMISSIONERS OFFICE (10): Human Resources Director Hudzinski-Sero explained that an employee of Department 11, County Commissioners, has requested a family medical leave act (FMLA) request beginning approximately in November, 2009. The federally mandated time allowance is 12 weeks of leave and is stated in the current Effingham County Human Resources Standards of Practice. This county office is supported by one position with no additional staff. A temporary employee

will be required to fulfill the job responsibilities required by the county/state for the position during the medical leave time. This position meets the Department of Labor Standard of a “key position” under FMLA guidelines. In this case, a temporary employee can be hired to assume the duties of the position until the employee returns to work. The replacement of a key position requires training of the temporary employee in specific job tasks. The job tasks are governed by both the Board of Commissioners and the State of Georgia requirements, indicating a further need for training in succinct areas to continue the specific mandated job tasks of the position during the medical leave window. No additional funds are required. Funds are budgeted yearly for FMLA leave requirements for all departments.

County Attorney Gotwalt stated that the Board might want to discuss the person in executive session and approve the position in regular session.

Commissioner Phillips made a motion to hire Natalie Jenkins as temporary help in the Commissioners Office. Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO SURPLUS VEHICLES FOR DISPOSITION (11):

Project Manager Kobek explained that from time to time the county has vehicles that are old, beyond the cost of repair, high mileage or unusable. There are now several vehicles that are ready to be moved from active service due to high mileage and excessive wear. The City of Springfield is requesting the ambulance and the buses will be auctioned or scraped.

Commissioner Loper made a motion to surplus the vehicles for disposition (see minute book page __). Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A CHANGE ORDER NUMBER 3 FOR

OLD AUGUSTA ROAD PHASE I (12): Project Manager Kobek explained that in early 2008 the Board executed a contract for the construction of Old Augusta Road Project Phase I. The work has been ongoing since April, 2008 and is approaching completion. During the course of the project, the Board has authorized change orders for subsurface problems; changes in the scope of work or other issues that have arisen. This change order number 3 is for additional casing for future water and sewer projects, and power transmission and distribution lines to be run underneath the roadbed. The cost associated with this change order is \$65,099.50. The materials to be purchased consist of

PVC conduits and various size casings. The contract is also extended by 40 days. At the conclusion of the 40 days the project should be drive ready, pending any future adverse weather days. This new contract price for the road will increase to \$5,106,721.85.

Commissioner Loper made a motion to approve change order number 3 for Old Augusta Road Phase I (see minute book page ____). Commissioner Brantley seconded the motion. Commissioner Phillips opposed the motion. Chairman Zeigler, Vice-Chairperson Lewis, Commissioner Utley, Commissioner Loper and Commissioner Brantley voted in favor of the motion. The motion carried.

CONSIDERATION TO APPROVE THE ACCG-GSIWCF SAFETY DISCOUNT VERIFICATION FORM (13): County Clerk Crawley explained that ACCG-GSIWCF handles the Board of Commissioners workers' compensation insurance. By taking advantage of the Loss Control & Safety Incentive Discount Program, the Board will received a 7.5% discount on the 2010 ACCG-GSIWCF workers' compensation insurance premium. The criteria is to designate a safety coordinator, which is Patrice Crawley, attend one additional LGRMS sponsored training session, have a personnel policy manual in place for the County and Sheriff Departments, return an injured worker to work, and implement a drug-free workplace program.

Commissioner Utley made a motion to approve the ACCG-GSIWCF Safety Discount Verification Form (see minute book page ____). Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RIGHT-OF-WAY CERTIFICATE WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION ON CLYO-KILDARE ROAD (14): County Administrator Crawley explained that the Georgia Department of Transportation is offering to pave Cloy-Kildare Road from the pavement joint back to State Route 21 utilizing stimulus funds as part of the Stimulus Certification Package. The 10.257 stretch of road is in poor condition and in need of patching, leveling, resurfacing, striping and shoulder work. In order for the Georgia Department of Transportation to complete this work, the Board needs to execute a Right of Way Certification.

Commissioner Utley made a motion to approve a right-of-way certification with Georgia Department of Transportation on Cloy-Kildare Road (see minute book page ____). Commissioner Loper seconded the motion. The motion carried unanimously.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Commissioner Phillips discussed the following:

- ◆ Rural Transportation
- ◆ H1N1 report
- ◆ Hospital request

Project Manager Kobek discussed the following:

- ◆ EMS/OMNI flight site
- ◆ Morgan Road
- ◆ Steel Bridge

County Administrator Crawley discussed the following:

- ◆ Old Augusta Phase II
- ◆ Hwy 80 drainage issues
- ◆ Effingham Parkway
- ◆ Chamber of Commerce – Gateway to Effingham
- ◆ Courthouse update
- ◆ Sheriff Administrative Complex
- ◆ Water and sewer with the City of Rincon and Guyton
- ◆ Board of Assessors
- ◆ Official Boards and their meeting location
- ◆ County owned property
- ◆ REMI – Cost for Grandview – Mickey Kicklighter presented the request

DINNER BREAK

At 5:14 p.m., the Board took a break for dinner.

EXECUTIVE SESSION

At 5:50 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 _____).

The Board of Commissioner reconvened at 6:02 p.m. for Planning Board Presentments.

PLANNING BOARD PRESENTMENTS

Chairman Zeigler explained that Planning Board Old Business Number 01 and 02 were removed during the agenda approval.

OLD BUSINESS

ELLIS SKINNER OF LES DEVELOPMENT – SKETCH PLAN APPROVAL

(02) – Zoning Administrator Shaw presented a sketch plan request from Ellis Skinner of LES Development for the Bluejay Road Development formerly known as Magnolia Spring Map and Parcel 300-16.

Mr. Seller explained his concerns of the sketch plan.

Mr. Alec Metzger and Mr. Ellis Skinner explained why the sketch plan should be approved.

Vice-Chairperson Lewis made a motion to table the sketch plan approval to the September 15th meeting. 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.

NEW BUSINESS

MICHAEL WOODS AND DONALD JEFFCOAT – PUBLIC HEARING

(04): A Public Hearing was held on the application by Michael Woods and Donald Jeffcoat to rezone 14.93 acres located on Hwy 119 South from R-1 to R1A map 320 Parcel 50B in the Fourth District.

Zoning Administrator Shaw presented the request.

Attorney Mickey Kicklighter explained why the rezoning should be approved.

Mr. Jack Malcolm, Mr. Wayne Edwards, and Mrs. Judy Zittrouer explained their concerns about the rezoning.

Mr. Devon Dean explained why the rezoning should be approved.

Commissioner Loper made a motion to approve the rezoning request from Michael Woods and Donald Jeffcoat with staff recommendation and that homes will be new module homes or stick built and the entrance shall be landscape. Chairman Zeigler seconded the motion. Vice-Chairperson Lewis, Commissioner Phillips, Commissioner Utley, and Commissioner Brantley opposed the motion. Motion fails.

Commissioner Phillips made a motion to table the rezoning until September 15th. Commissioner Brantley seconded the motion. The motion carried unanimously.

PATRICIA SAXON – PUBLIC HEARING (05) - A Public Hearing was held on the application by Patricia F. Saxon to rezone 1 acre located at 220 Saxon Drive from AR-1 to AR-2 Map 301-52, 53 in the First District.

Zoning Administrator Shaw 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. 301-52, 53 to rezone 1 acre located at 220 Saxon Drive 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 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. Lots 301-52 and 53 must be combined to meet the minimum requirements of the AR-2 zoning district.

Commissioner Loper seconded the motion. The motion carried unanimously.

GLOBAL ONE, LLC – PUBLIC HEARING (06): The applicant for Global One was not present.

Commissioner Brantley made a motion to table the request from Global One, LLC. to September 15, 2009. Commissioner Loper seconded the motion. The motion carried unanimously.

RAMONA G. GAY – PUBLIC HEARING (07): Zoning Administrator Shaw explained that Ms. Gay had resolved her request for a variance. Therefore, she requests the Board withdraw her request.

Commissioner Brantley made a motion to remove Ramona G. Gay's request for variance located at 1621 Sandhill Road Map Parcel 39A. Chairman Zeigler seconded the motion. The motion carried unanimously.

LAWTON LANCASTER – PUBLIC HEARING (08): A Public Hearing was held on the application by Lawton Lancaster for a variance use to subdivide a lot off of an easement located at 978 Springfield Egypt Rd Map 365 Parcel 22 in the Third District.

Zoning Administrator Shaw presented the request.

Mr. Frank Arden explained why the request should be approved.

There were no public comments.

Commissioner Utley made a motion to approve the variance use to subdivide a lot off of an easement located at 978 Springfield Egypt Rd Map 365 Parcel 22 with the stipulation that there be no further subdivision of the subject property. Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

W. DARREL HUTCHESON – PUBLIC HEARING (09): A Public Hearing was held on the application by W. Darrell Hutcheson for a variance of Section 6.6 to subdivide a parcel located at 518 Shirley Drive Map 370C Parcel 10 in the Fourth District.

Zoning Administrator Shaw 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. 370C-10 for

a variance of Section 6.6 to subdivide a parcel located 518 Shirley Drive. Commissioner Phillips seconded the motion. The motion carried unanimously.

CONTINUED - EXECUTIVE SESSION

At 7:50 p.m., Chairman Zeigler made a motion to go into Executive Session to discuss personnel, property and pending litigation. Commissioner Loper 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 _____).

ADJOURNMENT

At 8:20 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