# 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, October 20, 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. Adam Kobek, Project Manager, Mr. Steve Liotta, County Engineer, Ms. Carolyn Collins, Mr. Freddy Long, Ms. Ruth Lee, Mr. Rusty Ross, Mr. Wilmer Nease, Ms. G. Susan Hadley, Ms. Vickie Steele, Ms. Michelle Steele-Taylor, Ms. Suzanne Parr, Mr. Timothy D. Miller.

## 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 Planning Board Old Business Number 1 requested to have their item tabled until the November 17th meeting from the Agenda.

Commissioner Phillips made a motion to approve the Agenda Resolution with tabling Planning Board Old Business Number 1. Commissioner Loper seconded the motion. The motion carried unanimously.

## MINUTES

Commissioner Loper made a motion to approve the minutes for the October 20, 2009 Board of Commissioners Meeting. Commissioner Utley seconded the motion. The motion carried unanimously.

## PUBLIC COMMENTS

Chairman Zeigler requested that public comments be made as the item comes up.

## CONSENT AGENDA

Chairman Zeigler read out loud Item Number 1. Chairperson Lewis made a motion to approve the Release of penalties as submitted by the Tax Commissioner. Commissioner Loper seconded the motion. The motion carried unanimously.

**OLD BUSINESS**

**CONSIDERATION TO APPROVE A POLICY ON APPOINTING THE BOARD OF TAX ASSESSORS (01):** County Administrator Crawley stated that at the October 6, 2009 meeting the staff drafted a policy and the Board tabled the policy. This would give the Board enough time to submit and review their nominees for the Board of Assessors. The Board stated that they wanted a Background check added to the drafted policy.

Commissioner Phillips made a motion to approve a policy on appointing the board of tax assessors (see minute book page _____). Commissioner Utley seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**CONSIDERATION TO EXECUTE AN AGREEMENT WITH GEMA FOR THE FY 09 PERFORMANCE PARTNERSHIP AGREEMENT AWARD (01):** Public Safety Director Ashcraft explained that the agreement with GEMA has been an agreement that has been approved for the past couple of years and it does not change the budget. This agreement costs .30 cents per person in the county. Commissioner Loper made a motion to execute an agreement with GEMA for the FY 09 Performance Partnership agreement award (see minute book page _). Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE WARRANTY DEED FOR BROOKSTONE SUBDIVISION (02):** County Engineer Liotta explained that Brookstone of Effingham Homeowners Association requested that the County accept ownership and maintenance of the infrastructure for Brookstone Subdivision located off of Ebenezer Road. Water services are provided by the City of Springfield and sewer services are provided by individual septic tanks. The final plat was approved by the Board and now the board needs to accept the Warranty Deed for Brookstone Subdivision.

Commissioner Phillips made a motion to approve the warranty deed for Brookstone Subdivision (see minute book page ). Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE INMATE MEDICAL BENEFIT PLAN RENEWAL WITH UNIAMERICA INSURANCE COMPANY FOR THE JAIL (03):** County Administrator Crawley explained that every year the board contracts with a carrier for the catastrophic inmate medical insurance. Uniamerica Insurance Company has been the carrier since 2001. This policy covers the period of October 1, 2009 and September 30, 2010 with an annual premium of $12,744 and provides coverage for additional liabilities that can be incurred from injuries to inmates.

Commissioner Utley made a motion to approve the inmate medical benefit plan renewal with Uniamerica Insurance Company for the Jail (see minute book page _). Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE SUBMITTING THE GATEWAY GRANT FROM GEORGIA DOT FOR THE SR-21 CORRIDOR (04):** Project Manager Kobek explained that the Chamber of Commerce and the County are partnering for a Gateway Grant. The area will be from Highway 21 at the southern limits of Rincon to the median adjacent to McCall Road. The county will oversee the maintenance for 50 years.

Mr. Freddy Long spoke to the Board explaining the different vegetation that will be used.

Commissioner Phillips made a motion to approve submitting the Gateway Grant from Georgia DOT for the SR 21Corridor (see minute page book ___).Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A GRANT WITH COUNCIL OF JUVENILE COURT JUDGES OFFENDERS PROGRAM OF GEORGIA IN THE AMOUNT OF $3,000 FOR PURCHASE OF SERVICES FOR THE JUVENILE OFFENDERS PROGRAMS (05):** Project Manager Kobek explained that this grant will provide assistance with community service projects and drug screenings. The award amount is $3,000.

Commissioner Loper made a motion to approve a grant with council of juvenile court judge's offenders program of Georgia (see minute book page __). Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE FUNDING TO GEORGIA DOT FOR ADDITIONAL ROAD STRIPING (06):** Project Manager Kobek explained that the state LARP program had previously approved to stripe certain roads with Effingham County. last year LARP striping was suspended and several approved roads were not

striped. The County requested the resumption of stripping of the previously approved roads. Georgia Department of Transportation (GDOT) has agreed to resume striping if the County agrees to pay the bill.

Vice-Chairperson Lewis made a motion to approve funding to Georgia DOT for additional road striping (see minute book page _____). Commissioner Loper seconded the motion.

**CONSIDERATION TO APPROVE AN ASSEMBLAGE PERMIT FOR DAVID BAUMANN (07):** County Administrator Crawley explained that David Baumann requested an assemblage permit to hold a turkey shoot. The turkey shoot will be held from October 20, 2009 until March 29, 2010.

Commissioner Utley made a motion to approve the assemblage permit. Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A PROCLAMATION TO DECLARE NOVEMBER 1, 2009 RETIRED EDUCATOR'S DAY (08):** This item was saved until later in the meeting.

**CONSIDERATION TO APPROVE A PROCLAMATION TO DECLARE THE MONTH OF NOVEMBER PANCREATIC CANCER AWARENESS MONTH (09):** Project Manager Kobek read aloud the Proclamation declaring the month of November Pancreatic Cancer Awareness Month. Commissioner Brantley made a motion to Proclaim November Pancreatic Cancer Awareness Month (see minute book page __). Chairperson Lewis seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE TWO NEW MEMBERS TO THE TAX ASSESSORS BOARD (10):** County Administrator Crawley explained that the Board approved a Resolution on October 15th to appoint two new members serve on the Tax Assessors Board.

Ms. Ruth Lee spoke about her taxes and her intentions to sue the County.

The Board voted by ballot to appoint Neal Kessler Jr. and John Kieffer to the Tax Assessors Board.

**CONSIDERATION TO APPROVE CONVEYING PROPERTY TO THE EFFINGHAM COUNTY HOSPITAL AUTHORITY FOR THE PROPOSED EXPANSION OF THE HOSPITAL (11) & CONSIDERATION TO APPROVE A RESOLUTION WHEREBY THE BOARD OF COMMISSIONERS WILL CONTINUE TO MAKE AVAILABLE TO HOSPITAL AUTHORITY UP TO 2**

**MILLS OF AD VALOREM TAX FUNDING EACH YEAR WHILE THE FINANCING OF THE HOSPITAL AUTHORITY'S PROPOSED MODERNIZATION IS OUTSTANDING AND FURTHER AUTHORIZES THE CHAIRMAN OF THE BOARD OF COMMISSIONERS TO NEGOTIATE AN APPROPRIATE CONTRACT FOR INDIGENT FUNDING, FOR REVIEW AN APPROVAL BY THE BOARD OF COMMISSIONERS (12):** County Administrator Crawley explained that the Effingham County Hospital Authority plans to expand and renovate their existing facility located on Highway 119. The current cost estimate for the expansion and renovation is $33.2 million. Facility, expansion is proposed to include the following: Alzheimer's Care Center with 14 beds, 25 acute hospital beds in private rooms, and new emergency department with 12 private patient rooms, 2 operating rooms, 3 post anesthesia care units, 8 ambulatory surgery positions, 1 endoscopic/minor procedure room, new central registration, diagnostic imaging with radiology, and expanded laboratory. Currently the proposed site plan attached. The Hospital Authority has requested the Board of Commissioners convey two tracts of land adjacent to the facility to allow the proposed expansion. The proposed tracts include the parcel located at the southwest corner of the intersection of SR 21 and SR 119 consisting of approximately 3.6 acres and portions of the Veterans Park tract located northwest of the pond adjacent to the existing nursing home wing and consisting of 1.5 acres. The transfer of property would be to the Hospital Authority. The Authority intends to move forward with HUD/FHA Section 242 Underwriting to provide financing of the funds need to construct the proposed addition. The funding application process requires approximately on year. The Authority intends to apply for Build America Bonds that would greatly reduce the interest rate. However, Build America Bonds will not be available after December, 2010.

By resolution dated the 13th of October, the Hospital Authority request the Board of Commissioners to pass a resolution supporting the County's intent to provide 2 mills of ad valorem tax funding each year while the financing of the expansion and renovation is outstanding. The terms of which would be addressed in a revised contract for indigent funding. This would replace the current indigent care funding contract presently in place. The revised contract would also eliminate the guarantee provided by the Board for any outstanding bond obligations.

Hospital Attorney Mr. Ross and Mrs. Marie Livingston spoke about the items.

Commissioner Phillips made a motion to table consideration to approve conveying property to the Effingham County Hospital Authority for the proposed expansion of the hospital (11) & consideration to approve a resolution whereby the Board of Commissioners will continue to make available to Hospital Authority up to 2 mills of ad valorem tax funding each year while the financing of the Hospital Authority's proposed modernization is outstanding and further authorizes the chairman of the board of commissioners to negotiate an appropriate contract for indigent funding, for review an approval by the Board of Commissioners (12) to the November 3rd meeting. Commissioner Loper seconded the motion. Commissioner Utley opposed the motion. Chairman Zeigler, Vice-Chairperson Lewis, Commissioner Phillips, Commissioner Loper and Commissioner Brantley voted in favor of the motion. The motion carried.

**REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF**

Commissioner Phillips discussed the following:
- Slow Children at Play Signs
- Old Augusta Road

County Clerk Crawley discussed the following:
- Middle Coastal Unified Development Authority

County Administrator Crawley discussed the following:
- Old Augusta Phase I
- Old Augusta Road Phase II
- Highway 80 drainage issue still working with DOT
- Effingham Parkway and meeting with Mr. Bobby Parham
- Surface Treatment
- Financial Report
- Hospital Ribbing Cutting
- Courthouse update
- EMS/ Omniflight
- Morgan Road
- Egypt Fire Completion
- Tuckasee King Boat Landing Update
- Performance Review
- Alcohol Hearing Update
- Board of Elections Meeting
- Coastal Comprehensive Plan
- Commissioners Special Called Meeting
- EPD Director Carol Couch's Resignation
- NACO Membership Renewal

County Engineer Liotta discussed the following:
- FEMA Meeting- Flood Zone

Zoning Administrator Shaw discussed the following:
- Coastal Comprehensive Plan

**DINNER BREAK**

At 5:11 p.m., the Board took a break for dinner.

**EXECUTIVE SESSION**

At 5:47 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 _____). Returned to Planning Board Presentments at 6:02 p.m.

**PLANNING BOARD PRESENTMENTS**

Chairman Zeigler explained that Planning Board Old Business Number 01 was tabled during the agenda approval.

**OLD BUSINESS**

**MICHAEL K. WOODS & DONALD JEFFCOAT – PUBLIC HEARING (01):** This item was tabled to November 17th during the Agenda Approval.

**GLOBAL ONE, LLC – PUBLIC HEARING (02):** The applicant for Global One, LLC was Held until later in the meeting.

**NEW BUSINESS**

**ELKIN B. MARIN – PUBLIC HEARING (03):** A Public Hearing was held on the application by Elkin B. Marin for rural business use located at 3156 Midland Road to operate a contracting and consulting business Map 374 Parcels 15 in the First District.

Zoning Administrator Shaw 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. 374- 15 to operate a contracting and consulting business located at 3156 Midland Rd. with the stipulation applicant shall meet all requirements of Sec. 3.15B, Rural Business, of the Effingham County Zoning Ordinance.

Commissioner Loper seconded the motion. The motion carried unanimously.

**TIMOTHY D. MILLER – PUBLIC HEARING (04):** A Public Hearing was held on the application by Timothy D. Miller to rezone 5 acres located at Midland Road from R-1 to AR-1 map 374 parcels 17 in the First District.

Zoning Administrator Shaw 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. 374- 17 to rezone 5 acres located at Midland Road from R-1 to AR-1 with the following stipulations:

1. Each lot shall meet 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 shall be approved by the Health Department and the Zoning Office.
5. Only site built homes shall be constructed on this property.

Commissioner Loper seconded the motion. The motion carried unanimously.

**WILMER RAY NEASE– PUBLIC HEARING (05):** A Public Hearing was held on the application by Wilmer Ray Nease to rezone 17.14 acres located at 1040 Sandhill Road from I-1 to AR-1 map 275 parcels 2B in the Second District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Vice-Chairperson Lewis made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 275- 2B to rezone 17.14 acres located at 1040 Sandhill Road from I-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.

Commissioner Brantley seconded the motion. The motion carried unanimously.

**G. SUSAN HADLEY– PUBLIC HEARING (06):** A Public Hearing was held on the application by G. Susan Hadley to rezone 5 acres located at 583 Murray Hill Road from AR-1 to I-1 map 276 parcel 9 in the Second District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Vice-Chairperson Lewis made a motion to approve the First Reading of the amendment to the Effingham County Zoning Ordinance, Map and Parcel No. 276- 9 to rezone 5 acres located at 583 Murray Hill Road from AR-1 to I-1 with the following stipulations:

1. Applicant shall meet all requirements of I-1 heavy zoning district with the exception there will be a 50 foot buffer on Thompson Landing Rd.
2. Applicant shall meet all requirements of Sec. 3.17 of the Zoning Ordinance.
3. Applicant shall show proof of State mining permit.
4. All wetland impacts shall be approved by USACE.
5. Murray Hill Rd. shall serve as the entry and exit from the site.
6. Hour of operation shall be 7 a.m. to 6 p.m.

7. Applicant shall submit plat.

Commissioner Brantley seconded the motion. The motion carried unanimously.

**SUZANNE PARR– PUBLIC HEARING (07):** A Public Hearing was held on the application by Suzanne Parr to rezone 1.5 acres located on Clyo Kildare Road from AR-1 to AR-2 map 309 parcels 9 in the Third District.

Zoning Administrator Shaw 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. 309-9 to rezone 1.5 acres located on Clyo Kildare 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 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 shall be approved by the Health Department and the Zoning Office.

Commissioner Loper seconded the motion. The motion carried unanimously.

**NEW BUSINESS -CONTINUED**

**CONSIDERATION TO APPROVE A PROCLAMATION TO DECLARE NOVEMBER 1, 2009 RETIRED EDUCATOR'S DAY (08):** Representative for Retired Educator's Ms. Patsy Zeigler read aloud the Proclamation to declare November 1, 2009 Retired Educator's Day.

Chairman Zeigler made a motion to Proclaim November 1, 2009 retired educator's day. (see minute book page _____). Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

**PLANNING BOARD PRESENTMENTS- CONTINUED:**

**DENISE MORRIS– PUBLIC HEARING (08):** A Public Hearing was held on the application by Denise Morris to rezone 3 acres located at Fourth Street Extension in Guyton from AR-1 to AR-2 map 319 parcels 38 in the Third District.

Zoning Administrator Shaw 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. 319-38 to rezone 3 acres located on Fourth Street Extension 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 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 shall be approved by the Health Department and the Zoning Office.

Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

**DEWEY STEELE– PUBLIC HEARING (09):** A Public Hearing was held on the application by Dewey Steele to rezone 5.40 acres located at 1688 Rincon Stillwell Rd. from R-1 to AR-1 map 461 parcels 37 in the Fourth 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, Map and Parcel No. 461-37 to rezone 5.40 acres located at 1688 Rincon Stillwell Road from R-1 to AR-1 with the following stipulations:

1. Each lot shall meet the requirements of the AR-1Zoning 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 shall be approved by the Health Department and the Zoning Office.
5. A 60' easement shall be shown on the subdivision plat.

Commissioner Brantley seconded the motion. The motion carried unanimously.

**ARTICLE II NOISE CONTROL ORDINANCE OF THE CODE OF EFFINGHAM COUNTY– PUBLIC HEARING (10):** A Public Hearing was held on the Article II Noise Control Ordinance of the Code of Effingham County.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Phillips made a motion to table Article II Noise Control Ordinance of the Code of Effingham to the November 17th meeting. Commissioner Loper seconded the motion. The motion carried unanimously.

**PLANNING BOARD OLD BUSINESS – CONTINUED**

**GLOBAL ONE, LLC. – PUBLIC HEARING (03):** A representative of Global One, LLC. was not present.

Chairman Zeigler made a motion to remove the request from Global One, LLC from the agenda. Commissioner Brantley seconded the motion. The motion carried unanimously.

**EXECUTIVE SESSION**

At 6:40 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 _____).

**ADJOURNMENT**

At 7:41 p.m. Chairman Zeigler made a motion to adjourn the meeting. Commissioner Phillips seconded the motion. The motion carried unanimously.

_____ _____

C. D. Zeigler, Chairman Patrice R. Crawley, County Clerk