

**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, March 16, 2010 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. Adam Kobek, Project Manager, Mr. George Shaw, Zoning Administrator, Mrs. Patrice R. Crawley, County Clerk, Ms. Rushe Hudzinski-Sero, Human Resources Director, Mrs. Joanna Wright, Finance Director, Mrs. Ruth Lee, Mr. Rick Rafter, Mrs. Elaine Spencer, Mrs. Bonnie Dixon, Mr. Steve Mobley, Mr. Ed Brown, Mrs. Norma Jean Morgan, Mr. Chris Mathews, Mr. Ronnie H. Brooks, Dr. J. Ratchford, Ms. Robin Massey, Mr. David Gunnels, Ms. Judy Gunnels, Ms. Joanne Mueller, Mr. Craig Mueller, Mr. George Padgett, Mr. David Lindner, and Ms. Marsha Lindner.

**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.

**WORKSHOP**

**4-H LUNCHEON:** Extension Service Coordinator Bill Tyson, 4-H Agent Jan Hall, 4-H Agent Program Assistant Connie Heidt, and Secretary Becky Smith provided lunch and presented the services that the Extension Service provides for Effingham County at the Extension Building on Hwy 119.

**APPEARANCE**

**COASTAL REGIONAL COMMISSION EXECUTIVE DIRECTOR ALLEN BURNS:**

A presentation on the Coastal Regional Comprehensive Plan was given to the Board by Ms. Trisha Reynolds.

**AGENDA APPROVAL**

Vice-Chairman Lewis stated that she had been notified that someone might like to speak on the matter of the rezoning of David and Judy Gunnels.

Vice-Chairman Lewis made a motion to approve the Agenda Resolution with the moving of Consent Agent 01 to the Old Business 01 (see minute book page \_\_\_\_).

Commissioner Loper seconded the motion. The motion carried unanimously.

**MINUTES**

Vice-Chairperson Lewis made a motion to approve the minutes for the March 02, 2010 Board of Commissioners Meeting. Commissioner Brantley seconded the motion. The motion carried unanimously.

**PUBLIC COMMENTS**

Chairman Zeigler stated that if anyone would like to discuss an Agenda Item, they may do so when that item is presented.

**NEW BUSINESS**

**CONSIDERATION TO APPROVE EFFINGHAM COUNTY BOARD OF COMMISSIONERS TO ACT AS FISCAL AGENT FOR THE EFFINGHAM COUNTY DRUG FREE COMMUNITIES GRANT (01):** Mrs. Bonnie Dixon explained that the goals of the Drug Free Communities grant are coalition development, community systems change, and substance use and abuse prevention. The strategies for these goals are to provide Effingham County families an array of programs and activities through multi-level, interagency collaboration which promote constructive lifestyles that discourage alcohol and drug abuse in youth and which will promote development of social environments that facilitate healthy and drug-free lifestyles. The Federal funded grant can be as much as \$125,000 per year for five years.

Commissioner Phillips made a motion to approve Effingham County Board of Commissioners to act as Fiscal Agent for the Effingham County Drug Free Communities Grant (see minute book page \_\_\_\_). Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A TECHNICAL SERVICE SUPPORT AGREEMENT WITH PHYSIO CONTROL FOR CARDIAC MONITORS (02):** Emergency Medical Services (EMS) Director McDuffie explained that Medtronic Emergency Response Systems is the company that Effingham County purchased cardiac monitors from. Physio Control will provide service, replacement parts and labor as well as replacement batteries.

Commissioner Brantley made a motion to approve a technical service support agreement with Physio Control for Cardiac Monitors (see minute book page \_\_\_\_). Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A RIGHT OF ENTRY AGREEMENT WITH VERIZON WIRELESS COMPANY FOR ACCESS TO THEIR COMMUNICATION TOWER SITE (03):** Public Safety Director Ashcraft explained that a request was made to Verizon Wireless Company for tower space to co-locate equipment for three of our digital radio systems. Verizon approved our co-location request contingent upon structural analysis and verification of ground space. The proposed agreement allows entry to the site for planning and engineering purposes only. The next step is to work on a lease agreement. If decided to proceed with a lease, the county will be required to furnish an equipment shelter, utilities, and antennas.

Commissioner Loper made a motion to approve a right of entry agreement with Verizon Wireless Company for access to their communication tower site (see minute book page \_\_). Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A WARRANTY DEED FOR WINDFIELD SUBDIVISION PHASE I (04):** County Administrator Crawley explained that Effingham Land Investors' attorney has submitted a Warranty Deed that requests the County to accept ownership and maintenance of the infrastructure for Phase I of Windfield Subdivision, located off of Highway 30. There are 103 lots and 14 houses in this development and water and sewer services are provided by Effingham County. Builders in the Subdivision are currently unable to close on homes due to the roads and right of way not being accepted by the County as public property. OMI, on behalf of Effingham County completed a final inspection on February 23, 2010, but has not recommended acceptance of the infrastructure. The pump station has not had a start up inspection by the pump manufacturer Flyght. The water and sewer agreement with Effingham Land Investors require that the County is to reimburse them quarterly from sewer impact fees collected for their cost incurred in constructing the pump station, plus interest. The bank has stated that they would work with the County on taking care of the deficiencies that were given by OMI.

Commissioner Phillips made a motion to table a warranty deed for Windfield Subdivision, Phase I until County Administrator Crawley can get with the Bank on who will

pay for the deficiencies. Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE LEASE AGREEMENTS WITH TOSHIBA FOR THREE COPIERS FOR EMS, ZONING DEPARTMENT, AND MAGISTRATE COURT**

**(05):** Purchasing Agent Newland explained that in July, 2008, the Board awarded the bid for copiers to DocuQuest, A Toshiba Company, with the expectation that the copiers would be standardized and the leases would eventually be consolidated into one lease. Currently, there are 29 copiers in various departments throughout the County. Twenty-two copiers have been replaced with Toshiba units. These departments will keep their current copiers. A new copier is needed for the EMS/OmniFlight Building currently under construction. Magistrate Courts Xerox lease has expired and the GIS Department will be moving and taking their copier with them.

Commissioner Phillips made a motion to approve lease agreements with Toshiba for three copiers for EMS, Zoning Department, and Magistrate Court (see minute book page \_). Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE CHANGE ORDER NUMBER 3 FOR HISTORIC COURTHOUSE REHABILITATION (06):**

Project Manager Kobek explained that at the October 6, 2009 meeting, the Board of Commissioners approved Change Order 1 and 2. Change order 1 was for Asbestos abatement. Change order 2 was for structural repairs, totaling \$46,145, which included structural engineering and structural repairs. The Board approved both change orders. When the AIA documents were drafted for signatures, the structural repairs and the structural engineering were placed on separate forms. Staff now needs to approve Change order 3 for signatures.

Commissioner Loper made a motion to approve change order number 3 for Historic Courthouse Rehabilitation (see minute book page \_\_). Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A PROPOSAL WITH PETROLEUM SERVICES GROUP FOR A FUEL TANK AT OMNIFLIGHT (07):**

Project Manager Kobek explained that the Board signed a lease agreement to house OmniFlight at a new location in Effingham County including the use of a 10,000 gallon fuel tank. At the last meeting, the Board voted to waive procurement formalities and move forward with a design build fueling system with Petroleum Services Group. PSG has created two proposals for your review based on state guidelines and requirements of OmniFlight for a

fueling system. The lower price is for a UL-142 Steel Tank for combustible fuel, the higher option is for a UL 2085 concrete enclosed tank typically used for combustible and flammable fuel. OmniFlight uses Jet Fuel which is only combustible and not flammable. Staff recommends approving the proposal with PSG for \$113,311.35.

Commissioner Loper made a motion to approve a proposal with Petroleum Services Group for a Fuel Tank at Omniflight (see minute book page \_\_\_\_).

Commissioner Brantley seconded the motion.

**CONSIDERATION TO APPROVE A PROPOSAL TO VERIFY INDIGENCY AND RECEIVE FUNDS PURSUANT TO O.C.G.A. 17-12-80 FROM ROBERT PERSSE CIRCUIT PUBLIC DEFENDER TO INDIGENCY VERIFICATION COMMITTEE (08):**

Project Manager Kobek explained that the Ogeechee Public Defenders Office is seeking authorization and support for a new measure to aid in the collection of fees and verify the indigent status of clients utilizing the Circuit Public Defenders services. The General Assembly may consider a bill to return these services to the County's management. Effingham County now partially funds the Ogeechee Circuit Public Defenders Office to handle indigent defense for defendants charged with crimes or bringing civil filing to the Effingham County Court System. The verification process is intended to ensure that the public defenders services are provided to those who are truly indigent and not provide services, at tax payer expense, for defendants who may not qualify for services.

Vice-Chairperson Lewis made a motion to approve a proposal to verify indigency and receive funds pursuant to O.C.G.A. 17-12-80 from Robert Persse Circuit Public Defender, to indigency verification committee (see minute book page \_\_\_\_).

Commissioner Utlely seconded the motion. The motion carried unanimously.

**CONSIDERATION TO REAPPOINT TOMMY EXLEY TO REPRESENT DISTRICT 4 ON THE HOSPITAL AUTHORITY (09):** County Clerk Crawley explained that Tommy Exley represents the fourth district on the Hospital Authority Board and his term expires February, 2010. Commissioner Loper would like to reappoint Mr. Exley.

Commissioner Loper made a motion to reappoint Tommy Exley to represent District 4 on the Hospital Authority Board. Commissioner Phillips seconded the motion. Chairman Zeigler opposed the motion. Vice-Chairperson Lewis, Commissioner Phillips, Commissioner Utlely, Commissioner Loper, and Commissioner Brantley voted in favor of the motion. The motion carried.

**CONSIDERATION TO PROCLAIM TREUTLEN HOUSE DAY APRIL 25, 2010 AND APRIL 2010 CHILD ABUSE PREVENTION MONTH (10):** Mr. Mose Mock presented a proclamation to proclaim Treutlen House Day April 25, 2010 and April 2010 Child Abuse Prevention Month.

Commissioner Phillips made a motion to proclaim Treutlen House Day April 25, 2010 and April 2010 Child Abuse Prevention Month (see minute book page \_\_\_\_). Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO EXECUTE THE AGREEMENT TO PARTICIPATE IN THE SUMMER FOOD SERVICE PROGRAM (11):** County Clerk Crawley explained that for the past several years, the Board of Commissioners has participated in the Summer Food Service Program. This program offers a nutritious summer lunch meal for children in the Rincon, Guyton, and Clyo area. Some of the costs of the program are reimbursed from state/federal funds. The overall costs to the general fund have continued to rise over the years.

Commissioner Phillips made a motion to execute the agreement to participate in the Summer Food Service Program (see minute book page \_\_). Commissioner Loper 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.

**CONSIDERATION TO APPROVE THE ACCG-GSIWCF AND IRMA SAFETY DISCOUNT VERIFICATION FORMS (12):** County Clerk Crawley explained that ACCG handles the Board of Commissioners workers compensation and the property & liability insurance program. In order to receive the safety discount, the Board must approve a verification form.

Vice-Chairperson Lewis made a motion to approve the ACCG-GSIWCF and IRMA Safety Discount Verification forms (see minute book page \_\_). Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE TRAVEL TO ATTEND ACCG 2010 ANNUAL MEETING (13):** County Clerk Crawley explained that April 24<sup>th</sup> through April 27<sup>th</sup> ACCG will be holding their annual meeting in Savannah. Commissioner Loper, County Administrator Crawley, and County Clerk Crawley would like to attend. The cost total cost will be \$470.00.

Commissioner Loper made a motion to approve travel as submitted to attend the ACCG 2010 Annual Meeting. Commissioner Utley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A PROJECT PROPOSAL FOR RESEARCH SERVICES PROVIDED TO THE BOARD OF COMMISSIONERS BY ARMSTRONG ATLANTIC STATE UNIVERSITY PUBLIC SERVICE CENTER TO EVALUATE THE FINANCIAL AND ECONOMIC ASPECTS OF THE EFFINGHAM COUNTY HOSPITAL EXPANSION (14):** County Administrator Crawley explained that the Effingham County Hospital Authority has requested that the Board of Commissioners provide two mils of ad valorem tax funding for the proposed modernization of the Hospital Facility. A significant amount of information has been provided to the Board by the Hospital Authority concerning their proposed modernization plan, construction cost, financing alternatives, and projected return on investment. Due to the magnitude of the commitment, it has been asked to get a nonbiased third party review of the proposal to better educate the Board concerning the proposal. Staff met with Dr. Michael Toma with the Department of Economics of Armstrong Atlantic State University to discuss the Hospitals proposal. Dr. Toma currently provides regional economic analysis through the Public Service Center of Armstrong. Based on information provided, Dr. Toma presented a project proposal consisting of two main components of commenting and critiquing the Hospital's current proposal and proposed alternative research to address the topic in question. The proposal consists of two major components; comment/critique, and proposed alternative research to address the topic. The total cost estimate is \$58,000.

Hospital Authority Chairman Rafter commented that the Hospital Authority has a Feasibility Study being done by Dixon Hughes and is willing to pay for a REMI Study to be done.

Dr. Joseph Ratchford stated that he is in favor of the moderation of the hospital.

Commissioner Loper made a motion to not approve the project proposal. Commissioner Utley seconded the motion. Roll call was Commissioner Brantley voted against the motion, Commissioner Loper voted for the motion, Chairman Zeigler voted against the motion, Vice-Chairperson Lewis voted against the motion, Commissioner Phillips voted for the motion, and Commissioner Utley voted for the motion. The motion was tied three to three, therefore, the motion to not approve the project proposal died.

Chairman Zeigler made a motion to approve the proposal. Commissioner Brantley seconded. Chairman Zeigler, Vice-Chairperson Lewis, and Commissioner Brantley voted in favor of the motion. Commissioner Loper, Commissioner Utlely, and Commissioner Phillips opposed the motion. The motion was tied three to three, therefore, the motion to approve the project proposal died.

Commissioner Phillips made a motion to table the proposal and for the Hospital to do the REMI study. Commissioner Brantley seconded the motion. The motion carried unanimously.

**OLD BUSINESS**

**HERMAN R. & LINDA A. PURNELL – SECOND READING TO REZONE (01):**

Commissioner Brantley made a motion to approve the second reading to amend the Zoning map 375E-5 by Herman R. & Linda A. Purnell to rezone .77 acres from AR-1 to B-1 located at 1243 Noel C. Conaway Road with the following stipulations:

1. Site development plans shall comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
2. All wetland impacts shall be permitted by USACE.
3. Subdivision plat shall be approved by the Health Department and the Zoning Office.
4. Conditional use shall be approved for restaurant only. If the restaurant fails, the applicant shall come back to the board to rezone accordingly.
5. Downward facing light shall be placed at the corner of the property near the intersection to help light up the intersection for evening pedestrian traffic.
6. Demonstration shall be performed on how large delivery trucks shall be able to make deliveries without blocking traffic on Nease Road.

Commissioner Loper seconded the motion. The motion carried unanimously.

**REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF**

County Administrator Crawley discussed the following:

- ◆ Old Augusta Phase I
- ◆ Old Augusta Phase II
- ◆ Highway 80
- ◆ Effingham Parkway
- ◆ I-16 Old River Road
- ◆ Impact Fee
- ◆ Recycling Program
- ◆ Chili cook off at the YMCA
- ◆ Financial Update
- ◆ Donation of Fire Extinguishers
- ◆ Guyton Water and wastewater

Human Resources Director discussed the following:

- ◆ CPR Saturday
- ◆ South Effingham Middle School Career Day

Chairman Zeigler discussed the following:

- ◆ HB 1303
- ◆ Invitation from Gateway Behavior
- ◆ Health Department grant
- ◆ Library

Commissioner Phillips discussed the following:

- ◆ Fire protection coverage

Commissioner Utlely discussed the following:

- ◆ Board of Education and the use of top soil

**EXECUTIVE SESSION**

At 5:23 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 property and pending litigations. (See copy of Chairperson’s affidavit on minute book page number \_\_\_\_\_).

**PLANNING BOARD PRESENTMENTS**

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

**NEW BUSINESS**

**DAVID AND JUDY GUNNELS – PUBLIC HEARING (01):** A Public Hearing was held on the application by David and Judy Gunnel to rezone 2.47 acres located at 1268 Kolic Helmey Road from R-1 to B-3 Map and Parcel 418C-1&2 in the First District.

Zoning Administrator Shaw presented the request.

Mr. David Gunnels explained why the rezoning should be approved.

Mr. George Padgett, Mr. Ted Johnson, Mr. Craig Mueller, Mr. David Lindner, and Mr. Carl Pittman explained why the rezoning should not be approved

Commissioner Brantley made a motion to deny the rezoning application by David and Judy Gunnel. Vice-Chairperson Lewis seconded the motion. Chairman Zeigler opposed the motion. Vice-Chairperson Lewis, Commissioner Utlely, Commissioner Loper, Commissioner Phillips, and Commissioner Brantley voted in favor of the motion. The motion carried.

**CONTINUED COMMITTEE REPORT**

County Attorney Gotwalt discussed the following:

- ◆ Request from Board of Elections

**EXECUTIVE SESSION**

At 6:33 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 property and pending litigations. (See copy of Chairperson's affidavit on minute book page number \_\_\_\_\_).

**ADJOURNMENT**

At 7:06 p.m., Chairman Zeigler made a motion to adjourn the meeting. Commissioner Phillips seconded the motion. The motion carried unanimously.

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C. D. Zeigler, Chairman

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Patrice R. Crawley, County Clerk