

**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 and Mr. Robert Brantley met in regular session at 5:00 p.m. on Tuesday, August 03, 2010 in the Commissioners' Meeting Room at the Effingham County Administrative Complex.

**PERSONS ATTENDING THE MEETING**

Mr. Eric Gotwalt, Assistant County Attorney, Mr. David Crawley, County Administrator, Mr. Adam Kobek, Project Manager, Mr. George Shaw, Zoning Administrator, Mrs. Joanna Wright, Finance Director, Mrs. Patrice Crawley, County Clerk, Mr. Phil Kieffer, Mrs. Brenda Lovett, Mrs. Vera Jones, and Ms. Lillie Smart Brown.

**CALL TO ORDER**

Chairman Zeigler called the meeting to order.

**INVOCATION AND PLEDGE TO THE FLAG**

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

**AGENDA APPROVAL**

County Administrator Crawley explained that in order for the Tax Digest to be approved, the PT 32.1 and 35 forms must be submitted. The Chief Tax Assessor and Tax Commissioner are submitting the Tax Digest to the Georgia Department of Revenue the week of August 9<sup>th</sup>.

Commissioner Phillips made a motion to approve a Resolution to Approve the Agenda with the addition to New Business Number 10 (see minute book page \_\_\_\_\_). Vice-Chairperson Lewis seconded the motion. The motion carried unanimously.

**CORRESPONDENCE**

Chairman Zeigler reported that each Commissioner has been furnished a copy of all correspondence received and that these are available for all interested persons to review in the County Clerk's office.

**MINUTES**

Vice-Chairperson Lewis made a motion to approve the minutes for the July 20, 2010 Board of Commissioners Meeting. Commissioner Brantley seconded the motion. The motion carried unanimously.

**PUBLIC COMMENTS**

4-H Agent Jan Hall and Ms. Amanda Starling with the Effingham County 4-H Program presented to the Board signs to promote no texting and driving that will be posted around the County.

Chairman Zeigler stated that anyone who wanted to comment on any agenda item may do so when the item is presented.

**CONSENT AGENDA**

Chairman Zeigler read out loud on the below Consent Agenda:

- (1) Errors and releases for Property Tax as submitted by the Tax Commissioner;
- (2) Second Reading to amend the Zoning Map and parcel 272-22 by Rebecca Rose for a variance to allow for a sign larger than 16 square feet located at 533 Old Louisville Road with the stipulation that the sign shall be up to 40 square feet and the sign shall only be illuminated three weekends per year;
- (3) Second Reading to amend the Zoning Map and parcel 345-36A by Brian and Genevieve Edwards for a conditional use to operate a horse boarding facility providing training and lessons located at 1768 Pleasant Acre Road with the stipulation that the applicant shall meet all requirements of Chapter 10, Animals of the Official Code of Effingham County, Georgia including the separation requirement of 200 feet from the nearest dwelling;

Commissioner Brantley made a motion to approve the Consent Agenda (see minute book page \_\_\_\_\_). Commissioner Loper seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**RETIREMENT PLAN MONTHLY OVERVIEW (01):** County Administrator Crawley gave an overview of the county retirement plan.

**CONSIDERATION TO APPROVE A DRINKING WATER LABORATORY CONTROL WITH EPD FOR THE HUNTER'S CHASE ABBEY LANE GROUNDWATER SYSTEM (02):**

County Engineer Liotta explained that the Georgia Safe Drinking Water Act and our EPD drinking water permit for the Hunter's Chase/Abbey Lane groundwater system require the water to be tested routinely for chemical constituents and

coliform bacteria to assure compliance with maximum contaminant levels. County staff received contracts from EPD offering to perform all required coliform laboratory services, provide all sampling containers, and report the results, for the period of July 1, 2010 through June 30, 2011. The fees are \$725 a year for the Hunter's Chase/Abbey Lane system. It is important to note that one advantage of EPD's lab is that if they do not provide the proper container at the proper time, the County cannot be held liable for a violation. Further, since the reporting is handled internally, it also eliminates the chance of the sample results getting lost in the mail, and the County being held in violation for failure to report. The cost is also substantially cheaper than expanding the wastewater lab and competitive with private service.

Commissioner Brantley made a motion to approve a Drinking Water Laboratory Contract with EPD for the Hunter's Chase Abbey Lane groundwater system (see minute book page \_\_\_\_). Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A DRINKING WATER LABORATORY CONTRACT WITH EPD FOR THE SURFACE WATER DISTRIBUTION SYSTEM (03):** County Engineer Liotta explained that the Georgia Safe Drinking Water Act and our EPD drinking water permit for the surface water system require the water to be tested routinely for chemical constituents and coliform bacteria to assure compliance with maximum contaminant levels. County staff received contracts from EPD offering to perform all required coliform laboratory services, provide all sampling containers, and report the results, for the period of July 1, 2010 through June 30, 2011. The fees are \$7,890 a year for the surface water system. It is important to note that one advantage of EPD's lab is that if they do not provide the proper container at the proper time, the County cannot be held liable for a violation. Further, since the reporting is handled internally it also eliminates the chance of the sample results getting lost in the mail, and the County being held in violation for failure to report. The cost is also substantially cheaper than expanding the wastewater lab and competitive with private service.

Commissioner Utley made a motion to approve a Drinking Water Laboratory Contract with EPD for the surface water distribution system (see minute book page \_\_\_\_\_). Commissioner Phillips seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE FIRST READING OF THE FLOOD DAMAGE PREVENTION ORDINANCE (04):** County Engineer Liotta explained that in 1986, the Board of Commissioners passed the first model ordinance for flood damage prevention, as required for participation in the National Flood Insurance Program (NFIP). The ordinance was modified in 1991 and 1995. The current ordinance regulates development in the areas designated as special flood hazard zones on the paper Flood Insurance Rate Maps (FIRM) dated March 18, 1987. Since the maps are being updated to Digital Firm (DFIRM) on December 17, 2010, we are required to update our ordinance to match the latest model by September 30. Staff has taken FEMA and EPD's model ordinance and re-organized it into the County's format. EPD has approved the proposed ordinance amendment. There are actually few substantive changes to the ordinance. Most of the differences are minor. However, failure to adopt an ordinance amendment based on the new model would result in the County being suspended from the NFIP, and federally – backed flood insurance would no longer be available to the citizens of Effingham County. NFIP insurance is required for all federally backed flood insurance and would no longer be available to the citizens of Effingham County. NFIP Insurance is required for all federally backed mortgages, such as FHA and VA, in special flood hazard areas, so these home loan programs would effectively become unavailable to homebuyers in flood zones.

There was no public comment.

Commissioner Loper made a motion to approve the First Reading of the Flood Damage Prevention Ordinance. Commissioner Phillips seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE LOCAL GOVERNMENT QUALIFICATION CERTIFICATION AGREEMENT (05):** County Administrator Crawley explained that any local government desiring to administer a Federal project must first submit a

LG Qualification Certification Agreement for review and approval. The Georgia Department of Transportation assume the responsibility of the U.S. Secretary of Transportation for all projects not on the National Highway System for design, plans, specifications, estimates, contract awards, and inspection of projects. Title 23 U.S.C. does recognize local entities as direct recipients of Federal Funds and GDOT is not relieved of these responsibilities by authorizing performance of work by a Local government. A local government, viewed in Federal regulations as a sub-recipient of Federal funds, must be determined by GDOT to have adequate delivery systems for the project and sufficient accounting controls to properly manage Federal funds. If the LG elects to use a consultant to meet its Federal-aid project responsibilities, the LG will provide a full time responsible public employee to be in charge. In order to administer a project, the Georgia Department of Transportation requires the local government to process an adequate organizational structure, experienced employees, and processes for project development that promotes on time project delivery. A local government cannot receive funds or enter into an agreement with GDOT without first attending and passing a Local Administered Project (LAP) Manual Training Course. The first step in obtaining certification is to complete and sign the LG Qualification Certification agreement and submitting it for review and approval.

Commissioner Loper made a motion to approve Local government Qualification Certification Agreement (see minute book page \_\_\_\_).

Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A CONTRACT WITH MODERN BUSINESS SYSTEMS, INC. (06):** Project Manager Kobek explained that at the Board's last meeting the bid for the Courthouse Furnishings was awarded to Modern Business System. The contract reaffirms the terms and conditions of the award.

Commissioner Brantley made a motion to approve a contract with Modern Business Systems, Inc. (see minute book page \_\_\_\_). Commissioner Phillips seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE AN ASSEMBLAGE PERMIT FOR EFFINGHAM COUNTY CHAMBER OF COMMERCE TO HOLD EFFINGHAM OKTOBERFEST (07):** Mr.

Rick Lott with the Chamber of Commerce explained that the Chamber is planning on holding an Oktoberfest on September 24<sup>th</sup> noon to 10 p.m. and September 25<sup>th</sup> 9 a.m. to 11 p.m. The location will be McCall Plaza with food, beverage, entertainment, children activities and arts & crafts.

Commissioner Loper made a motion to approve an Assemblage Permit for Effingham County Chamber to hold Effingham Oktoberfest. Commissioner Phillips seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE APPOINTING A REPRESENTATIVE FOR THE LIBRARY BOARD (08):** County Administrator Crawley explained that the Board of Commissioners has two representatives on the Library Board. Mr. Larry Weddle's term is up for the Library Board and is interested in being reappointed. After advertising the opening on the Library Board, there have been three people who are interested in serving on this Board. Mrs. Alice Bennett and Mrs. Beatrice Saba have recommended keeping Larry Weddle on the Library Board.

Commissioner Phillips made a motion to table the appointment of the Library Board until the people interested can be interviewed for the appointment. Commissioner Loper seconded the motion. The motion carried unanimously.

**DISCUSSION OF THE DRAFT ETHICS ORDINANCE (09):** County Administrator Crawley explained that as previously discussed and requested by the Board of Commissioners, staff has researched and presents the draft Ethics Ordinance for discussion. The draft is taken from the "Model Ethics Ordinance for Counties" created by ACCG. The model ordinance is thorough and complete, providing two options for the creation of an Ad Hoc Board of Ethics or the creation of a Standing Board of Ethics. The subject ordinance may apply to not only County Commissioners, but to employees, and boards or authorities appointed by the Board of Commissioners. However, the Board may choose not to include employees as the Human Resources Manual currently outlines a disciplinary and appeals process. This ordinance would not apply to Constitutional Officers as the Board of Commissioners does not have management authority with regard to the day to day operations of such officers and the Board of Commissioners is not authorized to enforce action against these officials.

**NEW BUSINESS**

**CONSIDERATION TO APPROVE THE PT 32.1 AND 35 FORMS (10):** Chief Tax Appraiser Bevill explained that PT 32.1 and 35 forms are necessary for the Tax Digest.

Vice-Chairperson Lewis made a motion to approve the PT 32.1 and 35 Forms (see minute book page \_\_\_\_). Commissioner Brantley seconded the motion. The motion carried unanimously.

**REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF:**

Commissioner Brantley discussed the following:

- ◆ Hospital quarterly report

County Administrator Crawley discussed the following:

- ◆ Insurance Committee
- ◆ Chamber Retreat – Commissioner Brantley and County Administrator Crawley
- ◆ Building Committee needs to meet
- ◆ Library Board
- ◆ Committee Appointments Change – CRC – Commissioner Loper and Transportation – Commissioner Brantley
- ◆ State of the Ports Address – September 16<sup>th</sup>
- ◆ CRC inspection of the Senior Center
- ◆ Planning workshops
- ◆ School Resource Officers – Board of Education has increase the funding for the School Resource Officers. The Sheriff would like to add another resource officer
- ◆ Traffic Light at Hwy 21 and McCall Road has been approved

Chairman Zeigler discussed the following:

- ◆ Railroad Delays

**EXECUTIVE SESSION**

At 6:32 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 personnel, property and pending litigations. (See copy of Chairperson's affidavit on minute book page number \_\_\_\_).

At 7:30 p.m. the Board went back into Regular Session.

**ADDITION TO THE AGENDA**

Commissioner Phillips made a motion to add to the Agenda the Amendment to the County Administrators contract. Chairman Zeigler seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE AMENDMENT TO THE COUNTY**

**ADMINISTRATORS CONTRACT (11):** After reviewing the changes, Chairman Zeigler made a motion to approve the amendment to the County Administrators Contract (see minute book page \_\_\_\_). Commissioner Utley seconded the motion. The motion carried unanimously.

**ADJOURNMENT**

At 7:32 p.m., Chairman Zeigler made a motion to adjourn the meeting. Commissioner Utley seconded the motion. The motion carried unanimously.

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C. D. Zeigler, Chairman

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Patrice R. Crawley, County Clerk