

**THE EFFINGHAM COUNTY
COMMISSIONERS' MEETING**

The Board of Commissioners of Effingham County, Georgia, Mr. C. D. Zeigler, Chairman, Mr. Reginald S. Loper, Sr., Vice-Chairman, Mr. Robert Brantley, Mrs. Vera Jones, Mr. Steve Mason, and Mr. Phil Kieffer met in regular session at 5:00 p.m. on Tuesday, January 18, 2011 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, Mr. Tim Mathews, Mr. Charlie Kea, Mrs. Brandi Kieffer, Mrs. Sharon Mason, Mr. Chris Mason, Mrs. Ruth Lee, Mr. Wilson Burns, Mr. Richard Stille, Mrs. Sue Tebeau, Mr. Billy Tebeau, Mrs. Susan Plank, Mr. Robert Plank, Mrs. Beth Mosely, Mr. Butch Kieffer, Ms. Lori Masters Brown, Mr. Dwayne Ladner, Mr. Jim Presnell, Mr. Roy Floyd, Mr. Jerry Shaufburger, Mrs. Mary Kieffer, Ms. Vickie Decker, Mr. Steve Decker, and Mrs. Sherrie Baeten.

CALL TO ORDER

Chairman Zeigler called the meeting to order.

INVOCATION AND PLEDGE TO THE AMERICAN FLAG

Chairman Zeigler gave the invocation and led the Pledge to the American Flag.

AGENDA APPROVAL

Vice-Chairman Loper made a motion to approve the agenda as presented. Commissioner Mason seconded the motion.

CORRESPONDENCE

Chairman Zeigler stated that all correspondence for the Board of Commissioners is kept in the County Clerk's office. Anyone who is interested in viewing these may do so in the County Clerk's office.

MINUTES

Commissioner Mason made a motion to approve the January 04, 2011 minutes. Vice-Chairman Loper 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.

OLD BUSINESS

CONSIDERATION TO APPROVE THE SECOND READING TO AMEND THE OFFICIAL CODE OF EFFINGHAM COUNTY GEORGIA – ETHICS ORDINANCE (01):

Commissioner Jones explained that there were various conflicts between the ethics ordinance and the Official Code of Effingham County.

Commissioner Kieffer made a motion to approve the second reading to Amend the Official Code of Effingham County Georgia – Ethics Ordinance (see minute book page ____). Commissioner Jones seconded the motion. The motion carried unanimously.

NEW BUSINESS

CONSIDERATION TO APPROVE A STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE (01): Human Resources Director Hudzinski-Sero explained that the Department of Defense and the National Committee for Employer Support of the Guard and Reserve (ESGR) seeks to inform and educate employers about their rights and responsibilities towards their employees who serve in the National Guard and Reserve and to recognize and reward those employers who go “over and above” the requirements of the law in the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Commissioner Jones made a motion to approve a Statement of Support for the Guard and Reserve (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

APPEARANCE

Ms. Lori Brown with Sweet Water Grill spoke to the Board concerning:

- (1) Change the hours of operation from 11 a.m. to midnight to 11:00 a.m. to 2:00 a.m.
- (2) Allowing Sunday and Christmas Day Sales
- (3) Changing the prices of alcoholic drinks within any 24 hour period
- (4) Allowing more than two alcoholic beverages to any patron at one time
- (5) Allowing advertisements and promotions

Mrs. Susan Plank and Mr. Charlie Kea spoke concerning the items requested.

County Administrator Crawley explained that if the Board would like to amend the ordinance to allow pricing changes of alcoholic drinks, serve more than two beverages to a single patron and the advertisement and promotion restriction can be done. Allowing Sunday sales would have to be put on a referendum for the citizens of Effingham County to vote on.

Chairman Zeigler made a motion to add to the agenda item number 12 – Consideration to authorize staff to take the steps necessary to hold a referendum on the third Tuesday of March regarding Sunday Sales. Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A LIGHTING AGREEMENT WITH GEORGIA POWER FOR THE COURTHOUSE PARKING (02): Project Manager Kobek explained that extensive site work was completed during the historic courthouse rehabilitation project. Now that the project is complete, lights are needed to illuminate the parking lot for citizens and staff entering and exiting both the Judicial Complex and the Historic Courthouse. Five lights are planned for the two new parking islands and will be decorative light fixtures on standard black fiberglass poles.

Vice-Chairman Loper made a motion to approve a lighting agreement with Georgia Power for the Courthouse parking (see minute book page ____). Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A WARRANTY DEED FOR ROADS AND INFRASTRUCTURE IN EMERALD PLANTATION PHASE I (03): County Engineer Liotta explained that SunTrust Bank requests that the County accept ownership and maintenance of the infrastructure (roads, water and drainage not to include the ponds) for Emerald Plantation, located off of Blue Jay Rd. Water services are

provided by the County and the wastewater is handled through individual septic systems. The final plat for the development was approved on April 17, 2007.

Commissioner Brantley made a motion to approve a warranty deed for Roads and Infrastructure in Emerald Plantation Phase I (see minute book page _____). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE ASSIGNMENT OF WATER SERVICE AGREEMENT WITH SUNTRUST BANK FOR EMERALD PLANTATION, PHASE I (04): County Engineer Liotta explained that SunTrust Bank requests that the County approve the assignment of the Water Service Agreement from CJ Tybee LLC to SunTrust Bank. Funding is not required by Effingham County. All future credits under Section 5.B of the Agreement would go to SunTrust Bank instead of CJ Tybee, LLC.

Commissioner Brantley made a motion to approve an assignment of Water Service Agreement with SunTrust Bank for Emerald Plantation, Phase I (see minute book page _____). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION TO AMEND THE EFFINGHAM COUNTY WATER, SEWER, AND REUSE SCHEDULE OF FEES (05): County Engineer Liotta explained that according to the Water Agreement with Savannah, executed April 1, 2002, the base wholesale rate to Effingham County is the effective rate charged by Savannah to its retail water customers on the inside – city rate schedule. The City raised the inside city retail rates in 2010 and intends to raise them in 2011. In previous years, the Board of Commissioners has raised the rates for Effingham customers by the same amount as Savannah raised the rate to us; however, this was not done in 2010. The City of Savannah is raising the inside-city retail rate by six cents per thousand gallons in 2010 and intends to raise them five cents per thousand gallons in 2011. Staff recommends raising the residential, commercial, wholesale, and flushing rates by \$.11/1000.

Ms. Carole Hoage stated her concerns for the water rate changes.

Chairman Zeigler made a motion to table the item until additional information is provided. Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE BUDGET CALENDAR FOR FY 2012 (06):

County Administration Crawley explained that each year the County Administrator presents a budget calendar for the Board to consider. The calendar will provide an outline and significant dates in the budgeting process.

Vice-Chairman Loper made a motion to approve the budget calendar for FY 2012 (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE 2012 BOARD OF COMMISSIONERS COMMITTEE APPOINTMENTS (07):

County Administration Crawley explained that at the beginning of each calendar year the Board discusses and often revises their Commission Committee Appointments. Staff recommends the revision of the existing committees to group similar existing committees, streamlining the meeting process.

Vice-Chairman Loper made a motion to approve the 2012 Board of Commissioner Committee Appointments (see minute book page ____). Commissioner Mason seconded the motion. The motion carried unanimously.

DISCUSSION ON THE SERVICE DELIVERY AGREEMENT FOR FIRE SERVICES (08), DISCUSSION ON THE SERVICE DELIVERY AGREEMENT FOR JAIL FEES (09), DISCUSSION ON THE SERVICE DELIVERY AGREEMENT FOR RECREATION PROGRAM AND ACTIVITIES (10), and DISCUSSION ON THE SERVICE DELIVERY AGREEMENT FOR ROAD CONSTRUCTION AND MAINTENANCE (11): County Administration Crawley and County Attorney Gotwalt went briefly over the service delivery agreements. It was then decided more explanation is needed and will be done at a workshop at the February 3rd Board of Commissioners meeting.

ADDITION TO THE AGENDA

CONSIDERATION TO AUTHORIZE STAFF TO TAKE THE STEPS NECESSARY TO HOLD A REFERENDUM THE THIRD TUESDAY OF MARCH REGARDING SUNDAY SALES (12): Commissioner Brantley made a motion to authorize staff to take the steps

necessary to hold a referendum the Third Tuesday of March regarding Sunday sales. Chairman Zeigler seconded the motion. The motion carried unanimously.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Vice-Chairman Loper discussed the following:

- ◆ Inauguration of the Governor

Commissioner Mason discussed the following:

- ◆ Ash roads in the County

County Administrator Crawley discussed the following:

- ◆ Effingham Chamber's taste of Effingham
- ◆ Effingham Day at the Capitol
- ◆ Impact Fee presentment at the February 3rd meeting
- ◆ GEFA meeting
- ◆ Building projects meeting

EXECUTIVE SESSION

At 6:43 p.m. Chairman Zeigler made a motion to go into Executive Session to discuss personnel, property, and pending litigation. Commissioner Kieffer seconded the motion. The motion carried unanimously.

At 6:50 p.m. Chairman Zeigler made a motion adjourn Executive Session before any items were presented. Commissioner Brantley seconded the motion. The motion carried unanimously.

The Board reconvened at 7:04 p.m. to Planning Board presentments.

PLANNING BOARD PRESENTMENTS

NEW BUSINESS

MARK GLISSON AND NICKY POWELL – PUBLIC HEARING (01): A Public Hearing was held on the application by Mark Glisson and Nicky Powell to rezone 34.67 acres from R1 to R1 with the removal of the stipulation for acceleration and deceleration lanes located on Little McCall Road Map 391 Parcel 19 in the Fourth District.

Zoning Administrator Shaw presented the request.

Mrs. Sherrie Baeten explained her concerns for the removal of the stipulation.

Commissioner Loper made a motion to approve the First Reading to rezone 34.67 acres from R1 to R1 with the removal of the stipulation for acceleration and

deceleration lanes located on Little McCall Road Map 391-19. Commissioner Jones seconded the motion. The motion carried unanimously.

EFFINGHAM COUNTY – PUBLIC HEARING (02): A Public Hearing was held on the application by Effingham County to amend Appendix C – Zoning Ordinance, Section 5.15, 5.15.1, 5.15.2, and 5.15.3 of the Official Code of Effingham County.

Zoning Administrator Shaw presented the request.

No objectors were present.

Commissioner Brantley made a motion to amend the application by Effingham County to amend Appendix C – Zoning Ordinance, Section 5.15, 5.15.1, 5.15.2 and 5.15.3 of the Official Code of Effingham County. Commissioner Jones seconded the motion. The motion carried unanimously.

CONTINUED EXECUTIVE SESSION

At 7:22 p.m. Chairman Zeigler made a motion to go into Executive Session to discuss personnel, property, and pending litigation. Commissioner Kieffer seconded the motion. The motion carried unanimously.

County Administrator Crawley and Commissioners discussed personnel and pending litigation. (See copy of Chairperson’s affidavit on minute book page number _____).

ADJOURNMENT

At 9:15 p.m., Chairman Zeigler made a motion to adjourn the meeting. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

C. D. Zeigler, Chairman

Patrice R. Crawley, County Clerk