

**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, March 15, 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, Mrs. Ruth Lee, Mr. Roger Bowman, Ms. Carole Hogge, Mr. Jim Scott, Mr. Charlie Kea, Ms. Rose Harvey, Mr. Jack Garvin, Mr. Mickey Snelling, Mr. Ricky Stille, Mr. William Duncan, Mr. Paul Hanagan, Mr. B.V. Cooper, Mrs. Shirley Cooper, Mr. C. Dwayne Ladner, Mr. Wayne Kight, Mrs. Carolyn Collins, Mr. George Saraf, Mr. Mark Brown, Mrs. Betty Tatgenhorst, Mr. Kenneth Tatgenhorst, Mr. Jim Presnell, Mr. Bill Lee, Ms. Evelyn Graham, and Ms. Rose Mary Tebeau.

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

County Administrator Crawley explained that there are three items that are necessary to add to the agenda – (12) Consideration to approve a Proclamation proclaiming March 12, 2011 as Mrs. Kathleen E. Scruggs Day, (13) Consideration to approve awarding a bid, a contract and Notice to Proceed for Goshen Road water and sewer extension and (14) Consideration to approve a contract with EPD Drinking Water Laboratory Contract for Berryville Substation.

Vice-Chairman Loper made a motion to approve the agenda with the addition of New Business 12, 13, and 14. Commissioner Kieffer seconded the motion. The motion carried.

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

Vice-Chairman Loper made a motion to approve the February 15, 2011 minutes. Commissioner Mason 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.

CONSENT AGENDA

Chairman Zeigler read out loud the Consent Agenda Items.

CONSIDERATION TO APPROVE THE ERRORS AND RELEASES FOR MOBILE HOME TAX AS SUBMITTED BY THE TAX COMMISSIONER (01), CONSIDERATION TO APPROVE INSOLVENTS AS SUBMITTED BY THE TAX COMMISSIONER (02), CONSIDERATION TO APPROVE ERRORS AND RELEASES FOR PROPERTY TAX AS SUBMITTED BY THE TAX COMMISSIONER (03), AND CONSIDERATION TO APPROVE ERRORS AND RELEASES FOR MOTOR VEHICLES AS SUBMITTED BY THE TAX COMMISSIONER (04):

Commissioner Loper made a motion to approve the errors and releases for Mobile Home Tax, Property Tax, Motor Vehicles, and Insolvents as submitted by the Tax Commissioner (see minute book page ____). Commissioner Jones seconded the motion. The motion carried unanimously.

OLD BUSINESS

CONSIDERATION TO APPROVE A COUNTY JAIL AGREEMENT WITH THE CITY OF RINCON, SPRINGFIELD, AND GUYTON (01): County Administrator Crawley explained that after the meeting with the Cities, everyone felt that the Jail Agreement was okay to move forward.

County Attorney Gotwalt stated that the only addition was that the Sheriff needs to give the starting and ending hours per day at the jail.

Commissioner Mason made a motion to approve a County Jail Agreement with the City of Rincon, Springfield, and Guyton with the addition that the Sheriff needs to give the starting and ending hours per day at the jail (see minute book page). Commissioner Brantley seconded the motion. The motion carried unanimously.

APPEARANCE

REPUBLIC SERVICES TO PRESENT THE RECYCLE BANK PROGRAM: Mr. Art Smith and Mr. Jeremiah Smith gave a presentation and answered questions from the Board and Citizens concerning the Recycle Bank Program.

Ms. Carole Hogge, Mr. Mickey Snelling, Mr. Tim Mathews, and Mr. Jim Scott explained their concerns about having a recycling program in Effingham County.

NEW BUSINESS

CONSIDERATION TO APPROVE THE FINAL PLAT AND TO ACCEPT THE LETTER OF CREDIT FOR CYPRESS COVE SUBDIVISION (01): County Engineer Liotta explained that Mark Glisson on behalf of Nicky Powell Construction requests final plat approval of Cypress Cove Subdivision, which consists of 27 lots, located off Little McCall Road. Water Services are to be provided by a private community well system and wastewater is to be handled with individual septic tanks. Planning/Engineering staff has reviewed the final plat and final plat checklists, as well as the letter of credit for infrastructure maintenance and all is in order.

Vice-Chairman Loper made a motion to approve the final plat and to accept the letter of credit for Cypress Cove Subdivision. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A WARRANTY DEED FOR CYPRESS COVE SUBDIVISION (02): County Engineer Liotta explained that the Board previously approved the final plat and letter of credit for Cypress Cove. The next step is to approve a warranty deed for Cypress Cove Subdivision.

Commissioner Brantley made a motion to approve a warranty deed for Cypress Cove Subdivision with the stipulation that the plat reference is included

on the deed before being filed in Superior Court (see minute book page _).

Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN AGREEMENT WITH LIBERTY COUNTY EMA TO CONTINUE WITH THE WEB-EOC PROJECT (03): Public Safety Director Wright explained that the Web-EOC project was started in 2004 when Georgia Emergency Management Agency Area 5 was awarded a Federal Grant to implement the project. Effingham County EMA was a grantee in this project and the cost to continue with the project will be \$1,000 per year. The project will allow the Area 5 EMAs to communicate with each other during a storm and decide the ability to track what assets are deployed, what assets are available, and many other vital tools.

Commissioner Jones made a motion to approve an agreement with Liberty County EMA to continue with the Web-EOC project in the amount of \$1,000. (see minute book page ____). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN AMENDMENT TO THE AGING SERVICES CONTRACT WITH COASTAL REGION COMMISSION (04): Finance Director Wright explained that each year the County renews a contract with Coastal Regional Commission of Georgia – Area Agency on Aging to be the provider of meals to our senior citizens in Effingham County. Each four years the County competes for the ability to furnish these meals in house rather than an outside entity. This year a formal presentation was done in competition with entities from Chatham and the surrounding counties. Effingham County received the bid for the next four years. The annual contract has already been approved and an amendment was received to increase the funding. The current meal count served is 8900 congregate meals and 5841 home delivered meals.

Vice-Chairman Loper made a motion to approve an amendment to the Aging Services Contract with Coastal Region Commission (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A LIST OF PROJECTS THAT WILL BE CONSIDERED FOR INCLUSION ON THE UNCONSTRAINED LIST OF PROJECTS TO THE GEORGIA DEPARTMENT OF TRANSPORTATION (05): Civil Engineer Allen explained that all local governments, regional commissions and MPOs have been asked by the Georgia Department of Transportation Planning Director to submit a list of all projects that they would be considered for inclusion on the unconstrained list of projects. Effingham County staff, in conjunction with the Transportation Advisory Board, has compiled a list of projects which have been identified as a priority for Effingham County as well as meet the final criteria for the Coastal Georgia Special Tax District, as adopted by the Regional Roundtable. The potential list of projects is as follows: Effingham Parkway Phase 1-4, I-16/Old River Road overpass, Research Forrest East-West Connector, Springfield Truck Bypass, SR119 from Springfield to Guyton, rideshares at the North and South End of the County, and a connector road from the proposed Ebenezer High School to the new Old Augusta Road.

Commissioner Mason made a motion to approve the list of projects that was presented to be considered for inclusion on the unconstrained list of projects to the Georgia Department of Transportation. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN APPOINTMENT TO THE HEALTH DEPARTMENT BOARD (06): County Clerk Crawley explained that Dr. Michael Moore's appointment to the Effingham County Health Board has expired. Dr. Moore does not wish to be reappointed. The person that is to replace Dr. Moore must be an advocate for the County's needy, under privileged or elderly community. The Health Board meets quarterly and will be a six year term. The Board has received three committee profile sheets from: Gussie Nease, Norma Jean Morgan, and Joe Tallent.

Commissioner Brantley made a motion to appoint Gussie Nease to the Health Department Board. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE APPOINTMENTS TO THE PLANNING BOARD

(07): County Clerk Crawley explained that Jasper Lee, 3rd District, Peter Higgins, 5th District, and Wyatt Hunter of Guyton's positions on the Planning Board need to be filled. Jasper Lee and Peter Higgins are interested in staying on the Planning Board. The Planning Board meets on the fourth Monday of the month at the Administrative Complex. The Board received three committee profile sheets from: Stanley Mann, William Sillers, and Eva Goldwire.

Commissioner Kieffer made a motion to reappoint Peter Higgins to the Planning Board for another four years. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

Commissioner Mason made a motion to reappoint Jasper Lee to the Planning Board for another four years. Commissioner Jones seconded the motion. The motion carried unanimously.

Vice-Chairman Loper made a motion to appoint William Sillers to the Planning Board to fill the unexpired term of Wyatt Hunter. His term will end July, 2012. Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE APPOINTMENTS TO THE TAX ASSESSOR BOARD

(08): County Clerk Crawley explained that John Roberts and Larry Weddle's appointment on the Tax Assessor Board has expired. Mr. Roberts does not want to be reappointed but Mr. Weddle would like to be reappointed. The Tax Assessor Board meets the first Monday of the month at the Administrative Complex and the appointments are for four years. The Board received four committee profile sheets from: Larry Weddle, Clayton Pendleton, Carole Hogge, Lowell Morgan and Tim Mathews.

Commissioner Jones made a motion to appoint Tim Mathews to the Tax Assessor Board for four years. Commissioner Kieffer seconded the motion. The motion carried unanimously.

Commissioner Mason made a motion to appoint Lowell Morgan to the Tax Assessor Board for four years. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RIGHT OF WAY AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR OLD AUGUSTA PHASE 2A (09):

County Administrator Crawley explained that the County has been working to acquire all right-of-way related to the construction of Phase 2A of Old Augusta Road. The project consists of 2.58 miles of grading, drainage, base, and paving of Old Augusta Road beginning at Chimney Road and ending at Mallard Point Subdivision. The project will also include the installation of a signal at the intersection of Old Augusta Road and Georgia Highway 21. The proposed project cost is \$5,203,000 for road construction and \$150,000 for installation of the signal. The County has now acquired all right-of-way for Phase 2A, which required the commendation of 4 parcels. The Georgia DOT will contribute \$600,000 toward the project cost. The last remaining issue to deal with is utility relocation with Georgia Power.

Commissioner Brantley made a motion to approve a right of way agreement with the Georgia Department of Transportation for Old Augusta Phase 2A (see minute book page ____). Commissioner Mason seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A CONTRACT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR OLD AUGUSTA PHASE 2A (10): County Administrator Crawley explained that the board previously approved the right of way for Old Augusta Phase 2A with Georgia DOT and now the contract needed to be approved.

Vice-Chairman Loper made a motion to approve a contract with the Georgia Department of Transportation for Old Augusta Phase 2A (see minute book page _____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION IN SUPPORT OF HOUSE BILL 240 (11): County Administrator Crawley explained that House Bill 240 is before the Georgia General Assembly for consideration. The bill would allow for changes to the SPLOST project list, allowing for projects to be declared infeasible by resolution

and if approved by voters, the funds received for the infeasible project could be used to reduce debt and/or ad valorem taxes.

Commissioner Jones made a motion to approve a resolution in support of House Bill 240 (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

ADDITION TO THE AGENDA

CONSIDERATION TO APPROVE PROCLAIMING MARCH 12, 2011 AS MRS. KATHLEEN E. SCRUGGS DAY (12): County Administrator Crawley explained that Kathleen Scruggs was 100 years old on March 12, 2011. Some of the citizens of Effingham County held a birthday party honoring Mrs. Scruggs and requested that the Board of Commissioners proclaim March 12, 2011 as Mrs. Kathleen Scruggs Day. Since March 12th was before the Board of Commissioners meeting, the Commissioners were polled to approve the Proclamation, which was approved.

Vice-Chairman Loper made a motion to approve proclaiming March 12, 2011 as Mrs. Kathleen E. Scruggs Day. Commissioner Brantley seconded the motion. The motion carried unanimously.

Commissioner Jones stepped down due to possible conflicts.

CONSIDERATION TO APPROVE AWARDING A BID, CONTRACT AND NOTICE TO PROCEED FOR THE GOSHEN ROAD WATER AND SEWER EXTENSION TO HARCO CONSTRUCTION (13): County Administrator Crawley explained that the County has been requested to serve new businesses with water and sewer services in the Goshen Road area, while water and sewer lines are in the area and run along Goshen Road they are not accessible to the clients wishing to receive services. Private water providers in the area do not have the capacity to serve several of the new businesses. The County publically and competitively bid the water and sewer extension which will serve two new commercial customers while creating the availability to serve additional customers in the future. The apparent low bidder failed to meet all the bid criteria by not having the required state utility contractor's license. The second lowest bidder was able to meet all the bid criteria. Staff is requesting the Board award the bid, contract and notice to

proceed to HARCO Construction and the contract price of \$64,950. The contractor will have 60 days to complete the work from the date of the Notice to Proceed.

Vice-Chairman Loper made a motion to approve awarding a bid, contract, and notice to proceed for the Goshen Road water and sewer extension to HARCO Construction (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A CONTRACT WITH EPD DRINKING WATER LABORATORY CONTRACT FOR BERRYVILLE SUBDIVISION (14): County Engineer Liotta explained that the EPD permit for the water system at Berryville arrived the first of the month. Since the permit is dated for this month, we are required to sample the water for coliform this month. Unfortunately, EPD's lab will not analyze the sample unless we have a contract with them. If the contract is not approved by the Board, we will have to pay an outside lab to perform March's analysis.

Vice-Chairman Loper made a motion to approve a contract with EPD drinking water laboratory contract for Berryville Subdivision (see minute book page ____). Chairman Zeigler seconded the motion. The motion carried unanimously.

ETHICS HEARING

J. Hamrick Gnann, Jr. Esq. acted as Special Master for the ethics complaint that was filed by Richard Stille against Chairman Zeigler.

Mr. Richard Stille filed a complaint citing Section 2.1 section (a), (l), (m) of the Ethic Ordinance of the Official Code of Effingham County that was adopted on December 07, 2010 and repealed on February 03, 2011.

Witnesses for Mr. Stille were Charlie Kea, Tim Mathews, and Ruth Lee

Carole Hogge was allowed to speak.

Chairman Zeigler did not call any witnesses.

At 7:47 p.m., the Board deliberated.

At 8:38 p.m., the Board reconvened.

Attorney Gnann asked to the Board of Commissioners, as the Ethics Board, if there was a Motion regarding whether there has been a violation of the

Effingham County Ethics Ordinance by Chairman C. D. Zeigler arising out of conduct from the January 4, 2011 Effingham County Commissioner Meeting.

Commissioner Mason made a motion that there was a violation of Section 2.1-M of the Ethic Ordinance. Commissioner Kieffer seconded the motion. The motion carried unanimously.

Attorney Gnann asked the Board if there was a motion of any imposition or penalty or any other recommendation arising out of the conduct.

Vice-Chairman Loper made a motion to request for the resignation of Chairman Zeigler. There was no second. The motion died to lack of a second.

Attorney Gnann asked to the Board if there was another motion.

Commissioner Jones made a motion to censure based on the finding. Commissioner Kieffer seconded the motion. Vice-Chairman Loper opposed the motion. Commissioner Brantley, Commissioner Jones, Commissioner Mason and Commissioner Kiefer voted in favor of the motion. The motion carried.

Attorney Gnann concluded the hearing.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

County Administrator Crawley discussed the following:

- ◆ GEFA
- ◆ Water and Sewer usage and billing during construction
- ◆ Location Agreement release
- ◆ Building keys
- ◆ House Bill 381 – assessments would not be allowed to increase if property is sold or if the economy recovers
- ◆ ACCG Training
- ◆ Online Agenda Documentation
- ◆ Workshop
- ◆ House Bill 291 – prohibits local governments from collecting any fees on the property tax bill such as fire, garbage, storm water, street lighting, etc.
- ◆ Update from Finance Department

EXECUTIVE SESSION

At 9:05 p.m., Chairman Zeigler made a motion to go into Executive Session to discuss personnel, property, and pending litigation. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

ADJOURNMENT

At 9:54 p.m., Chairman Zeigler made a motion to adjourn the meeting. Commissioner Brantley seconded the motion. The motion carried unanimously.