

**THE EFFINGHAM COUNTY  
COMMISSIONERS' MEETING**

The Board of Commissioners of Effingham County, Georgia, Mr. Wendall Kessler, Chairman, Mr. Steve Mason, Vice-Chairman, Mr. Forrest Floyd, Mrs. Vera Jones and Mr. Phil Kieffer met in regular session at 5:00 pm on Tuesday, July 23, 2013 in the Commissioners' Meeting Room at the Effingham County Administrative Complex

**PERSONS ATTENDING THE MEETING**

Mr. Eric Gotwalt, County Attorney, Mr. Toss Allen, Interim County Administrator, Mr. Adam Kobek, Director of Community Relations, Ms. Karen Arnold, Executive Assistant, Stephanie Johnson, Interim County Clerk, Mrs. Joanna Wright, Finance Director, Ms. Rushe Hudzinski-Sero, Human Resource Director, Mr. George Shaw, Zoning Administrator, Mr. Steve Liotta, County Engineer, Mr. Ed Myrick, EMA Director and Mrs. Linda McDaniel, Tax Commissioner, Mr. Jack Burns, Interim Fire Director, Mr. Rick Lott, Effingham Chamber, Ms. Elaine Spencer, Family Connection, Mr. Scott Hinson, Magistrate Judge, Mrs. Beth Mosley, Probate Judge, Mr. David Exley, Coroner, Mrs. Ruth Lee, Mr. Jack Garvin, Ms. Dorothy Jackman, Mr. Mack Thompson, Mrs. Joyce Thompson, Ms. Linda Miner, Mr. Tim Weredyk, Mr. James L. Roberts IV, Ms. Sandra Ewen, Mr. Ronnie H. Brooks, Ms. Jennifer Eisenhart, Mr. Tim Weredyk, Mr. Jay Roberts, Ms. Gigi Rigsby and Mr. Pat Donahue

**CALL TO ORDER**

Chairman Kessler called the meeting to order.

**INVOCATION AND PLEDGE TO THE AMERICAN FLAG**

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

**AGENDA APPROVAL**

Interim County Administrator Allen asked the Board if they wished to add an old business item related to the Motorola Agreement to the agenda. This item was previously tabled to the August 6, 2013 meeting.

County Attorney Gotwalt advised even though the open records act allows the authority to add items to the agenda, the item should not be added because it was tabled to a particular date and staff and citizens who were present at the last meeting who are not aware of the item potentially being heard by the Board.

There was a discussion among the Board, County Attorney Gotwalt, EMA Director Myrick and Interim County Administrator Allen about the issue of time sensitivity surrounding the item, why the item was requested to be tabled on July 8<sup>th</sup> and the specifics of the agreement. Further discussion was to schedule a special called meeting for the item in question.

Interim County Administrator Allen explained a dispossessory notice received on Tuesday, July 23<sup>rd</sup> required the attention of the Board and needed to be added to the agenda due to time sensitivity. It was determined the notice could be discussed in executive session. The determination was confirmed by County Attorney Gotwalt.

Chairman Kessler called for a motion to approve the agenda.  
Commissioner Floyd made a motion to approve the agenda as read.  
Commissioner Jones seconded the motion. The motion carried unanimously.

Chairman Kessler asked that the minutes reflect the absence of Commissioner Loper due to him being out of town.

**MINUTES**

Chairman Kessler questioned if there were any corrections or additions to the minutes of the July 8, 2013 Board of Commissioners meeting and/or July 8, 2013 Investment and Budget Workshops.

Commissioner Floyd made a motion to approve the July 8, 2013 investment and budget workshop minutes as read and the regular Commission meeting minutes as read. Commissioner Kieffer seconded the motion. The motion carried unanimously.

## **PRESENTATION**

### **Retirement Quarterly Update**

Human Resources Director Hudzinski-Sero explained the 457(b) plans from January 1, 2013 to June 30, 2013. Distributions were made to retirees as well as terminated participants in the amount of \$111,122.79. Contributions made by active participants were in the amount of \$214,272.34. Participants overall investments is valued at \$3,016,500.79. Enrolled active participation rate: 68.24%

401(a) Plans: from January 1, 2013 to June 30, 2013. Distributions were made to retirees as well as terminated participants in the amount of \$85,257.68. Contributions made by the county on behalf of the employees as a match: \$274,046.31. Value as of December 31, 2012 was \$3,779,836.46 with a value as of June 30, 2013 of \$4,309,520.22 in which the year to date return is 10.19%. Participant vested total value is \$3,779,307.30. Active participation rate: 95.28%. There were forfeitures of \$55,726.09.

As of December 31, 2012 the investment portfolio value was \$6,381,080.20. The value of the investment portfolio as of June 30, 2013 is \$6,920,889.00 with a year to date rate of return: 6.54% and a 12 month return of 10.09%. The Defined Benefit Goal is to return 5% a year in order to meet with the funding requirements on an actuary basis. The Asset Allocation is still in line with the Commissioners Investment policy statement of a Moderate Investment Objective, the current allocation is as follows: Equities: \$4,448,505.71, 64.28% YTD Index Performance: DOW TR +15.20%, Fixed Income \$2,243,752.11, 32.42 % S&P Total Return +13.82%, Cash \$ 228,631.18, 3.30% EAFE + 4.47%, \$6,920,889.00, Barclays Gov't Intermediate - 1.45%, US Broad Market Bond - 2.46%. The portfolio is still within a moderate investment. No changes are recommended at this time.

**PUBLIC COMMENTS**

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

**CONSENT AGENDA**

Commissioner Jones made a motion to approve in bulk: **(1)** the second reading of the Timber Operations Ordinance; **(2)** to appoint an individual to the position of ACCG IRMA Safety Coordinator and GSIWCG Safety Coordinator and to approve for the Chairman to sign the safety verification form; **(3)** the submittal of the EMPG Response and Recovery grant pre-application concerning EOC upgrades. **(4)** to dissolve the Effingham Resources Council **(5)** the Windfield Pump Station Sales Agreement with Heritage Bank of the South and authorize the Chairman to execute closing documents **(6)** an execution and transmitting letter to Chatham County Assistant Engineer Leon Davenport in reference to Benton Blvd/Effingham Parkway **(7)** Change Order# 5 with Baker Infrastructure Group on Old Augusta Road, Phase 2A, 2B and signal improvements **(8)** the Aging Services Contract with the Coastal Regional Commission of Georgia Area Agency for 2014 **(9)** to authorize payment of funds to the City of Springfield from the General Fund using Fund Balance and approve a budget amendment for the transaction.

Vice Chairman Mason seconded the motion. The motion carried unanimously.

**OLD BUSINESS**

**CONSIDERATION TO APPROVE THE REQUEST FROM THE LEE GROUP FOR A REFUND OF TAXES FOR THE 2009 TAX YEAR ON 40 LOTS IN SUMMER PLACE SUBDIVISION (01):**

County Attorney Gotwalt explained for the record, Chairman Kessler was on the Board of Equalization when the Lee Group appealed the 2010 taxes for Summer Place Subdivision . The pending request for refund is for the 2009 tax year. Chairman Kessler confirmed.

Ms. Ruth Lee approached the Board for the request.

Tax Commissioner McDaniel explained the 2009 taxes were paid April 2, 2010. The 2010 taxes were paid in 2011. Tax Commissioner McDaniel explained Ms. Ruth Lee came to her office on numerous occasions verbally requesting a refund within the time frame but Tax Commissioner McDaniel was unaware of how to proceed with the request.

County Attorney Gotwalt explained the Board of Assessor's meeting minutes of April 4, 2010 reflect a statement referring Ms. Ruth Lee to the Board of Commissioners for a refund. County Attorney Gotwalt further explained there should be procedures in place for refund requests.

Ms. Ruth Lee stated the case was filed in Superior Court and she was unaware there was an issue with taxes until the order was received on September 14, 2012.

Commissioner Mason made a motion to approve a refund of 2009 taxes in the amount of \$5,951.01. Commissioner Jones seconded the motion. The motion carried unanimously.

The Board further instructed County Attorney Gotwalt to prepare a written policy for refund of taxes.

**NEW BUSINESS**

**CONSIDERATION TO APPROVE TO APPROVE AN AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS AND AMS FOR USE AND MONITORING OF THE SCRAM DEVICE AS A COURT ORDERED CONDITION OF PROBATION AND/OR BOND AND TO APPROVE A BUDGET AMENDMENT FOR THE TRANSACTION (01):**

Community Relations Director Kobek explained the \$7500 contract is for a monitoring agreement for five complete units. The offender will pay a fee for rental and monitoring for observing per the Probation requirements.

Finance Director Wright stated the \$7500 was included in the budget for the purpose of an offender's inability to pay.

Probation Officer Zittrouer explained the purpose of the monitoring device is to be placed on individuals who have jobs or have committed alcohol related offenses. The cost will be approximately \$10.00 per day.

There was a discussion on funds to be expended and funds to be received from use of the devices.

Commissioner Floyd made a motion to approve the agreement. Commissioner Jones seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE AN ABATEMENT OF DELINQUENT CHARGES FROM EMS SERVICES FOR DOROTHY JACKMAN (02):**

Interim County Clerk Johnson explained Ms. Dorothy Jackman is an 81 year old disabled senior citizen on a fixed income. Ms. Jackman is requesting to be released of charges incurred on September 14, 2012 for services rendered by Emergency Medical Services (EMS).

Ms. Dorothy Jackman addressed the board to further explain her petition and inability to pay.

Chairman Kessler asked if Ms. Dorothy Jackman had been in contact with the EMS office to establish a payment plan. Ms. Dorothy Jackman stated she had not.

Commissioner Jones sympathized with Ms. Jackman's request but expressed concern for setting precedence for such requests.

Commissioner Jones made a motion to deny the request. Commissioner Floyd seconded the motion. The motion carried unanimously.

**CONSIDERATION TO AMEND THE WATER AND SEWER AGREEMENTS FOR BLANDFORD CROSSING SUBDIVISION (03):**

County Engineer Liotta explained items 3, 4, 5 and 6 collectively. Effingham County has assessed water and sewer impact fees since the Development Impact

Fee Ordinance was adopted. Recent Board meetings have revealed the desire of the Board to cease collecting water and sewer impact fees and collect capital-cost-recovery-style fees instead. However, several W&S agreements contain reimbursement schedules that specifically refer to impact fees. These agreements should be modified prior to (or concurrent with) the impact fee ordinance if the Board intends to continue reimbursements from capital cost recovery fees.

The agreement for Blandford Crossing has not been signed by the current owner of the subdivision. The agreement was never assigned to Certus Bank from the original owner nor transferred from Certus Bank to the current owner, Greenland Developer.

Ceasing collection of water and sewer impact fees requires an amendment to the Development Impact Fee Ordinance to remove all references to water and sewer. Existing Utilities ordinance sections [75-203(a) – Water Connection Service Charge, and 75-202(a) – Sewer Development Fee] can be implemented immediately upon Board approval of revised Development Impact Fee ordinance, in accordance with existing Schedule of Fees. These “connection” or “tap” fees are identical in amount to water and sewer impact fees. The attached letters and agreement amendments will be sent to all developers for which existing agreements contain impact fee reimbursement language. These include: Blandford Crossing, Exley Tract, Greenbrier, and Buckingham. Emerald Plantation and Windfield have been settled, while the Southbrook revision approved earlier this year already refers to “water service connection charge” instead of impact fees.

County Attorney Gotwalt explained there are differences in each agreement presented.

Vice Chairman Mason made a motion to table the request until August 6, 2013 meeting. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO AMEND THE WATER AND SEWER AGREEMENT FOR NEW SAVANNAH, LLC (04):**

No further discussion.

Vice Chairman Mason made a motion to table the request until August 6, 2013 meeting. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO AMEND THE WATER AGREEMENT FOR GREENBRIAR SUBDIVISION (05):**

No further discussion.

Vice Chairman Mason made a motion to table the request until August 6, 2013 meeting. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO AMEND THE SEWER AGREEMENT FOR BUCKINGHAM PLANTATION (06):**

No further discussion.

Vice Chairman Mason made a motion to table the request until August 6, 2013 meeting. Commissioner Kieffer seconded the motion. The motion carried unanimously. Commissioner Jones recused herself.

**CONSIDERATION TO AMEND THE DEVELOPMENT IMPACT FEE ORDINANCE OF EFFINGHAM COUNTY (07):** County Engineer Liotta stated there's a proposed ordinance amendment to remove all references to water and sewer and collect capital –cost- recovery style fees instead.

Existing Utilities ordinance sections [75-203(a) – Water Connection Service Charge, and 75-202(a) – Sewer Development Fee] can be implemented immediately upon Board approval of revised Development Impact Fee ordinance,



in accordance with existing Schedule of Fees. These "connection" or "tap" fees are identical in amount to water and sewer impact fees.

Commissioner Kieffer made a motion to approve the revised ordinance. Commissioner Jones seconded the motion. The motion carried unanimously.

**CONSIDERATION TO ADOPT AN ADA TRANSITION PLAN AND EXECUTE ADA SELF EVALUATION FOR YEAR 2013 (08):**

Community Relations Director Kobek explained Title II of the Americans with Disabilities Act of 1990 requires that all programs, services and activities of public entities, including those considered instrumentalities of the government, assure that individuals with disabilities have access to all programs, services and activities. 28 CFR §35.150 requires that a public entity which employs 50 or more persons shall develop...a transition plan setting forth the necessary steps to complete changes to achieve program accessibility. The State Department of Transportation has requested a copy of the County's ADA Transition Plan as a prerequisite for federal funding assistance.

A Transition Plan is required for compliance to receive federal funds. GDOT is requesting a copy of this plan, for federal reimbursements or grants for transportation related projects and execution of the ADA self-evaluation for year 2013. Staff recommends Human Resources Director, Rushe Hudzinski-Sero be named as ADA Coordinator.

Vice Chairman Mason made a motion to approve the ADA Transition Plan and approve execution of the ADA self-evaluation for year 2013. Commissioner Floyd seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE HUNTER MACLEAN AGREEMENT TO RETAIN SERVICE FOR EMPLOYEE BENEFIT PLANS (09):**

Human Resources Director Hudzinski-Sero explained on January 25, 2010 the Board of Commissioners approved an agreement/letter of engagement with

Hunter Maclean as special counsel on various specific matters including Effingham County's retirement plan as they relate to Effingham County employees.

The purpose of this agreement/letter of engagement is to expand to scope of the engagement to include assisting Effingham County with its employee benefit plans in general, to clarify certain aspects of Hunter Maclean's existing limited scope engagement with Effingham County, and to update and restate the terms of the existing engagement letter. These include: Scope, Fees, Work Assignment, Disbursement of Account, Payment Terms and Special Counsel.

The reason for the request is due to liability based on Health Care Reform and the Patient Protection Act counsel will be needed. The agreement has been reviewed and approved by County Attorney Gotwalt.

Commissioner Kieffer made a motion to approve the agreement for retention of services of Hunter Maclean for employee benefit services. Commissioner Floyd seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE DEFINED BENEFIT PLAN INVESTMENT POLICY (10):**

Human Resources Director Hudzinski-Sero explained as requested by the Board from the workshop on July 8, 2013 updates and changes have been made to the investment policy statement to ensure that the guidelines set forth are in good standing.

Mrs. Jenny Nichols of LPL Financial explained updates as it relates to the following items: (1) IRS Tax Identification Number, (2) contribution levels from 5% to 3% (3) contribution changes from 3% to 1% (4) asset class index.

Commissioner Jones made a motion to approve the Defined Benefit Plan Investment Policy. Commissioner Floyd seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A RESOLUTION TO SET THE 2014 SANITATION FEE RATE (11):**

Finance Director Wright explained every year the Board has to adopt a Resolution setting the Sanitation Fee. The Sanitation Fee is billed on the property tax bills. The Sanitation Fee is billed in advance. Therefore the 2013 property tax bill is for the 2014 trash service. The Sanitation Fee last year was \$200.00. There is no change proposed. The Tax Commissioners office bills, collects, and disperses the Sanitation Fee. Charges for new service not already billed by the tax commissioner are charged at the time new service is established by Developmental Service clerk.

Mr. Mac Thompson expressed concern for the fee remaining the same. Mr. Thompson believed the recycling program would aid in the fee decreasing.

Mr. Jack Garvin approached to commend the implementation of the recycling program.

Commissioner Kieffer made a motion to approve the resolution to set the 2014 sanitation fee. Commissioner Jones seconded the motion. The motion carried unanimously.

Chairman Kessler called for a break at 6:55 pm.

Chairman Kessler called the meeting back to order at 7:08 pm

**CONSIDERATION TO APPROVE A RESOLUTION TO SET THE 2014 FIRE FEE RATE (12):**

Finance Director Wright explained every year the Board adopts a Resolution setting the Fire Fee. The Fire Fee is billed on the property tax bills. Rural Business Fire Fee will be collected when the business applies for the occupation tax. The Fire Fee last year was: Residential \$55 a year, Commercial \$250 a year, and Industrial \$2,000 a year for 26 employees and more \$250 a year for 25 employees and less. The proposed Fire Fee is: Residential \$80 a year, Commercial \$250 a year, and Industrial \$2,000 a year for 26 employees and more \$250 a year for 25 employees and less.

Mr. Mac Thompson opposed against raising the fire fees. Mr. Mac Thompson expressed concern for constructing fire stations in inappropriate locations.

Vice Chairman Mason stated fire stations are located within a 5 mile radius to improve ISO ratings.

Interim Fire Director Burns spoke on proposed staffing of the fire stations.

Mrs. Joyce Thompson questioned how much money would be generated from the \$25.00 increase.

Finance Director Wright answered based on the household count of 15,000 in the unincorporated area of the County the amount would be \$375,000.

Commissioner Floyd made a motion to approve the resolution to set the 2014 fire fee and to direct staff to look at options for pro rating fees for new construction. Commissioner Jones seconded the motion. The motion carried unanimously.

Chairman Kessler called for a break at 8:52 pm.

Chairman Kessler called the meeting back to order at 9:04 pm

**CONSIDERATION TO APPROVE A BUDGET ORDINANCE FOR FISCAL YEAR 2014 (13):**

Finance Director Wright explained an overview of the first draft budget and gave an extended overview of the changes per the Board. The general fund budget is balanced at \$26,775,171.19. This is an increase from last year of \$351,169. The millage stayed the same at 8.558.

Vice Chairman Mason expressed concern for the Library Board's budget. The Library Board's budget is the same as last year and other department's budgets are increasing and a merit increase is being applied. The library's hours of operation and staff have been severely reduced.

Finance Director Wright stated she could speak with the Library and look into their needs.

Probate Judge Mosley asked for clarity on her department budget.

There was an extensive discussion on the overall budget.

Commissioner Jones made a motion to approve the request with \$4,500 to be moved from the transportation line item in Department 51 to the fireworks, Old Eff, Chamber line item. Commissioner Floyd seconded the motion. The motion carried 3 to 1. Vice Chairman Mason opposed.

**CONSIDERATION TO APPROVE A CORRECTIVE ACTION PLAN FOR FISCAL YEAR ENDED JUNE 30, 2012 (14):**

Finance Director Wright explained OCGA 36-81-7(d) (1) provides: Each annual audit report of a local unit of government shall be completed and a copy of the report forwarded to the state auditor within 180 days after the close of the unit's fiscal year. In addition to the audit report, the local unit of government shall forward to the state auditor, within 30 days after the audit report due date, written comments on the findings and recommendations in the report, including a plan for corrective action taken or planned and comments on the status of corrective action taken on prior findings. If corrective action is not necessary, the written comments should include a statement describing the reason it is not.

A preliminary Corrective Action Plan was sent to the State auditor with the final audit on June 27, 2013. A final Corrective Action Plan will be due within 30 days of that date (July 27, 2013). The Corrective Action Plan requires that several policies are amended beginning within 60 days of the submittal of the Corrective Action Plan and that all revisions be completed and approved by the Board within 120 days of the submittal of the Corrective Action Plan. The Policies requiring revision are the Financial Policy, Purchasing Policy, Grant Policy and Human Resources Standards of Practice. A new Cash Management Policy will need to be created and adopted by the Board. The Rules of Procedures for the Effingham County Board of Commissioners Policy has already been updated.

Vice Chairman Mason stated his belief that the Crawleys' responses should have been allowed to be included.

Commissioner Floyd made a motion to approve the corrective action plan. Commissioner Kieffer seconded the motion. The motion carried 3 to 1. Vice Chairman Mason opposed.

**CONSIDERATION TO APPROVE A PROFESSIONAL SERVICE AGREEMENT WITH THE EFFINGHAM COUNTY CHAMBER OF COMMERCE (15):**

Mr. Rick Lott of Effingham Chamber of Commerce explained the Board of Commissioners has been a member of the Effingham Chamber since 1987. The Effingham Chamber has created an agreement between Effingham County and Effingham Chamber for services, Effingham Day at the Capitol, Community Leadership Retreat and Eggs & Issues Breakfast.

Chairman Kessler confirmed the agreement coincides with the Hotel/Motel Tax excise tax ordinance.

The Agreement lists certain services that the Chamber will perform. The Agreement provides tickets to certain Chamber Sponsored events. The agreement requires compensation in the amount of \$4,500 and use of the Recreation Department's gym for the Taste of Effingham Event. The Agreement is for a period of one year.

Commissioner Floyd made a motion to approve the professional service agreement. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A REFUND AS A RESULT OF RULING IN 2009 AND 2011 TAX APPEALS AND REQUEST FOR INTEREST PAYMENT OWED AND REFUND FOR ASSESSED 2010 AND 2012 AD VALOREM TAXES PAID BY PLUM CREEK TIMBERLANDS, L.P. (16):**

County Attorney Gotwalt explained the request is for a refund of interest incurred during the appeal process. It is the opinion of County Attorney Gotwalt the request for a refund of interest is inappropriate. The 2010 taxes are based on a successful appeal for 2009. Under Georgia law the decision of the arbitrator is to be given binding effects for the next two years. The request is for a refund of the assessment and the value set for 2009. After speaking to Janis Beville, Chief Tax Appraiser the applicant is entitled to a refund of 2010 taxes.

The Tax Commissioner's issued a corrected bill on all parcels in 2012 with the exception of one parcel in the amount of \$2,464.04. The total refund is for \$80,072.66 for tax year 2010 and 2012 for \$2,464.04.

Attorney Jay Roberts, representative for Plum Creek Timberlands, L.P agreed the forum to be inappropriate for debate of the interest.

Vice Chairman Mason questioned where the funds would come from if approved.

County Attorney Gotwalt confirmed the funds would come from current collections from each of the entities whom levy including the state, hospital authority and IDA.

Commissioner Floyd made a motion to approve a refund of \$80,072.66 for 2010 tax year and \$2,464.04 for 2012 tax year for a total refund of \$82,536.70. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO SCHEDULE A SPECIAL CALLED MEETING ON JULY 30, 2013 (17):**

Commissioner Jones made a motion to approve a Special Called meeting on July 30, 2013 at 5:00 pm. Commissioner Floyd seconded the motion. The motion carried unanimously. Vice Chairman Mason had left for the evening.

**PLANNING BOARD**

**NEW BUSINESS**

**TIM WEREDYK (01):** A public hearing was held on the application of Tim Weredyk (Martha A. Brewster) to rezone 5.18 acres located at 3165 Bluejay Road from AR-1 to I-1 Map# 373-5 in the First District.

Mr. Tim Weredyk was present for the hearing.

Zoning Administrator Shaw explained the request to rezone was for mining purposes. Planning Board and staff recommends approval.

No public comment.

Commissioner Floyd made a motion to approve the request with the following stipulations:

1. Each lot shall meet the requirements of the I-1 Zoning District.
2. Site development plans shall comply with the Effingham County Water Resources Protection Ordinance and the Storm Water Management Local Design Manual.
3. All wetland impacts shall be permitted by the USACE.
4. Subdivision plat shall be approved by the Health Department and the Zoning Office.
5. A copy of the State mining permit shall be submitted to the zoning administrator.
6. The mine shall be approved for closing by the State prior to the parcel being rezoned back to AR-1.
7. Must meet all requirements of Sec. 3.17 Excavation, mining, and fills of land and/or state/federal jurisdictional waters or wetlands of the Effingham County zoning ordinance.

Commissioner Jones seconded the motion. The motion carried unanimously.

**Lisa Sowell (02):** A public hearing was held on the application of Lisa Sowell (Sandra M. Ewen) to rezone 3.50 acres located at 3917 Springfield Road from B-2 and AR-1 to AR-2 Map# 260-13, 14 in the Third District.

Ms. Sandra M. Ewen, property owner, approached for the request.

Zoning Administrator Shaw explained the request to rezone both parcels of the property to AR-2 in order to reconfigure lot lines and re-subdivide the property for family.

No public comment.



Vice Chairman Mason made a motion to approve the request with the following stipulations:

1. Each lot shall meet the requirements of the AR-2 Zoning District.
2. Site development plans shall comply with the Effingham County Water Resources Protection Ordinance and the Storm Water Management Local Design Manual.
3. All wetland impacts shall be permitted by the USACE.
4. Subdivision plat shall be approved by the Health Department and the Zoning Office.

Commissioner Jones seconded the motion. The motion carried unanimously.

**George Martin (03):** A public hearing was held on the application of George Martin to rezone 1 acre located at 1358 Springfield Egypt Road from AR-2 and AR-1 Map# 341-16, in the Third District.

Zoning Administrator Shaw explained the request to be a housekeeping issue. Interim County Clerk Johnson further explained the property was rezoned in the 1980s but was never subdivided.

No public comment.

Vice Chairman Mason made a motion to approve the request with the following stipulations:

1. Each lot shall meet the requirements of the AR-1 Zoning District.
2. Site development plans shall comply with the Effingham County Water Resources Protection Ordinance and the Storm Water Management Local Design Manual.
3. All wetland impacts shall be permitted by the USACE.
4. Subdivision plat shall be approved by the Health Department and the Zoning Office.

Commissioner Floyd seconded the motion. The motion carried unanimously.

**Ronnie H. Brooks & Jimmy McDuffie, Co-Executors (Estate of Horrie L. Lancaster) (04):** A public hearing was held on the application of Ronnie H. Brooks & Jimmy McDuffie, Co-Executors (Estate of Horrie L. Lancaster) to rezone 10.26 acres located off of Springfield Egypt Road from AR-1 and AR-2 Map# 342-29, in the Third District.

Mr. Ronnie H. Brooks was present for the request.

Zoning Administrator Shaw explained the request is to subdivide the property for family use.

No public comment.

Vice Chairman Mason made a motion to approve the request with the following stipulations:

1. Each lot shall meet the requirements of the AR-2 Zoning District.
2. Site development plans shall comply with the Effingham County Water Resources Protection Ordinance and the Storm Water Management Local Design Manual.
3. All wetland impacts shall be permitted by the USACE.
4. Subdivision plat shall be approved by the Health Department and the Zoning Office.

Commissioner Jones seconded the motion. The motion carried unanimously.

**Diane Taylor (05):** A public hearing was held on the application of Diane Taylor for a variance to reduce the front setback to 25 feet located at 254 Church Road Map# 366A-49, in the Third District.

Zoning Administrator Shaw explained almost all parcels on this street are nonconforming AR-1 lots. A mobile home was previously in this location. There is an existing structure on the property that prohibits moving the mobile home parallel to the street. The requested setback will be approximately equal to other structures on this street.

No public comment.

Vice Chairman Mason made a motion to approve the request. With Staff Recommendations? Commissioner Floyd seconded the motion. The motion carried unanimously.

**Blaze Nofi (06):** A public hearing was held on the application of Blaze Nofi for a variance to live in a recreational vehicle during the construction of his home located at 116 Runs Crossing Drive Map# 407D-9, in the Third District.

Zoning Administrator Shaw explained the Planning Board recommends approval with an end date of September 4, 2013.

Mr. Blaze Nofi stated he may need some extra time to complete construction.

No public comment.

Vice Chairman Mason made a motion to approve the variance request with a date stamp of September 30<sup>th</sup>. Commissioner Jones seconded the motion. The motion carried unanimously.

**Jennifer Eisenhart (07):** A public hearing was held on the application of Jennifer Eisenhart for a variance to allow a RV trailer to be fully connected to electric, water and sewer to allow for the care of cats located at 2630 Courthouse Road Map# 345A-1, in the Fourth District.

Ms. Jennifer Eisenhart explained the Mr. Robert Mazil is currently residing in her home. Mr. Mazil's pets are elderly and have been living in his RV trailer on her property. The pets are not litter box reliable.

No public comment.

There was a discussion on the request being presented to the Board and the Board's need to take action.

County Attorney Gotwalt suggested the Board deny the request and direct the Zoning Administrator to send a letter to Ms. Eisenhart of the Board's interpretation of the request.

Commissioner Jones made a motion to deny the request and instruct the Zoning Administrator to send a letter of the Board's interpretation related to the request. Vice Chairman Mason seconded the motion. The motion carried unanimously.

**Charles M. McAfee (08):** A public hearing was held on the application of Charles M. McAfee to rezone 2 acres located at 2120 Courthouse Road from AR-1 and AR-2 Map# 370-7, in the Fourth District.

Zoning Administrator Shaw explained the applicant would like to subdivide a 2 acre parcel from an 11 acre tract for home site.

No public comment.

Commissioner Kieffer made a motion to approve the request with the following Planning Board stipulations:

1. Each lot shall meet the requirements of the AR-2 Zoning District.
2. Site development plans shall comply with the Effingham County Water Resources Protection Ordinance and the Storm Water Management Local Design Manual.
3. All wetland impacts shall be permitted by the USACE.
4. Subdivision plat shall be approved by the Health Department and the Zoning Office.

Commissioner Floyd seconded the motion. The motion carried unanimously.

**Effingham County (09):** A public hearing was held on the application of Effingham County to approve a zoning ordinance amendment to **Sec. 6.2.3 – Accessory Structures** of the Effingham County Zoning Ordinance.

Zoning Administrator Shaw explained this amendment would allow for accessory structures up to 35 feet in height in the AR-1 and AR-2 districts. The current ordinance only allows for accessory structures up to 15 feet.

No public comment.

Commissioner Floyd made a motion to approve an ordinance amendment to Sec. 6.2.3- Accessory Structures of the Effingham County Zoning Ordinance.

Commissioner Jones seconded the motion. The motion carried unanimously.

**Effingham County (10):** A public hearing was held on the application of Effingham County to approve a zoning ordinance amendment to **Sec. 5.1.2 –**

**Conditional Uses** in the AR-1 Zoning District of the Effingham County Zoning Ordinance.

Zoning Administrator Shaw explained this amendment would allow for solar farms to be allowed on a conditional basis in the AR-1 district.

There was a discussion on which zoning districts solar farms should be allowed, assessed value of a property used for solar farming, and buffering requirements.

The Board advised Zoning Administrator Shaw to research the ordinances and revise to bring back to the Board.

No public comments.

Commissioner Floyd made a motion to table the request to the August 6, 2013 meeting. Vice Chairman Mason seconded the motion. The motion carried unanimously.

**EXECUTIVE SESSION**

Chairman Kessler called for a motion to enter executive session to discuss personnel, property, and pending litigation.

At 10:47 pm, Commissioner Kieffer made a motion to enter executive session to discuss personnel, property and pending litigation. Commissioner Jones seconded the motion. The motion carried unanimously.

Vice Chairman Mason left executive session at approximately 11:40 pm.

**EXECUTIVE SESSION MINUTES**

Commissioner Kieffer made a motion to approve the July 8, 2013 executive session minutes. Commissioner Floyd seconded the motion. The motion carried unanimously.

**RECONVENED**

At 11:50 pm, the Board reconvened into regular session.

**ADJOURNMENT**

At 11:54 pm, Commissioner Kieffer made a motion to adjourn. Commissioner Jones seconded the motion. The motion carried unanimously.

  
WENDALL KESSLER, CHAIRMAN

  
STEPHANIE JOHNSON, INTERIM COUNTY CLERK