

**THE EFFINGHAM COUNTY
COMMISSIONERS' MEETING**

The Board of Commissioners of Effingham County, Georgia, Mr. Wendall Kessler, Chairman, Mr. Steve Mason, Vice-Chairman, Mr. Reggie Loper Mr. Forrest Floyd, Mrs. Vera Jones and Mr. Phil Kieffer met in regular session at 5:00 pm on Tuesday, August 6, 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, Mrs. 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, Mr. Jay Spinks, 911 Director, Mr. Jack Burns, Interim Fire Director, 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

Chairman Kessler explained there was a correction to the wording of Item#1 under Consent Agenda from "to accept or deny" to "accept recommendations" and requested Item# 7 under Old Business is tabled to August 20th.

Vice Chairman Mason made a motion to approve the agenda with the noted changes. Commissioner Floyd seconded the motion. The motion carried unanimously.

MINUTES

Chairman Kessler questioned if there were any corrections or additions to the minutes of the July 23, 2013 Board of Commissioners meeting and/or July 23, 2013 water and sewer financial workshop.

The minutes were unavailable for review. The Board was given the minutes for review during the meeting.

Vice Chairman Mason made a motion to move the item to end of the meeting. Commissioner Floyd seconded the motion. The motion carried unanimously.

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)** to accept recommendation of Fire Fees as submitted by the Fire Department **(2)** the Second Reading to rezone 5.18 acres located at 3165 Bluejay Road from AR-1 to I-1 Map# 373-5 for Tim Wetedyk (Martha A. Brewster) **(3)** the Second Reading to rezone 3.50 acres located at 3917 Springfield Road from B-2 and AR-1 to AR-2 Map# 260-13, 14 for Lisa Sowell (Sandra M. Ewen). **(4)** the Second Reading to rezone 1 acre located at 1358 Springfield Egypt Road from AR-2 to AR-1 Map# 341-16 for George Martin **(5)** the Second Reading to rezone 10.26 acres located off of Springfield Egypt Road from AR-1 to AR-2 Map# 342-29 for Ronnie H. Brooks and Jimmy McDuffie, Co-Executors (Estate of Horrie L. Lancaster) **(6)** the Second Reading for a variance to reduce the front setback to 25 feet located at 254 Church Road Map# 366A-49 for Diane Taylor **(7)** the Second Reading for a variance to live in a recreational vehicle during home construction located at 116 Runs Crossing Drive Map# 407D-9 for Blaze Nofi **(8)** the Second Reading to rezone 2 acres located at 2120 Courthouse Road from AR-1 to AR-2 Map# 370-7 for Charles McAfee **(9)** the Second Reading of a zoning ordinance amendment to Sec. 6.2.3-Accessory Structures of the Effingham County Zoning Ordinance.

Vice Chairman Mason seconded the motion. The motion carried. Commissioner Loper abstained from voting due to being out of town.

OLD BUSINESS

CONSIDERATION TO APPROVE A P25 THREE SITE SEVEN CHANNEL EQUIPMENT & PUBLIC SAFETY RADIO INFRASTRUCTURE UPGRADE WITH MOTOROLA, INC. (01):

EMA Director Myrick explained the differences in the two site seven channel communications upgrade and three site P-25 seven channel simulcast system. The cost of the two site system upgrade, the initial upgrade to the southern region would require funding in the amount of \$579,658, a service agreement in the amount of \$923,000 over the next five years and grounding upgrades in the amount of 48,635.00 to bring the cost of the two site simulcast system to 1.5 million over the next five years. This option would also require that the North Verizon tower be upgraded in or about 2017 due to the current 4.1 system becoming obsolete, the estimate for this upgrade in 2017 is 1.9 million dollars, bringing your grand total to \$3,403,258 over the next five years.

The complete three-site P-25 seven channels simulcast system would provide 95% coverage throughout Effingham County on a portable. The proposal that was prepared by the Motorola Corporation included the full three site upgrade, grounding upgrades, five years of maintenance for both the 7.7 system and the E-911 system and structural upgrades to the North Verizon Tower for \$2,929,749.00; which will produce a savings of \$473,509.00 over the course of five years.

There is a breakdown of payments monthly versus annually. Any upgrades required by SEGARRN during the agreement time period will be required to maintain radio service. Licensing of frequencies will be charged.

Philip Landgrebe with Motorola, stated a maintenance plan beyond the five year period is not permitted. However, the equipment is life is good through 2025-2035 although maintenance will be required throughout.

There was further discussion about other providers and risk associated with not providing the upgrades.

Mr. Wade Britt with Savannah Communications asked the Commissioners to reflect on what the coverage was like in the past before the tower was taken down on the south end of the County.

Finance Director Wright stated the funds can be drawn from SPLOST. There is approximately 1.7 million dollars to pull from various projects in SPLOST. To name a few the Goshen Road Public Safety Building was completed \$281,000 under budget. Some of the sanitation improvements can be revised to save approximately \$250,000, \$65,000 each in construction plans of Fire stations, aerial photography came in approximately \$60,000 under budget and drainage basin studies can be reduced by \$185,000.

There was a discussion of the funds coming from impact fees, revenue from the cities, financing options and interest rates.

Commissioner Jones made a motion to approve the three-site simulcast system upgrade through Motorola. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO ACCEPT A PROPOSAL FOR GROUNDING, TVSS AND ELECTRICAL UPGRADES (02):

EMA Director Myrick explained the proposal was included in the previously approved request therefore the item needed to be removed.

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

CONSIDERATION TO AMEND THE ZONING ORDINANCE OF EFFINGHAM COUNTY TO ALLOW FOR SOLAR FARMS AS A CONDITIONAL OR PERMITTED USE SPECIFIED ZONING DISTRICT (03):

Zoning Administrator Shaw explained five (5) options are now being presented for the Board's consideration. Staff recommends alternative three or five.

Mr. Tanner Richardson stated the panels would be about seven (7) feet off of the ground, approximately fifteen (15) feet in length and twenty (20) feet between rows.

No one was present in favor or against the request.

There was a discussion on allowances, approvals and public opinion.

Commissioner Loper made a motion to approve to allow as a conditional use in AR-1 with the standard process requiring Board of Commissioners approval. Vice Chairman Mason seconded the motion. The motion carried unanimously.

CONSIDERATION TO AMEND THE WATER AND SEWER AGREEMENT FOR BLANDFORD CROSSING SUBDIVISION (04):

County Engineer Liotta explained a revised staff report had been issued for the agreements.

There was a discussion of the transfer from Tere, LLC To Certus Bank to Greenland Developers.

County Attorney Gotwalt confirmed an assignment needs to be made between Certus Bank and Greenland Developers.

Further discussion followed on the verbiage in the agreement.

Commissioner Kieffer made a motion to approve the amendment to the water and sewer agreement with the following changes: Under Section 2: change "may" to "shall" be released and, remove two occurrences "for an amount in

excess of purchase price, change in Section 6, on page 5 to “the quit claim deed shall be delivered on or before”, remove the first sentence of Section 6, “shall be paid by County.” And last sentence of section 6, “ad valorem taxes and utility cost are to be prorated as of the date of closing. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO AMEND THE WATER AND SEWER AGREEMENT FOR NEW

SAVANNAH, LLC (05):

County Engineer Liotta stated this is a third revision to the superseding agreement. The verbiage changed from impact fees to capital recovery.

Commissioner Loper made a motion to approve the agreement.

Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO AMEND THE WATER AGREEMENT FOR GREENBRIAR SUBDIVISION

(06):

County Engineer Liotta stated the only change to the agreement is the verbiage from impact fees to capital recovery. There are no homes constructed and the subdivision is not yet final platted.

Commissioner Floyd made a motion to approve the agreement.

Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO AMEND THE WATER AND SEWER AGREEMENT FOR BUCKINGHAM PLANTATION (07):

This item was tabled during the agenda approval.

NEW BUSINESS

CONSIDERATION TO AMEND THE WATER AND SEWER AGREEMENT FOR THE I-16 INDUSTRIAL PARK (01):

County Engineer Liotta explained after further review by County Attorney Gotwalt it was decided no revisions needed to be made to this agreement.

There was a question about a statement of "and other fees" opposed to "or other fees".

County Attorney Gotwalt confirmed the verbiage to be sufficient.

Commissioner Kieffer made a motion to remove the request. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO ACCEPT A WARRANTY DEED FOR SOUTHBROOK WATER SYSTEM (02):

County Engineer Liotta explained on January 22 of this year, the Board approved a revised Water Service Agreement for Southbrook with the new developers, BGN Investments. The agreement covers the 18 lot subdivision off Hwy. 17 just north of Blue Jay Road. It is served by a water system constructed by the developers to be owned, operated, and permitted by the County upon completion. The developers were required to complete the well appurtenances as per the approved plans at their expense. The agreement calls for reimbursements from water capital cost recovery fees to begin once the well is completed and the entire water system dedicated to and accepted by the County.

BGN Investments requests that the County accept ownership of the well and water system in Southbrook. Their attorney prepared a Warranty Deed to convey the well and water system to the County. Water/sewer staff inspected the well and water system and found no deficiencies. The County Engineer reviewed the proposed warranty deed and suggested several changes that were incorporated into the attached version. The deed was also forwarded to the County Attorney for review.

Commissioner Floyd made a motion to approve the warranty deed and accept ownership of the well and water system. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO ADOPT STANDARD OPERATING PROCEDURES FOR ANIMAL

CONTROL (03):

Community Relations Director Kobek explained the standard operating procedures are old, outdated and may or may not have been adopted by the Board of Commissioners. In the absence of a director a new set of procedures should be in place to provide direction to staff and management. This draft has been reviewed by existing animal control staff, and one local veterinarian. The procedures are intended to provide a framework for the operation of the Animal Control shelter, and may be amended from time to time as necessary.

Community Relations Director Kobek made references to a reduced adoption fee for a rescue facility, county employee exemptions, hours of operation- closed to public on Thursdays from 8:30 am to 1:00 pm and trap rentals.

Commissioner Floyd made a motion to approve and implement the Standard Operating Procedures with the following change: to add to the appendix, surrender of animals limited to dogs and cats. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE COMMISSIONERS AND INTERIM COUNTY

ADMINISTRATOR TRAVEL FOR THE EFFINGHAM CHAMBER RETREAT (04):

Interim County Clerk Johnson explained the travel policy states that the Board must approve Commissioner Travel. The Effingham County Chamber of Commerce will hold their annual community retreat August 22nd and August 23rd.

Chairman Kessler confirmed he will be unable to attend. Therefore, there would be a total of 6 individuals attending.

Commissioner Kieffer made a motion to approve the expenditure for travel in the amount of \$1,050.00. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO ADOPT AN AD VALOREM TAX REFUND POLICY (05):

Interim County Administrator Allen explained there have been several requests recently for tax refunds brought before the Board. In an effort to standardize the process and educate the public on criteria required for requesting a tax refund, the County Attorney has drafted the Ad Valorem Tax Refund Policy. Staff has created a form that a requestor would complete to make a tax refund request to accompany the policy.

The policy informs the requestor of the requirements for a tax refund, including timeliness of request, tax payment requirement, what must occur in the tax process to be eligible for a refund, how to file a claim and the procedure for the Board to hear the request. Policy states that a refund claim must be filed within 3 years of payment, to receive a refund all taxes must be paid, only factual or legal errors are eligible for a refund (not disagreement with valuation), claim must be on the form prescribed. It also sets a procedure that the Board will hear the refund request if all criteria above have been satisfied within 1 year and prescribes that if a refund is approved by the Board a refund will be issued within 60 days. If the refund submitted in accordance with the policy is denied by the Board the applicant may bring action in Superior Court.

Commissioner Floyd made a motion to approve the refund policy with the following change: remove the Tax Assessor and Tax Commissioner as an option to request a meeting or conference. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A PURCHASE AND SALE CONTRACT FOR

APPROXIMATELY 4.231 ACRES OF LAND AND AUTHORIZE THE CHAIRMAN TO EXECUTE

CLOSING DOCUMENTS (06):

Interim County Administrator Allen explained intersection improvements to the intersection of BlueJay Road and McCall Roads have been contemplated for several years. The property necessary to make these improvements is currently for sale. After a survey of the property the acreage has been determined to be 4.50 acres of land. Staff has discussed the purchase of the property necessary to make the intersection improvements with the property owner's representative. The property owner is willing to sell the property. The owner is asking to be compensated \$3,500 per acre.

Commissioner Kieffer made a motion to approve the request for purchase and sale contract of 4.50 acres. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN AGREEMENT WITH EFFINGHAM INDUSTRIAL DEVELOPMENT AUTHORITY (07)

Interim County Administrator Allen explained Elba Express Company is interested in acquiring a portion of the treatment plant site for the purpose of installing a pressure regulation station. It was previously stated that Southern Natural Gas requested to purchase the property but it would actually be purchased by Elba Express Company, which is under same ownership. In order to sell the property to Elba Express Company the land will need to be transferred to the Effingham County Industrial Development Authority who will then sell the land to Elba Express Company. The Effingham County Industrial Development Authority is aware of the issue. However, their Board will have to approve the deal as well.

Commissioner Jones made a motion to approve the Option to Purchase agreement. Commissioner Loper seconded the motion. The motion carried unanimously.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

1. Ash Road Repairs for bid

- Patterson, Needlepoint, Ogeechee, Cherokee, Herbert Kessler Road, Hester, Hiawasse Avenue, Ingram, Green Morgan School Road, Indigo Road, Laurel Tree Road, Taylor Chapel Road, Union Springs Road, Log Landing Drive Zittrouer Road.
- Bids are due on August 7th.
- The bids will be brought to the Board August 20th.
- The Contract will be brought to the Board September 3rd.

2. Herbert Kessler Road

- A meeting was held with the Davis' on 8/2 to discuss the re-routing of Herbert Kessler Road. A route that was satisfactory to both parties was not achieved.

3. Courthouse Road Extension

- Meetings will be scheduled with each property owner to discuss the acquisition.

4. Eli Whitney Watershed Ditch

- A memo was prepared by the County Attorney stating the County's legal position and obligations and was presented at tonight's meeting.

5. Impact Fee Study Amendment

- A copy of the report which was revised in 2010 has been obtained from TischlerBise.
- The report will be updated/amended by staff.

6. Westwood Heights Drainage Improvements

- Construction began on June 25th.
- A change order of approximately \$10,000 will be presented at the August 20 meeting for the installation of additional 30" RCP underneath Lord Effingham Drive.

7. Payroll Penalties

- Nothing has changed since the last update. Staff is still trying to negotiate with the IRS and DOR to determine what needs to be done.

8. Jail Construction

- See attached weekly construction report.

9. Meeting with DOT

- On August 20th the District Engineer, Area Engineer and several others would like to meet with any Commissioners to introduce themselves and discuss roadway maintenance and other topics the Board may be interested in discussing.

10. SR 21 Corridor Study Final Public Meeting

- The final public meeting for the SR 21 corridor study will be held on Thursday, August 15, 2013 at Georgia Tech – Savannah Campus, 210 Technology Circle. The meeting will be an open house, drop-in format from 5:00 p.m. to 7:00 p.m.

11. Ordinance Updates

- A list of ordinances which staff would like to update/amend/adopt is included for your review.

Adam Kobek addressed the following:

12. Fleet Maintenance Contract

- **The current fleet maintenance contract expired in 2012. Would the Board like to rebid the contract now or get an extension allowing time for staff to investigate alternative for fleet maintenance prior to re-bidding the contract?**

13. GCIC

- Allowing at the 911 center. Springfield and Guyton currently utilize 911 services. Rincon is now interested.

Commissioner Kieffer addressed the following:

14. Signage

Georgia Pacific and Georgia Power signage - Who should purchase and erect?

EXECUTIVE SESSION

At 8:36 pm, Commissioner Kieffer made a motion to enter into executive session to discuss personnel, property and pending litigation. Commissioner Loper seconded the motion. The motion carried unanimously.

RECONVENED

At 9:44 pm, the Board reconvened into regular session.

MINUTES

Commissioner Kieffer made a motion to approve the July 23, 2013 water and sewer financial workshop minutes as read and the July 23, 2013 regular Commission meeting minutes as read. Vice Chairman Mason seconded the motion. The motion carried. Commissioner Loper abstained from voting due to being out of town.

EXECUTIVE SESSION MINUTES

Vice Chairman Mason made a motion to approve the July 23, 2013 executive session minutes. Commissioner Floyd seconded the motion. The motion carried. Commissioner Loper abstained from voting due to being out of town.

ADJOURNMENT

At 9:49 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