

**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 Monday, October 22, 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, Mrs. Stephanie Johnson, County Clerk, Mrs. Joanna Wright, Finance Director, Mrs. Janis Bevill, Chief Tax Appraiser, Mr. Ed Myrick, EMA Director, Ms. Rushe Hudzinski-Sero, Human Resource Director, Mr. Steve Liotta, County Engineer, Mr. George Shaw, Zoning Administrator, Mr. David Exley, Coroner, Mr. Mickey Kicklighter, Mr. Rick Rafter, Mr. Chris Mason, Ms. Vera Lamb, Mr. Lloyd E. Dees, Mrs. Deborah Rafter, Mr. A.J. Matzick, Mr. Ryan Raymond, Mr. Barry Tice, Mr. Ralph Graham, Mr. Jason Ellis, Mr. Arthur Dotson, Mr. Kenny Vanderark, Mr. Vernon Hathcock, Mrs. Edith Hathcock and Ms. Gigi Rigsby.

CALL TO ORDER

Chairman Kessler called the meeting to order.

INVOCATION AND PLEDGE TO THE AMERICAN FLAG

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

AGENDA APPROVAL

Chairman Kessler asked if the Board wished to add as Item# 5 – Consideration to approve an agreement with King America Finishing. Chairman Mason was opposed to adding to the agenda. There was a discussion to add or not add.

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

MINUTES

Chairman Kessler questioned if there were any corrections or additions to the minutes of the October 7, 2013 Board of Commissioners meeting.

Commissioner Loper made a motion to approve the minutes as read. 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 Kieffer made a motion to approve the Consent Agenda as follows: (1) Consideration to accept the release of Sanitation Fees as submitted by the Sanitation Department and (2) Consideration to approve the Second Reading removing all supplemental codes of Chapter 14, Section 37 and Section 38 – Building Regulations of the Effingham County Code of Ordinances. Commissioner Floyd seconded the motion. The motion carried unanimously.

OLD BUSINESS

CONSIDERATION TO APPROVE THE RELEASE OF FIRE FEE AS SUBMITTED BY THE FIRE DEPARTMENT (01):

Chairman Kessler confirmed his questions related to this item have been answered.

Commissioner Floyd made a motion to approve the release of the fire fee as submitted by the Fire Department. Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN ASSIGNMENT AND MODIFICATION OF THE

STAFFORDSHIRE ESTATES AGREEMENT (02):

County Engineer Liotta explained there were questions regarding the ownership for Slyland Development. Mr. Frank Brunson resigned as member of Slyland Development, LLC.

The Board questioned the manner of the request being submitted.

County Attorney Gotwalt recommended Mr. Alan Emerick provide a sworn statement that he is the sole member of the business.

Commissioner Loper made a motion to deny the request to approve an assignment and modification of the Staffordshire Estates agreement. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE BOARD POLICY MODIFICATIONS AND FINANCIAL POLICY UPDATES (03):

Interim County Administrator Allen stated a time frame has been self-imposed of 120 days in the corrective action plan. The policies were presented but no feedback has been returned. A review of the policies, as presented, was discussed.

There was a lengthy discussion among the Board regarding the present and proposed financial and board policies. The discussion was put on hold for the 5:30 appearance.

APPEARANCE

Ms. Vera Lamb explained she purchased property in February 2013 that is predominately federal wetlands and the tax value is excessive.

Chief Tax Appraiser Bevill explained according to soil classifications there is 10 acres, 2 acres fair and the remaining acreage poor. There was a moratorium

set on all property in 2011. The property value has not been appealed for 2012 or 2013.

County Attorney Gotwalt informed the Board they can only consider refunds of property taxes, not errors and appeals.

Chairman Kessler explained to Ms. Lamb because she has missed the opportunity to appeal the taxes, she would need to pay the taxes and at a later date present to the Board a petition of a refund for taxes paid.

Chairman Kessler asked if the Board would like to reconsider discussion on item number 3.

Vice Chairman Mason made a motion to move the item after Planning Board presentations. Commissioner Jones seconded the motion. The motion carried unanimously.

DISCUSSION ON COUNTY OWNERSHIP AND MAINTENANCE OF UN-ACCEPTED

SUBDIVISION ROADS (04):

Interim County Administrator Allen stated the information requested is still not available, therefore the item should be tabled.

Commissioner Jones asked Staff and the Board to consider moving on the roads with minimal damage and to create a fee schedule for the remaining.

County Attorney Gotwalt stated that prior to 1999 the subdivision regulations provided a clause that stated approval of the final plat shall not constitute acceptance by the County of a dedication of a street shown upon the plat. Dedication and acceptance by the Board is needed. Dedication is when a deed is presented for acceptance. There is not enough information available to make a determination for intended or implied dedication.

There was a drawn out discussion about plat statements, if work has been completed on roads not deemed as County owned and how to go about accepting roads.

Mr. Mickey Kicklighter stated if there is a private road it must be designated on the plat as a private road per the County ordinances. If the statement is not noted on the plat, and is final platted according to County ordinance, the roads are then accepted by the County.

The Board and Staff discussed placing the item on the November 5, 2013 Board agenda.

CONSIDERATION TO APPROVE THE SETTLEMENT AGREEMENT WITH KING AMERICA

FINISHING, INC. (05):

There was no further discussion on this item after executive session.

Commissioner Floyd made a motion to approve the settlement agreement with King America Finishing, Inc. Vice Chairman Mason seconded the motion. The motion carried unanimously.

Chairman Kessler made a statement for the record to the public regarding disclosure.

NEW BUSINESS

Mr. Mickey Kicklighter requested New Business Item# 7 be moved to New Business Item# 1.

Chairman Kessler called for a motion as requested. Commissioner Loper made a motion to move New Business Item# 7 to New Business Item# 1. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO ACCEPT AN ALLOCATION OF \$50,000 FROM THE LAW LIBRARY COMMITTEE FOR PURCHASES AUTHORIZED BY OCGA 36-15-7 (A) (01):

Mr. Mickey Kicklighter explained the resolution presented is to donate \$50,000 from the Law Library to the Board of Commissioners for specific funding of budgeted items for the Drug Court.

Mr. Rick Rafter stated that a vote was held by the Law Library to donate the money to the Drug Court.

County Attorney Gotwalt advised that a specific list of items be presented for expenditures and the Law Library specifically list the Drug Court.

Commissioner Jones made a motion to approve to accept funds which will be used solely for Effingham Drug Court with the stipulation a listing of items for expenditure is provided. Commissioner Kieffer seconded the motion. The motion carried unanimously.

Chairman Kessler called for a break at 6:45 pm.

Chairman Kessler called the meeting back to order at 7:00 pm.

CONSIDERATION FOR THE CHAIRMAN TO EXECUTE AN AGREEMENT BETWEEN EFFINGHAM COUNTY AND THE GEORGIA EMERGENCY MANAGEMENT AGENCY (GEMA) AND THE GEORGIA CORONERS ASSOCIATION (02):

Coroner Exley explained the agreement is for a declared emergency of mass destruction and assistance is needed from GEMA. The reimbursement, as outlined in Section 8, would be disbursed from the Coroner's budget.

Commissioner Loper made a motion to authorize the Chairman and the Coroner to execute an agreement between Effingham County and the Georgia Emergency Management Agency (GEMA) and the Georgia Coroners Association. Commissioner Jones seconded the motion. The motion carried unanimously.

Due to verbiage in the agreement referencing an expired date, Chairman Kessler called for a motion to reconsider the motion due to the expiration date.

Commissioner Jones made a motion to reconsider for expiration. Commissioner Floyd seconded the motion. The motion carried unanimously. Commissioner Loper made a new motion to authorize the Chairman and Coroner to amend the expiration for up to 10 years and execute the agreement. Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A WARRANTY DEED FOR ACCEPTANCE OF THE ROADS IN LOWGROUND FARMS SUBDIVISION (03):

County Engineer Liotta explained Lorwil Land Corporation was the developer of Low Ground Road Farms subdivision. The final plat for Low Ground Road Farms Phase I was approved by the Board in 2006 and the final plat for Low Ground Road Farms Phase II was approved by the Board thereabout 2007. Lorwil Land Corporation requests that the County accept ownership of the roads and drainage in both phases of Low Ground Road Farms. Water services are provided by a private company and is not included in this request.

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

CONSIDERATION TO APPROVE THE VULNERABLE POPULATION COASTAL EVACUATION RESIDENTIAL TRANSPORTATION PLAN MOA AND AUTHORIZE EDWIN MYRICK TO SIGN SAID PLAN (04):

EMA Director Myrick explained in order to best ensure that GEMA and Effingham County is fully prepared to help the citizens in times of an emergency, GEMA in cooperation with the Effingham County Board of Health and the Effingham Emergency Management Agency have developed a memorandum of agreement to assist in evacuating Effingham County's functional needs patients to the City of Macon in the event of a declared emergency.

Commissioner Loper made a motion to approve the Vulnerable Population Coastal Evacuation Residential Transportation Plan MOA and authorize Edwin

Myrick to sign said plan. Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A NEW EMPLOYEE PERFORMANCE APPRAISAL (05):

Human Resources Director Hudzinski-Sero explained currently the county has approximately 195 different performance appraisals that are outdated from 2002 /2004. When compared to the current and evolved job tasks of individual/department requirements, the current appraisals are not representative of job performance when/if audited by the Department of Labor. In addition, multiple documents decrease efficiency for department heads in an evaluation process. As per employment trend, we are submitting a single updated appraisal form with established categories for which each employee is to be rated, with a variable number of subcategories within each category. Department heads have comment space that can be expanded to address specific assignments and individual accomplishments. Department heads will also be required to support “excellent” and “unsatisfactory” ratings with measurable performance statements to support the rating. The respective subcategories weight job task areas essential to position. Once completed the ratings for the subcategories are averaged to produce a score. The overall score is applied to a curve, as opposed to subjective desecration, to determine merit raise level if approved by the Board of Commissioners within the respective year budget. Appraisals will be conducted once per year. To be eligible for merit consideration, a staff member will need to be employed within the County for one year.

Commissioner Jones made a motion to approve an updated Performance Appraisal. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A BANK ACCOUNT FOR DISTRIBUTION OF THE HOTEL

MOTEL TAX WITH BRANCH BANKING AND TRUST (BB & T) (06):

Finance Director Wright explained Effingham County currently has existing bank accounts to facilitate the daily operations. These accounts are used to segregate various funds and or processing used by the county. Upon the commencing of collection and distribution of the Hotel / Motel tax a new bank account is needed to facilitate this as a separate special fund.

Commissioner Loper made a motion to approve a bank account for distribution of the Hotel/Motel tax with BB & T. Commissioner Floyd seconded the motion. The motion carried unanimously.

**CONSIDERATION TO CONTINUE FUNDING FOR THE SENIOR MEALS PROGRAMS
SHOULD FEDERAL FUNDING BE WITHDRAWN (07):**

Finance Director Wright explained due to the government shut down we are faced with the potential withdrawal of funds from the Senior Meal Program. Presently, there is uncertainty in our receipt of funding going forward. An overview of the approximate cost for the meals shows a per day cost of \$ 406.07. There is no manner to determine what the government may do. Funding appears to be available through November 14th 2013. Staff simply wishes to inform the board and seek the ability to continue service for a period of 60 days at which time the situation can be evaluated again. This funding provides meals for 40 seniors at the center and 67 seniors in their homes. There are several options in the continuation of serving meals. Option one is to continue full service to both center and home bound participates at an approximate cost of \$8,527.45 per month or Option two is to continue service to only the home bound seniors while allowing the center participates to brown bag their meals into the center at an approximate cost of \$5,713.45 a month.

Commissioner Jones made a motion to continue the program for the home bound meals should funding not be available after November 14th. Commissioner Loper seconded the motion. The motion carried unanimously.

PLANNING BOARD PRESENTMENTS

ARTHUR DOTSON JR. (01): A public hearing was held on the application of Arthur Dotson Jr. to rezone 5 acres located at 131 Murchinson Road from AR-1 to AR-2 Map# 332 Parcel# 1C in the First District.

Zoning Administrator Shaw explained the request is to rezone for family. Staff and Planning Board recommend approval.

No one was present in favor or against the request.

Commissioner Floyd made a motion to approve the request with Staff and

Planning Board recommendations:

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.

WILLIAM ELLIS (02): A public hearing was held on the application of William Ellis to rezone 2 acres located at 100 Wes Edwards Road from AR-1 to AR-2 Map# 263 Parcel# 30 in the Third District.

Zoning Administrator Shaw explained the parcel is 5 acres with only 2 acres being rezoned and the remaining acreage to be combined with an adjoining parcel of property.

No one was present in favor or against the request.

Vice Chairman Mason made a motion to approve the request with the following Staff and Planning Board recommendations:

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 Loper seconded the motion. The motion carried unanimously.

GEORGE TUTTLE (03): A public hearing was held on the application of George Tuttle to rezone 3.20 acres located at 401 Dewitt Road from AR-1 to AR-2 Map# 264 Parcel# 1D in the Third District.

Zoning Administrator Shaw explained the parcel to be 14.01 acres. Two parcels of 5+ acres will be created leaving approximately 3.20 acres which must be rezoned to AR-2. Staff and Planning Board recommend approval.

No one was present in favor or against the request.

Vice Chairman Mason made a motion to approve the request with the following Staff and Planning Board recommendations:

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.

AMERICAN TOWER/AT & T FOR VERNON HATHCOCK (04): A public hearing was held on the application of American Tower/AT & T for Vernon Hathcock to rezone 0.23 acres located off of Cloyo Kildare Road from AR-1 to B-2 Map# 309 Parcel# 13 in the Third District.

Zoning Administrator Shaw explained the Tower companies chose the location due to the lack of coverage in the area. Staff and Planning Board recommend approval.

No one was present in favor or against the request.

Vice Chairman Mason made a motion to approve the request with the following Staff and Planning Board recommendations:

1. Each lot shall meet the requirements of the B-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.
5. Applicant shall meet all requirements of Chapter 14, Article V Telecommunication Regulations of the Effingham County Code.

Commissioner Loper seconded the motion. The motion carried unanimously.

RALPH GRAHAM (05): A public hearing was held on the application of Ralph Graham to rezone 0.75 acres located at 789 Clio Shawnee Road from AR-1 to R-1 to combine with an adjacent parcel Map# 339B Parcel# 1 in the Third District.

Zoning Administrator Shaw explained the property is being rezoned to construct a home on the property. The parcel will be combined with an adjoining parcel of property and the property lines will be reconfigured.

Vice Chairman Mason made a motion to approve the request with the following Staff and Planning Board recommendations:

1. Each lot shall meet the requirements of the R-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. Rezoned portion shall be combined with adjacent parcel as it is too small for a standalone R-1 lot.

Commissioner Jones seconded the motion. The motion carried unanimously.

SOS SOLAR FOR H.B. RAHN (06): A public hearing was held on the application of SOS Solar for H. B. Rahn for a conditional use located at 1900 Stillwell Clio Road to install a solar farm on five acres Map# 425 Parcel# 5 in the Third District.

Zoning Administrator Shaw explained a request was received from the Solar Farm Company to table the item until the November 19th meeting.

No one was present in favor or against the request.

Vice Chairman Mason made a motion table the request until the November 19, 2013 Commission meeting. Commissioner Kieffer seconded the motion. The motion carried unanimously.

AMERICAN TOWER/AT & T FOR GRADY RAHN (07): A public hearing was held on the application of American Tower/AT & T for Grady Rahn to rezone 0.15 acres located off of Union Springs Road from AR-1 to B-2 Map# 457 Parcel# 21 in the Third District.

Zoning Administrator Shaw explained the request to be for the same purpose as the previous request. Staff and Planning Board recommend approval. There has been no opposition received related to the request. No one was present in favor or against the request.

Vice Chairman Mason made a motion to approve the request with the following Staff and Planning Board recommendations:

1. Each lot shall meet the requirements of the B-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.
5. Applicant shall meet all requirements of Chapter 14, Article V Telecommunication Regulations of the Effingham County Code.

Commissioner Jones seconded the motion. The motion carried unanimously

BARRY & BRITTANY TICE (08): A public hearing was held on the application of Barry & Brittany Tice to rezone 41.01 acres located off of Courthouse Road from PD to AR-1 Map# 348D Parcel# 1-4 in the Fourth District.

Zoning Administrator Shaw explained items 8 and 9 are being rezoned for the same purpose. The properties were originally rezoned for a subdivision which included commercial and townhouses which was never developed. The landowners would like to rezone the parcels to place a home on the property.

No one was present in favor or against the request.

Commissioner Loper made a motion to approve the request with the following Staff and Planning Board Recommendations:

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.

RYAN RAYMOND (09): A public hearing was held on the application of Ryan

Raymond to rezone 24.22 acres located off of Courthouse Road from PD to AR-1 Map# 348D Parcel# 5 & 6 in the Fourth District.

Zoning Administrator Shaw confirmed the request to be the same as the previous request.

No one was present in favor or against the request.

Commissioner Loper made a motion to approve the request with the following Staff and Planning Board Recommendations:

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 Jones seconded the motion. The motion carried unanimously.

ROBERT TAYLOR (10): A public hearing was held on the application of Robert

Taylor to rezone 2.26 acres located off of Tommy Long Road from FH to AR-2 Map# 459 Parcel# 56 in the Fourth District.

Zoning Administrator Shaw explained the property was previously rezoned to FH for a Cancee Business. The applicant would like to rezone the property for residential use.

No one was present in favor or against the request.

Commissioner Loper made a motion to approve the request with the following Staff and Planning Board Recommendations:

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 Kieffer seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION

At 8:05 pm, Commissioner Loper made a motion to enter into executive session to discuss personnel, property and pending litigation. Commissioner Kieffer seconded the motion. The motion carried unanimously.

RECONVENED

At 8:48 pm, the Board reconvened into regular session.

Chairman Kessler called for a motion to add to the agenda as Old Business #5 - Consideration to approve the settlement agreement with King America Finishing.

Vice Chairman Mason made a motion to approve to add the item to the agenda as Old Business #5. Commissioner Floyd seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION MINUTES

Commissioner Jones made a motion to approve the October 7, 2013 executive session minutes. Commissioner Kieffer seconded the motion. The motion carried unanimously.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Vice Chairman Mason discussed the following:

1. Windmill Flats Road- Mr. Onno Besier

- Mr. Onno Besier would like to delete Windmill Flats Road in the County to allow for Fourth Street Ext. in the City of Guyton to be renamed to Windmill Flats Road.

Commissioner Loper and Human Resource Director Hudzinski-Sero discussed the following:

1. Women's Lunch Event

- Women's Luncheon event for Breast Cancer Awareness at the Career Academy. Human Resources Director expounded on the subject.

Director of Community Relations Kobek discussed the following:

1. Central Temporary Kitchen

- The Central kitchen has been renovated for temporary use by the Prison during the Jail Construction. The funding of approximately \$2600 from the Prison budget.

Interim County Administrator Allen discussed the following:

- 1. S.R. Hwy 119 Recreation Project**
 - Project delayed until mid 2014
- 2. Concerted Services, Inc.**
 - Received letter about deactivating the CSBG program, effective October 10th furloughing workers and suspending services.
- 3. Wanda Price**
 - Accolades on her presentation to the seniors at St. Boniface Church on September 25th.
- 4. GEMA**
 - Received a letter from the Georgia Emergency Management Agency announcing an award of \$5,114.00 through the EMPG Grant.

Finance Director Wright discussed the following:

- 1. Financial Summary for September 2013**
 - Discussed an overview of expenditures and disbursements

ADJOURNMENT

At 9:21 pm, Commissioner Loper made a motion to adjourn the meeting. Commissioner Kieffer seconded the motion. The motion carried unanimously. Vice

Chairman Mason was not present.



WENDALL KESSLER, CHAIRMAN



STEPHANIE JOHNSON, COUNTY CLERK