

**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, November 5, 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, Ms. Rushe Hudzinski-Sero, Human Resource Director, Mr. Steve Liotta, County Engineer, Mr. Ed Myrick, EMA Director, Mr. Jack Burnsed, Interim Fire Chief, Ms. Gigi Rigsby and Mr. Pat Donahue

**CALL TO ORDER**

Chairman Kessler called the meeting to order.

**INVOCATION AND PLEDGE TO THE AMERICAN FLAG**

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

**AGENDA APPROVAL**

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

**MINUTES**

Chairman Kessler asked if there were any corrections or additions to the minutes of the October 16, 2013 Special Called Meeting.

Commissioner Jones made a motion to approve the minutes of the October 16, 2013 Special Called Meeting as read. Vice Chairman Mason seconded the motion. The motion carried. Commissioner Kieffer abstained from the vote due to being absent from the meeting.

Chairman Kessler asked if there were any corrections or additions to the minutes of the October 22, 2013 Board of Commissioners meeting.

Commissioner Kieffer made a motion to approve the minutes of the October 22, 2013 Board of Commissioners meeting as read. Commissioner Loper 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 Loper made a motion to approve in bulk: **(1)** to accept recommendation of Sanitation Fees as submitted by the Sanitation Department **(2)** the Second Reading to rezone 5 acres located at 131 Murchinson Road from AR-1 to AR-2 Map# 332-1C for Arthur Dotson Jr. **(3)** the Second Reading to rezone 2 acres located at 100 Wes Edwards Road from AR-1 to AR-2 Map# 263-30 for William Ellis **(4)** the Second Reading to rezone 3.20 acres located at 401 Dewitt Road from AR-1 to AR-2 Map# 264-1D for George A. Tuttle **(5)** the Second Reading to rezone 0.23 acres located off of Clys Kildare Road from AR-1 to B-2 Map# 309-13 for American Tower/AT & T for Vernon Hathcock **(6)** the Second Reading to rezone 0.75 of an acre located at 789 Clys Shawnee Road from AR-1 to R-1 Map# 339B-1 for Ralph Graham **(7)** the Second Reading to rezone 0.15 of an acre located off of Union Springs Road from AR-1 to B-2 Map# 457-21 for American Tower/AT & T for Grady Rahn **(8)** the Second Reading to rezone 41.01 acres located on Courthouse Road from PD to AR-1 Map# 348D-1-4 for Barry and Brittany Tice **(9)** the Second Reading to rezone 24.22 acres located on Courthouse

Road from PD to AR-1 Map# 348D-5 & 6 for Ryan Raymond (10) the Second Reading to rezone 2.26 acres located on Tommy Long Drive from FH to AR-2 Map# 459-56 for Robert Taylor

Commissioner Kieffer seconded the motion. The motion carried unanimously.

**OLD BUSINESS**

**CONSIDERATION TO APPROVE THE FIRST READING OF THE EFFINGHAM COUNTY ORDINANCE REGARDING EMERGENCY MANAGEMENT (01):**

EMA Director Myrick explained the Boards concerns that could be addressed have been. Some concerns cannot be removed from the ordinance and the ordinance still stay in compliance with FEMA guidelines or State Legislation.

There was a discussion among the Board regarding the revisions and copies presented.

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

**CONSIDERATION TO APPROVE THE BOARD POLICY MODIFICATIONS AND FINANCIAL POLICY UPDATES (02):**

There was no further discussion. A workshop was called on October 28, 2013 to address questions and concerns.

Commissioner Loper made a motion to approve the Board and Financial Policies thereby repealing all existing policies. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO ACCEPT VARIOUS SUBDIVISION ROADS FOR COUNTY OWNERSHIP AND MAINTENANCE (03):**

Chairman Kessler recused himself. Vice Chairman Mason chaired the meeting.

Ms. Gussie Nease approached with questions about a particular development being added to the list.

Mr. Tim Matthews expressed concern about the roads in Georgia Plantation not yet accepted.

Mr. Ralph Graham expressed concern for the ditches in addition to the roads. The roads need to be examined before acceptance.

Commissioner Jones made a motion to approve the 65 roads proposed by Staff for County ownership and maintenance upon payment of all taxes owed and the preparation of a deed transferring ownership with the cost for repairs being presented to the Board at the time the deed is presented for consideration, and to add the roads within Laurel Mill and Timberlake subdivisions. Commissioner Floyd seconded the motion. The motion carried. Vice Chairman Mason opposed.

**NEW BUSINESS**

**CONSIDERATION TO APPOINT A COMMISSIONER TO THE BOARD OF DIRECTORS FOR FAMILY CONNECTION (01):**

County Clerk Johnson explained the Board of Commissioners has served as fiscal agent for the Effingham County Family Connection for a number of years. According to the By-laws for Effingham Family Connection, the Board of Commissioners needs to appoint someone from the commission to serve on the Board of Directors for Family Connection. The term of service is for one year.

Commissioner Kieffer made a motion to appoint Commissioner Jones to the Board of Directors for Family Connection. Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO ACCEPT AN ALTERNATE BID FOR COPIER LEASE AND MANAGED SERVICES AGREEMENT FOR THE COUNTY (02):**

Purchasing Agent Charleton explained at their meeting on 20th August, 2013 the Board approved a bid from Coyle Business Systems for copier lease and managed services. After the Board accepted the bid, the County Attorney reviewed the Terms and Conditions set forth in Government Contract 1715 which dictates the lease prices in Coyle Business Systems bid, and found that the contract is not particularized to Georgia, much less to Effingham County, so deemed Coyle Business Systems bid to be non-responsive.

Based upon the bid being non-responsive, the closest bidder is Docuquest, the County's current provider. The lease rate for Docuquest is approximately \$5,176.50 per month for a 36 month period and is based upon the monthly lease price plus the charge for an average number of copies made per month. The new yearly lease will be approximately \$62,118 a potential savings of \$27,326 over the current yearly lease.

Commissioner Loper made a motion to approve the bid of Docuquest copier lease and managed services bid. Commissioner Jones seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A TECHNICAL SERVICE AGREEMENT FOR CARDIAC MONITORS (03):**

Purchasing Agent Charleton explained currently the County owns 8 Physio Control Cardiac monitors. All 8 have the capabilities of 12 Lead EKG and 4 which also have an automatic blood pressure and monitor the O2 and CO2 levels on the patients. These monitors run in the price range of \$15,000 to \$20,000 each. Four monitors were purchased in 2007, another four were purchased in 2009. The annual cost of the service agreement is \$9,663.00.

Commissioner Jones made a motion to renew the service agreement with Physio Control. Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE 2013 EMPG EMA DIRECTED TRAINING AWARD AND AUTHORIZE EDWIN MYRICK TO SIGN THE FY 2013 EMERGENCY MANAGEMENT DIRECTED TRAINING AWARD PAYMENT REQUEST FORM (04):**

EEMA Director Myrick explained The Georgia Emergency Management Agency/Homeland Security (GEMA/HS) continues to promote the development and advancement of the Emergency Management (EM) profession in the State of Georgia. In that effort GEMA/HS has initiated a new opportunity to fund EM training for local Emergency Management Agency (EMA) Directors and their staff. These funds will be provided upon request and will require 50% local match and will require a quarterly report submission similar to the requirement for the FY 2013 GEMA/HS EMPG Base Award. Training funds not used by the end of the FY 2013 GEMA/HS EMPG Performance Period (July 1, 2013 thru June 30, 2014 must be returned to GEMA.

Commissioner Loper made a motion to approve the 2013 Emergency Management Directed Training Award and authorize Edwin Myrick to sign the FY 2013 Emergency Management Directed Training Award Payment Request Form. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE AMENDMENT 2 OF THE FREQUENCY RECONFIGURATION AGREEMENT AND SIGNING OF CLOSING DOCUMENTS (05):**

EMA Director Myrick explained On August 6, 2004, the FCC issued Report and Order FCC 04-168 that modified its rules governing the 800 MHz band to minimize harmful interference to public safety communications systems. Sprint/Nextel was ordered to relinquish some of its existing channels and was ordered to provide and pay relocation funds to enable affected licensees to relocate their systems onto Replacement Channels and reconfigure their systems so that they are Comparable Facilities. From May 24, 2007 to August 4, 2009, the Effingham Board of Commissioners had approved a series of agreements dealing

with the reconfiguration planning phase of this project and unanimously approved the contract on the Commissioners meeting dated August 4 2009.

Commissioner Loper made a motion to approve the Amendment No. 2, the closing documents and the Finance Reconciliation Statement. Commissioner Jones seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE NO CHANGES TO THE COUNTY RETIREMENT PROGRAM INVESTMENT PLATFORMS FOR THIRD QUARTER 2013 (06):**

Human Resources Director Hudzinski-Sero explained as per the decision of the Board of Commissioners on November 3, 2009, LPL Financial/Gini Nichols will provide a report on the county retirement plans quarterly, Actuarial report yearly, and request any investment changes as necessary.

457(b) Plans: from January 1, 2013 to September 30, 2013

- Distributions were made to retirees as well as terminated participants in the amount of \$197,072.71.
- Contributions made by active participants were in the amount of \$285,397.91
- Participants overall investments are valued at \$3,112,010.36. Enrolled active participation rate: 82.20%

401(a) Plans: from January 1, 2013 to September 30, 2013

- Distributions were made to retirees as well as terminated participants in the amount of \$203,037.33.
- Contributions made by the county on behalf of the employees as a match: \$311,084.89
- Value as of December 31, 2012 was \$3,779,836.46 with a value as of September 30, 2013 of \$4,383,549.90 in which the year to date return is 16.83%. Participant vested total value is \$4,007,763.90

- Active participation rate: 95.17%. Forfeitures \$10,664.72

Defined Benefit Plan:

As of December 31, 2012 the investment portfolio value was \$6,381,080.20. The value of the investment portfolio as of September 30, 2013 is \$7,315,223.43 with a year to date rate of return: 7.57% and a 12 month return of 12.49%. 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 \$4,715,455.59 64.45%, YTD Index Performance: DOW TR +17.64% Fixed Income \$2,310,294.50, 31.58 %- S&P Total Return +19.79%, Cash \$ 289,473.37 3.96%, EAFE +10.73%, Barclays US Aggregate - 1.89%, Barclays US Dollar Bond - 2.46% for a total of \$7,315,223.46

Commissioner Jones made a motion to move forward with no changes at this time. Commissioner Floyd seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE FOR THE CHAIRMAN TO EXECUTE AN APPLICATION FOR THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT (07):**

Finance Director Wright explained The Sheriff's Office has located a grant from the Governor's Office of Highway Safety. The grant allows for the purchases that will be used for traffic safety/enforcement/education equipment. The application for funds requires the Board of Commissioners approval. The terms and conditions are specifically addressed in the 19 page grant terms, conditions and certification. The grant terms site the major state and federal compliance protocols such as OMB Circulars A-87, A-110, and a-122, A-128 and A-133 and O.C.G.A 10-12-1. The grant is a reimbursement grant so funds will need to be expended and then reimbursement requested. The



general accounting and documentation of the grant is to be done by the Effingham County Finance department. The Sheriff's office will approve the purchase and work with the Finance department to adhere to the terms. Submission for the grant and reimbursement requests requires signatures of the project director, the finance officer, and the authorizing officials. Initial discussions with the Sheriff's department regarding the guidelines and requirements have already occurred. Given the detail and information submitted the Finance department is able to administer this grant within the terms required. Total grant award is \$20,000.00. A budget amendment will be required to increase expenditures by \$20,000.00 and Grant revenue by \$20,000.00.

Commissioner Loper made a motion to approve the application for and acceptance of the grant as submitted. Commissioner Jones seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A TEMPORARY RIGHT OF ENTRY AND MAINTENANCE AGREEMENT FOR A PROPERTY LOCATED AT EBENEZER CREEK (08):**

Community Relations Director Kobek explained Whitfield County is sponsoring a Transportation Enhancement Project (GDOT P.I. # 0002377) for the Atlanta Campaign & March to the Sea Heritage Trails. In conjunction with the Georgia Department of Transportation and Georgia Civil War Heritage Trails, Inc., they are requesting permission for a temporary Right of Entry to the Effingham County property at Ebenezer Creek for the purpose of installing and maintaining historical signage for public access to view said signage.

Commissioner Loper made a motion to authorize the Chairman to execute the Right of Entry and Maintenance agreement. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO AUTHORIZE STAFF TO HAVE DESIGN PLANS PREPARED AND SOLICIT BIDS FOR THE CONSTRUCTION OF THE ULMER PARK PROJECT AND TO ALLOCATE THE NECESSARY FUNDING (09):**

Brett Bennett explained plans were made by a previous Board of Commissioners to expend funds in aiding the City of Springfield with the project. Expansion of the parking lot for the Courthouse was one of the proposed projects in the plan.

There was a discussion about the amount to be expended.

Commissioner Loper made a motion to allow the committee and Staff to work on a phasing proposal and return to the Board with a revised cost estimate. Commissioner Jones seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE SHORT TERM WORK PROGRAM FOR 2014 (10):**

Community Relations Director Kobek explained the Short Term Work Program is designed to be the master planning document to guide and direct decision making for capital purchases and projects. The Board has reviewed the project list and changes to the project funding previously and staff is now requesting adoption of the plan. Adoption of this STWP will authorize staff to begin to expend and prepare to expend these funds for this year's fiscal projects only.

Adoption of this plan does not mean that funding for future years is actually encumbered or under contract, it simply means that as of today this is the planned use for capital funds. This is a planning and implementation document, therefore there is no implied guarantee that projects outside the FY 2013/14 which are included in the STWP will actually be funded and completed, or in the time and funding limits and years as they may appear. This document is to be revised and approved each year.

Commissioner Jones made a motion to approve the Short Term Work Program as provided and changing the name of the Ulmer Park project to Additional Courthouse Parking, changing the funding for the Additional Courthouse Parking project from \$400,000 to \$350,000 and adding an Atlas Concept Report project with a \$50,000 budget. Commissioner Floyd seconded the motion. The motion carried unanimously.

**REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF**

Interim County Administrator Allen discussed the following:

**1. Rincon Fire Station**

- Wesley Corbitt, City of Rincon, discussed the fire station and ISO rating and testing

**2. Concerted Services Banquet**

- Concerted Services has extended an invite for their 47<sup>th</sup> annual banquet celebration on November 15, 2013 at 11:00 am in Baxley

**3. Elba Liquefaction Company LLC**

- We were copied on a letter addressed to Mr. Kirk Mueller, P.E. PMP of Kinder Morgan regarding the Elba Liquefaction Project on Low Ground Road questioning how/if their property would be affected long term.

**4. State Route 17 @ State Route 119 Roundabout**

- We received a notice for a Public Information Open House to be held on Thursday, November 21, 2013 from 5:00 pm to 7:00 pm at 505 Magnolia Street, Guyton

**5. Gaming**

- Revisions to the alcohol ordinance will be coming before the Board

**6. Signal Light at Hwy 21 and Old Augusta Rd**

- To go live on Tuesday, November 12<sup>th</sup>

Community Relations Director Kobek discussed the following:

**1. Jail Construction Update**

- Provided a hard copy of the report to the Board

**2. SCAD**

- Request to use an area of Lowground Road near the Wastewater Treatment Plant

**3. Temporary Kitchen at Central**

- Budget over by approximately \$500.00

Finance Director Wright discussed the following:

**1. Department of Audits and Accounts Letter**

- We received a letter from the Department of Audits and Accounts verifying the corrective action plan meets the requirements specified in the Official Code of Georgia Annotated.

**2. Auditors**

- Auditors field work scheduled to begin on November 15<sup>th</sup> and continue through Mid-December

**3. Budget Amendments**

- To come before the Board on Nov. 19<sup>th</sup>

**4. Schedule of Fees**

- Review of mandated changes including recording of liability for pension benefits and how deferred revenue are shown and described

**5. Financial Statements**

- Inclusion of accounts on statements.

**6. Fieri Facias**

- Updating process of implementing recording of the receivable and payments made.

**7. Summer Foods Program**

- County received findings regarding program operations, concerning serving times. Issues have been corrected and responses made.

**8. Annual SPLOST**

- Discussed highlighting projects. Required by 12/31 each year to place in publication an overview of collections and expenditures.

Vice Chairman Mason discussed the following:

**1. Tax Commissioner Office**

- Alter the area at the Tag Clerks windows
- Chairs for seating
- Signage

**EXECUTIVE SESSION**

At 9:41 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 10:16 pm, the Board reconvened into regular session.

**EXECUTIVE SESSION MINUTES**

Commissioner Jones made a motion to approve the October 16, 2013 executive session minutes with the correction of Commissioner Kieffer not being present and legal counsel being Elizabeth Pavlis instead of Eric Gotwalt.

Commissioner Loper seconded the motion. The motion carried. Commissioner Kieffer abstained from voting due to being absent.

Commissioner Kieffer made a motion to approve the October 22, 2013 executive session minutes. Commissioner Floyd seconded the motion. The motion carried unanimously.

**ADJOURNMENT**

At 10:20 pm, Commissioner Jones made a motion to adjourn. Commissioner Kieffer seconded the motion. The motion carried unanimously.

  
WENDALL KESSLER, CHAIRMAN

  
STEPHANIE JOHNSON, COUNTY CLERK