

**THE EFFINGHAM COUNTY  
COMMISSIONERS' MEETING**

The Board of Commissioners of Effingham County, Georgia, Mr. Wendall Kessler, Chairman, Mr. Phil Kieffer, Vice Chairman, Mr. Forrest Floyd, Mrs. Vera Jones Mr. Steve Mason and Mr. Reggie Loper met in regular session at 5:00 pm on Tuesday, April 1, 2014 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, Mr. Steve Liotta, County Engineer, Mr. R. C. Barenchik, GIS Analyst, Mr. Jack Garvin, Ms. Ruth Lee, Mr. Brad Green, Mr. Warren Ratchford, Ms. Fay V. Kessler, Mr. Barry Kessler, Mr. David Sheffield, Mr. Matt McCoy, Ms. Kay Peacock, Ms. Irma Davis, Mr. Alec Metzger, Mr. Dwight Feemster, Mr. Doug Morgan, 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. Chairman Kessler led the Pledge to the American Flag.

**AGENDA APPROVAL**

Chairman Kessler request that item# 6 under new business be removed from this agenda and placed on the April 15, 2014 meeting agenda.

Vice Chairman Kieffer made a motion to approve the agenda with the removal of new business item# 6. Commissioner Floyd seconded the motion. The motion carried unanimously.

**MINUTES**

Chairman Kessler asked if there were any corrections or additions to the minutes of the March 18, 2014 Commission meeting.

Commissioner Loper made a motion to approve the minutes of the March 18, 2014 meeting as read. Commissioner Floyd seconded the motion. The motion carried unanimously.

### **PUBLIC COMMENTS**

Chairman Kessler stated public comment should be limited to agenda items only.

### **CORRESPONDENCE**

Chairman Kessler explained all correspondence and documents from the meeting are located in the Clerk's office and on the Board of Commissioner's website.

### **CONSENT AGENDA**

Commissioner Loper made a motion to approve: (1) the release of Sanitation Fees as submitted by the Sanitation Department (2) the Second Reading of an application by Denny Haygood to rezone 5.02 acres located at 2278 Hwy 80 from AR-1 to AR-2 Map# 354 Parcel# 26 in the First District (3) the Second Reading of an application by Melissa Osteen to rezone 4.96 acres located at 1862 Lowground Road from AR-1 to AR-2 Map# 372 Parcel# 8 in the Second District (4) the Second Reading of an application by Lynn Jeffers Sr. for a conditional use to allow for a 0.25 of an acre family cemetery located at 455 Hodgeville Road Map# 415 Parcel# 17 in the Second District (5) the Second Reading of an application by Reaudrey Hurst Sr. to rezone 1 acre located at 655 Ardmore Oaky Road from AR-1 to AR-2 Map# 262 Parcel# 30A in the Third District (6) the Second Reading of an application by Ben & Lori Newkirk for a variance to access a fourth lot from an existing sixty foot easement located off of Whitaker Road Map# 440 Parcel# 1 in the Third District.

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

**PRESENTATION**

Mr. Trey Monroe of Merchant Capital gave an overview of scenarios for restructuring of the water and sewer debt. The content of Mr. Trey Monroe's presentation included: water and wastewater budget, special tax district fund budget and cash flow summary.

Restructuring alternatives were offered for both a variable and fixed rated of revenue bonds for a term of up to 30 years.

The Board requested information on three different options for repayment structure be compiled by Mr. Monroe and emailed to the Commissioners

**NEW BUSINESS****CONSIDERATION TO APPROVE A CERTIFICATION OF ABANDONMENT OF A PORTION OF HERBERT KESSLER ROAD (01):**

Commissioner Jones recused herself.

Interim County Administrator Allen explained previously the Board voted to allow the road to remain open, since that time the Board has contended with litigation and another option for the route of the road. This item is brought back to solicit input from the public and Staff as to how to proceed at this point.

Ms. Faye Kessler and Ms. Mary Becton spoke in favor of the road remaining open. They both expressed concern for safety and the inability for fire services, sanitation and the Postmaster to have access.

Ms. Faye Kessler expressed concern for the distance she would need to run utilities to her property if a portion of the road is abandoned.

It was explained by Commissioner Mason that an easement would be acquired for those purposes if the road is closed.

Mr. Barry Kessler also expressed concern for how power would be ran to properties in the area of the road that is proposed to be abandoned.

Mr. Matt McCoy, attorney for the Davis', explained the Davis' to be in support of abandonment of the road.

Mr. Troy Davis stated his position on the issue has not changed. Property would be donated for the purposes of a cul-de-sac and is also willing to create the cul-de-sac.

Mr. Wayne Becton approached in favor of keeping the road open due to concerns for emergency services having access.

Mr. John Becton explained he would like to see the road remain open.

Mr. Danny Sheffield, a resident of Herbert Kessler Road, explained he would be in support of abandonment of the portion of the road only if the Kessler's are not subject to a land lock situation and further expressed safety concerns.

Mr. William Cox and Bob Hart spoke in favor of having the road closed to safety concerns.

Ms. Irma Davis spoke in favor of road abandonment and presented a letter and a petition from area property owners who also are in favor of abandoning the road.

There was a long discussion between the Board and the Attorneys regarding easement rights and legal proceedings and case law.

Commissioner Mason made a motion to approve to abandon the section of Herbert Kessler Road that crosses the Davis' property and close that section by adding a cul-de-sac at the roads intersection with both the Northern and Southern property lines. The motion died for lack of a second.

Commissioner Floyd made a motion to acquire sufficient right-of-way to maintain the entire length of the roadway and allow it to remain open.

Commissioner Loper seconded the motion. Commissioner Mason opposed the motion. Motion carried three to one.

**CONSIDERATION TO APPROVE AN ENGAGEMENT LETTER WITH COLE, FLEMING & CLARK, P.C. ATTORNEYS AT LAW TO PROVIDE LEGAL SERVICES FOR THE BOARD OF ELECTIONS (02):**

Commissioner Jones recused herself.

Interim County Administrator Allen explained On March 14, 2014 a challenge to the candidacy of Commissioner Jones was filed with the Board of Elections. The Board of Elections needs legal representation to respond to the challenge and to participate in the hearing.

The Board of Elections will not be able to utilize the services of the County Attorney because it would create a conflict. The Board of Elections searched for an attorney with elections experience and believes that Mr Cole is the best fit for their requirements. Mr. Cole will bill the County \$250 per hour for services.

Commissioner Mason made a motion to approve the Engagement Letter with Mr. Cole. Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE WARRANTY DEEDS AND EASEMENT AGREEMENTS FOR ALL PHASES OF MYRTLEWOOD SUBDIVISION (03):**

Commissioner Loper recused himself.

County Engineer Liotta explained Effingham Land Investors and the Coastal Bank request that the County accept ownership of the infrastructure in Myrtlewood Phases I, II, and III. Phases I and III are located off Midland Road, while Phase II consisted entirely of lots fronting Zittrouer Road. Water services for all phases are provided by Effingham County, while sewage is handled through individual septic systems. At least 26 of the 41 lots in the subdivision have been built upon.

The final plat for Phase I (19 lots) was approved in 2004, Phase II (12 lots) in 2006, and Phase III (10 lots) in 2007, all of which were prior to the May 2009 change to the Subdivision Regulations. Public Works inspected the roads/drainage

infrastructure on March 20, 2014 and found no deficiencies. Water/sewer staff previously inspected the water infrastructure and found no deficiencies. The County Clerk verified that the taxes are current.

Bouhan Falligant LLP provided Warranty Deeds for the Phase I and III roads and drainage on March 20. The deeds were corrected on March 25 to include the water main in Phase I and exclude water laterals beyond meters. An easement agreement was also provided to convey the water main between lots 28 and 29 in Phase II.

Commissioner Floyd made a motion to accept the warranty deeds and easement agreement. Vice Chairman Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE TO ACCEPT A QUOTE AND ISSUE A SERVICES CONTRACT TO FURNISH AND INSTALL FLOORING AT THE SENIOR CITIZENS CENTER AND DFCS BUILDINGS (04):**

Community Relations Director Kobek explained the Board previously approved a budget amendment for the replacement of a portion of flooring at the Sr. Citizens Center. The flooring at Sr. Citizens is approximately 12 years old, is splitting at seams and is heavily worn. Flooring at DFCS is most likely older than 15 years old, heavily worn and the mastic is releasing the carpet causing waves. Both facilities are in need of flooring replacement. A mandatory pre-bid inspection and meeting was held which was attended by 4 firms. American Restoration Products did not provide a bid.

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

**CONSIDERATION TO APPROVE A RESOLUTION FOR A BUDGET AMENDMENT FOR 2013-2014 FISCAL BUDGET FOR DEPARTMENTS 14 AND 15 (05):**

There was no further discussion.

Commissioner Jones made a motion to approve a budget amendment as listed and needed in the amount of \$13, 940.00. Commissioner Floyd seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE TO AUTHORIZE THE CHAIRMAN TO EXECUTE A CONSORTIUM AND A CHIEF LOCAL ELECTED OFFICIALS WORKING AGREEMENT FOR THE COASTAL WORKFORCE SERVICES BOARD (06):**

This item was removed from the agenda at the end of the meeting. This item is to be placed on the April 15, 2014 Commission meeting.

**CONSIDERATION TO APPROVE THE SUMMER FOOD PROGRAM CONTRACT (07):**

County Clerk Johnson explained for the past several years, the Board of Commissioners has participated in the Summer Food Service Program. This program offers summer lunch meals for children in the Guyton, Clyo and Springfield areas. Some of the costs of the program are reimbursed from state/federal funds.

Finance Director Wright explained the financial aspect of being a sponsor of the program.

Commissioner Loper made a motion to approve the Summer Food Program contract. Vice Chairman Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE AN ESRI ENTERPRISE LICENSE AGREEMENT (08):**

Interim County Administrator Allen explained for the past 6 years, the County has had the opportunity to enter into an Enterprise License agreement with ESRI for GIS software in 3 year intervals and commitments. This agreement allows for an unlimited number of licenses and updates for each piece of GIS software available and 30 days of continuing education and training. We currently have over 30 county employees consuming ESRI licenses.

GIS Manager explained the capabilities of the current software used and the number of users in the County.

Staff was directed to receive at least three quotes from other vendors.

Commissioner Loper made a motion to table the request until the May 6, 2014 meeting. Commissioner Jones seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A CONTRACT WITH EMC ENGINEERING SERVICES FOR ENGINEERING DESIGN SERVICES ON COURTHOUSE ROAD EXTENSION (09):**

Commissioner Jones recused herself.

Interim County Administrator Allen explained improvements to Courthouse Road have been discussed with the Board on several occasions. The improvements are included in the approved short term work program.

On June 7, 2011 the Board approved a contract with EMC Engineering Services for Survey Services associated with acquisition of the right-of-way required to construct the proposed improvements to Courthouse Road Extension.

Five proposals were revived. A RFP for engineering services was advertised. Two of the bids were similar in fees. EMC Engineering Services' fee was slightly lower than Moreland Altobelli's.

Vice Chairman Kieffer made a motion to approve a contract with EMC Engineering Services for engineering services. Commissioner Floyd seconded the motion. The motion carried unanimously.

**CONSIDERATION TO AUTHORIZE STAFF TO ADVERTISE FOR BID ROAD IMPROVEMENTS TO ZITTROUER ROAD (10):**

Interim County Administrator Allen explained Zittrouer Road is an ash road that was identified as one of the 20 worst roads and is included on the short term work program for repairs. Staff is asking for authorization to advertise for bid road improvements for Zittrouer Road.



Commissioner Loper made a motion to authorize staff to advertise the project for bid. Commissioner Floyd seconded the motion. The motion carried unanimously.

## **REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF**

Interim County Administrator Allen discussed the following:

- 1. Paved Road Maintenance**
  - An ITB will be issued now that input has been solicited from the Board.
- 2. Roadside Mowing**
  - Staff is still investigating the merits of this issue.
- 3. Blue Jay Road and McCall Road Improvements**
  - Work is anticipated to begin the first of April.
- 4. Ash Road Repairs**
  - Work is anticipated to begin on April 7.
  - Additional roads will be repaired to the extent a change order can be issued.
- 5. Road Re-Striping**
  - Public Work is obtaining measurements of the existing striping.
  - Once measurements have been obtained, the re-striping will be bid and a contract brought before the Board for consideration.
- 6. Goshen Hills Site Distance Improvements**
  - Public works trimmed the bush that was causing the sight issues.
- 7. Public Works / Fleet Maintenance**
  - The project is currently out for bid.
  - Will be presented to the Board on May 6, 2014.
- 8. SR 119 Recreation Improvements**
  - The project is currently out for bid.
- 9. Atlas Sand Planning Services**
  - The project is currently out for bid.
- 10. McCall Road Restriping**
  - The project is currently out for bid.
- 11. Gateway Behavioral Health**
  - Gateway is requesting appointments to the Gateway BHS governance board by June 1, 2014.
  - One appointment of a person reflective of the cultural and social characteristics, including gender, race, ethnic, and age characteristics, of the community service board area and county population, to serve a two year term beginning July 1, 2014.
  - One elected or appointed official to serve concurrent with his/her term of office in your county.
- 12. EMC Engineering Services Inc. Hospitality Reception**
  - EMC Engineering extended an invite to their hospitality reception at the Westin Savannah Harbor-Riverscape Room directly beside the Trade Center on Saturday, April 12, 2014 from 5:00-8:00 pm. Please let the Clerk know if you plan to attend, we will need to RSVP.
- 13. Mars Theatre Grand Opening**
  - The grand opening of the Mars Theatre will be held on Wednesday, April 23<sup>rd</sup> beginning at 5:30 PM. Must RSVP by April 16<sup>th</sup>.
- 14. Emerald Plantation Complaint**
  - Received a petition via certified mail regarding the water quality at Emerald Plantation. Meeting is requested.

Commissioner Floyd discussed the following:

- 1. Courthouse Road**
  - What can be done about the dust on the road?
- 2. Hwy 80 traffic concerns**

- Mentioned a citizen's concerns about traffic safety, can the speed be reduced?

Commissioner Mason discussed the following:

**1. District**

- Can voting and militia districts be aligned?

**2. Road Maintenance**

- Public Works has been making repairs on the roads in the North end of the County

**EXECUTIVE SESSION**

At 8:57 pm, Vice Chairman Kieffer made a motion to go into executive session to discuss personnel, property and pending litigation. Commissioner Loper seconded the motion. The motion carried unanimously.

**EXECUTIVE SESSION MINUTES**

Chairman Kessler called for a motion to approve the March 18, 2014 executive session minutes. Commissioner Jones made a motion to approve the minutes as read. Commissioner Loper seconded the motion. The motion carried unanimously

**ADJOURNMENT**

At 9:29 pm, Vice Chairman Kieffer made a motion to adjourn the meeting. Commissioner Loper seconded the motion. The motion carried unanimously.

  
WENDALL KESSLER, CHAIRMAN

  
STEPHANIE JOHNSON, COUNTY CLERK