

**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, August 5, 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, , Ms. Fiona Charleton, Purchasing Agent, Mr. Clarence Morgan, Recreation Director, Ms. Claudia Collier, Mr. Tony Chiariello, Mr. Jack C. Garvin, Mr. Mickey Kicklighter and Mr. Pat Donahue

CALL TO ORDER

Chairman Kessler called the meeting to order.

INVOCATION

Chairman Kessler gave the invocation.

PLEDGE TO THE AMERICAN FLAG

Chairman Kessler led the Pledge to the American Flag.

AGENDA APPROVAL

Commissioner Loper made a motion to approve the agenda as read. Commissioner Jones seconded the motion. The motion carried unanimously.

MINUTES

Chairman Kessler asked if there were any corrections or additions to the minutes of the July 15, 2014 Water Rate Workshop and the Commissioner's meeting.

Commissioner Loper made a motion to approve both sets minutes 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 Jones made a motion to approve: **(1)** the Second Reading of an application by Edwards Commercial Park LLC to rezone 14.20 acres located at 728 U.S. Hwy 80 B-2 to B-3 Map# 302 Parcel# 153 in the First District **(2)** the Second Reading of an application by Tim Weredyk to rezone approximately 5.18 acres located on Bluejay Road from I-1 to AR-1 Map# 373 Parcel# 5 in the First District **(3)** the Second Reading of an application by Jordan Sislo and Tahrin Ficchi to open a dog daycare Map# 375 Parcel# 44 in the First District **(4)** the Second Reading of an application by Georgia Timber Exports, LLC located at Hwy 21 North Map# 365 Parcel# 26 in the Third District. **(5)** the Second Reading of an application by Joey and Charlotte Stone to rezone 1 acre located at 523 Longbridge Road from AR-1 to AR-2 in the Fourth District **(6)** an assemblage permit for the Treutlen House to hold a 5k trail run on August 16, 2014 **(7)** to renew the MOU with Effingham County Board of Education for the use of seven (7) school buses for the purposes of evacuation in the event of disaster Commissioner Floyd seconded the motion. The motion carried unanimously.

OLD BUSINESS

CONSIDERATION TO APPROVE A REFUND OF TAX OVERPAYMENT FOR GREENLAND DEVELOPERS INC. FOR TAX YEARS 2010, 2011 AND 2012 ON PROPERTIES LOCATED ON HWY 21 SOUTH MAP# R212 PARCELS# 12, 17 (01):

Chairman Kessler explained the applicant is unable to attend the meeting. Because the item has been tabled twice, the item will need to be removed.

Commissioner Mason made a motion to remove the item from the agenda. Vice Chairman Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE TO OPERATE AND MAINTAIN A WELL, TANK AND WATER SYSTEM FOR OLD AUGUSTA ROAD DEVELOPMENT (02):

Commissioner Jones recused herself.

Interim County Administrator Allen stated this item was requested to be tabled by the applicant until the August 19, 2014 meeting.

Vice Chairman Kieffer made a motion to table the request until the August 19, 2014 Board meeting. Commissioner Floyd seconded the motion. The motion carried unanimously.

NEW BUSINESS

CONSIDERATION TO APPROVE A PROCLAMATION DECLARING AUGUST 19, 2014 AS EFFINGHAM CHAMPIONS DAY (01):

County Clerk Johnson explained the Recreation Director is asking for approval to proclaim August 19, 2014 as Champions Days to recognize our Effingham County Rec & Parks Flea Boys Sand Hill team which won the GRPA First District Flea Boys with Pitching Machine Championship held in Vidalia and finished as State Runner up in the GRPA State Flea Boys Tournament held in Cordele.

Vice Chairman Kieffer made a motion to approve to proclaim August 19, 2014 as Effingham Champions Day. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE TO EXECUTE A CONTRACT WITH SHENANDOAH FLEET SERVICES FOR FLEET OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES (02):

Purchasing Agent Charleton explained on July 15, 2014, the Board accepted a proposal from Shenandoah Fleet Services for Fleet Operations, Maintenance and Management Services.

The contract commences on September 1, 2014 (or sooner if the transition from the previous contractor allows) and ends on June 30, 2015. It will

automatically renew for two additional one year periods. After the auto-renewal periods, there is an option to renew upon mutual agreement of both parties for two further one year periods.

The contract allows for the County to terminate for convenience with 30 days written notice and for the contractor to terminate for convenience with 90 days written notice. The contract complies with the accepted proposal and has been reviewed and approved by the County Attorney.

Commissioner Loper made a motion to approve execution of the contract with Shenandoah Fleet Maintenance for Fleet Operations, Maintenance and Management services. Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO ACCEPT A QUOTE AND ISSUE A PRE-EVENT CONTRACT FOR DISASTER DEBRIS MONITORING & FINANCIAL RECOVERY SERVICES (03):

Purchasing Agent Charleton explained a request for proposal for Disaster Debris Monitoring & Financial Recovery Services was issued and posted in April with no response. The request for proposal was re-issued and re-posted on the ECBOC website, the Georgia Procurement Registry website, the Georgia Local Government Access Website, advertised in the Savannah Morning News and the Effingham Herald and sent to known contractors.

Three (3) responses were received. Based upon the fee schedules and experience/qualifications, the results are: Thompson Consulting Services, Lake Mary, FL Leidos, Inc., Maitland, FL, and ER Assist, Bentonville, AR

A three year pre-event contract running from August 5, 2014 to June 30, 2017 has been reviewed and approved by the County Attorney. The pre-event contract allows for three optional one year renewals when the original term expires. No compensation will result from the pre-event contract unless an activation change order is approved by the Board of Commissioners in the event of a declared emergency.

EMA Director Myrick explained the County would have to be under a state of emergency in order for the contract to be activated. Seventy –five percent (75%) of the cost would be reimbursed provided all requirements are met.

Vice Chairman Kieffer made a motion to approve Thompson Consulting Services proposal and approval to issue a pre-event contract to Thompson Consulting Services for Disaster Debris Monitoring & Financial Recovery Services. Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO ACCEPT TWO PROPOSALS AND ISSUE TWO PRE-EVENT

CONTRACTS FOR DISASTER DEBRIS REMOVAL SERVICES (04):

Purchasing Agent Charleton explained a request for proposal for Disaster Debris Removal Services was issued and posted on the ECBOC website, the Georgia Procurement Registry website, the Georgia Local Government Access Website, advertised in the Savannah Morning News and the Effingham Herald and sent to known contractors. Six (6) responses were received.

Commissioner Jones made a motion to approve the proposals of Southern Disaster Recovery LLC and Ceres Environmental Services, Inc. and issue pre-event contracts. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN UPDATED JOB DESCRIPTION FOR A CIVIL ENGINEER GRADE 3 (05):

Human Resources Director Hudzinski explained she is seeking approval from the Board of Commissioners for the addition of the job description for Department 15, Civil Engineer-Grade 3. The job description has been added to reflect a more comprehensive and task specific assignment of duties backed on the involvement and needs of the County.

Commissioner Loper made a motion to approve the job description for Civil Engineer-Grade 3. Vice Chairman Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A LETTER OF INTENT FOR UNDERWRITING SERVICES AND AGREEMENT WITH MERCHANT CAPITAL LLC (6):

Finance Director Wright explained the Securities and Exchange Commission have implemented new rules that govern the relationship that Merchant Capital, as underwriter has with its bond issuing clients. These rules are the result of the Dodd-Frank Wall Street Reform and Consumer Protection Act that was passed into law in July, 2010. The new regulations require us to formally engage Merchant Capital as underwriter before we are able to seek specific advice from them. In the past we have received financial information, took part in discussions and received advice without the need for a formal engagement. This has been valuable to the County. As such we believe a preliminary and nonbinding contract will meet the new regulation and allow for the necessary continued relationship. This engagement may be terminated at any time; the County will have no financial obligation to Merchant Capital.

Commissioner Loper made a motion to approve the contract with Merchant Capital. Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE POTENTIAL PAYMENTS REGARDING THE NEW SAVANNAH WATER AND SEWER CONTRACT (07):

Finance Director Wright explained as part of the ongoing effort to resolve each contract and possible liabilities we are beginning reviews of compliance, stipulations, and parameters, associated with each contract. In November 2008 a new amended contract was signed regarding the Exley tract. This contract was signed after several changes were made to the development plans.

The exhibit D to the contract does not reference projects to be built or developer cost of constructing the county's off-site water distribution for which credit is to be extended. The contract does contemplate for payments on a quarterly basis. Discussions with Development Services and the Water Department denote several payments have been made from benefit tracts. Discussions with

the County Attorney have noted that though the language used “to repay the developer for its cost of constructing the County’s off-site water distribution system as shown and describe in exhibit D was used in the contract” the intent was for payment to be made from any benefited tracts to the developer.

County Attorney Gotwalt explained the original agreement included a payment of 3.5 million dollars cash to the County. At the time of the agreement, a residential development was planned for the site. Credits were contemplated as homes were built. A plan for a different type of development was brought back to the County. The developers requested the amendment be revised.

There was a discussion of questions to be addressed prior to making a decision on the request.

Commissioner Jones made a motion to table the request until September 16, 2014. Vice Chairman Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE CHANGE ORDER# 1 ON SENIOR CITIZENS AND DFCS FLOORING (08):

Interim County Administrator Allen explained in April 2014 a contract was approved by the Board for flooring installation at the Sr. Citizens Center and the Department of Family and Children Services Buildings. The contractor is requesting a change order to cover the costs of additional labor and materials used in the performance of the work.

Patch work was needed, and shoe molding once removed could not be reused at the Sr. Citizens Center. Additional labor was utilized for these repairs, contractor is requesting \$2,475. The RFP and Addendum allowed the use of inmate labor to help with pulling up the carpet, inmate labor was provided, however, there were occurrences when they inmate labor was unavailable and the contractor was scheduled for work. Work was ultimately completed on one weekend and inmates were unavailable.

There was a discussion among the Board regarding the validity of the request.

Commissioner Loper made a motion to deny the request. Commissioner Jones seconded the motion. Vice Chairman Kieffer opposed the motion. The motion carried four to one.

CONSIDERATION TO APPROVE CLERK TRAVEL FOR THE GEORGIA MUNICIPAL AND COUNTY CLERKS EDUCATION CONFERENCE (09):

County Clerk Johnson explained the Georgia Municipal and County Clerks Education Conference will be held September 7th through September 9th at the UGA campus in Athens. This conference is continuing education toward Clerk certification.

Commissioner Floyd made a motion to approve the travel cost.

Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPOINT DAVID HARRIS TO THE UNEXPIRED TERM OF THE DISTRICT 1 SEAT ON THE INDUSTRIAL DEVELOPMENT AUTHORITY BOARD (IDA) (10):

County Clerk Johnson explained Ms. Rose Harvey has resigned her position effective July 31, 2014. It has been recommended by Commissioner Floyd that the unexpired term for the vacated seat be filled by Mr. David Harris. The unexpired term for the seat is set to expire on December 31, 2014.

Commissioner Floyd made a motion to appoint David Harris to the unexpired term for the IDA Board. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO AWARD A CONTRACT AND ISSUE A NOTICE TO PROCEED FOR 2014 ASH ROAD REPAIRS AND RESURFACING (11):

Interim County Administrator Allen explained this is the second round of repairs. There is a different type of surface being proposed that is more durable.

The cost of mixing the existing ash base, which allows the surface to be smoothed and a profile created, is far less costly than removing the ash or adding additional aggregates to it. Public works has had limited success in being able to maintain the surface of failing ash road using a motor grader. Therefore, if the roads are rebuilt and a surface is not placed on the ash, Public Works may be able to provide limited maintenance to the surface.

There was a discussion among the Board about traffic control issues and adding additional verbiage to the contract under the Scope of Work.

Commissioner Jones made a motion to award the contract and issue the notice to proceed and advised Staff to direct contractors as to the specifications discussed during the meeting. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO CANCEL THE SEPTEMBER 2, 2014 COMMISSION MEETING (12):

County Clerk Johnson explained in the past, the Board has opted to cancel or change the first Tuesday meeting for the month of September due to the Labor Day holiday. The regular scheduled meeting on September 2, 2014 will be the day after the Labor Day holiday.

Commissioner Jones made a motion to cancel the September 2, 2014 meeting. Commissioner Loper seconded the motion. Commissioner Mason opposed the motion. The motion carried four to one.

EXECUTIVE SESSION

At 6:49 pm Vice Chairman Kieffer made a motion to enter executive session to discuss personnel, property and pending litigation. Commissioner Jones seconded the motion. The motion carried unanimously.


EXECUTIVE SESSION MINUTES

Chairman Kessler called for a motion to approve the July 15, 2014 executive session minutes. Vice Chairman Kieffer made a motion to approve the minutes with the noted correction. Jones seconded the motion. The motion carried unanimously.

ADJOURNMENT

At 8:43 PM Commissioner Floyd made a motion to adjourn the meeting.

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


WENDALL KESSLER, CHAIRMAN


STEPHANIE JOHNSON, COUNTY CLERK