

**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 and Mr. Reggie Loper met in regular session 5:00 pm on Tuesday, November 18, 2014 in the Commissioners' Meeting Room at the Effingham County Administrative Complex. Commissioner Mason was not present.

PERSONS ATTENDING THE MEETING

Mr. Eric Gotwalt, County Attorney, Mr. Toss Allen, County Administrator, Mrs. Stephanie Johnson, County Clerk, Mrs. Joanna Wright, Finance Director, Mr. Adam Kobek, Community Relations Director, Ms. Rushe Hudzinski, HR Director, Mr. George Shaw, Zoning Administrator Mr. Clint Hodges, Fire Chief, Mr. Clarence Morgan, Recreation Director, Mr. Jamie Deloach, Mr. Tim Matthews, Mr. Leroy Holmes, Mr. A. Craig Johnson, Ms. Cassandra Jackson, Mr. Douglas Kirkland, Mr. William Layne, Ms. Delores Layne, Ms. Annette Hughes, Ms. Gail Winskie, Mr. Wayne Winskie, Ms. April Harvey, Mr. Waring Harvey, Mr. Rick Rafter, Ms. Kay Proctor, Mr. Richard Deal, Mr. Jack C. Garvin and Mr. Pat Donahue, Ms. Gigi Rigsby

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

Chairman Kessler called for a motion.

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

MINUTES

Commissioner Jones made a motion to approve the minutes of the November 4, 2014 Commissioner's meeting and Recreation Master Plan Workshop. Commissioner Loper 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.

APPEARANCE

Mr. Craig Bonnell, Attorney and Mr. Glover Jackson addressed the Board regarding property they believe rightfully belongs to the Jackson Family. The Jacksons' expressed a desire to be compensated for the property on which the Hospital, OMI Flight and EMS services reside.

After listening to the petition from the Jacksons' and Mr. Bonnell, the Board asked a few questions. Chairman Kessler asked Mr. Bonnell to present documentation to the Commissioner's office within ten (10) days for further review.

OLD BUSINESS

CONSIDERATION OF AN AGREEMENT FOR THE USE OF EFFINGHAM COUNTY PRISON INMATES IN THE CITY OF BLOOMINGDALE (01):

Community Relations Director Kobek explained the County Attorney has reviewed the agreement and made the changes pertaining to liability as directed by the Board.

Commissioner Floyd made a motion to approve the agreement. Commissioner Loper seconded the motion. The motion carried unanimously.

NEW BUSINESS

CONSIDERATION TO APPROVE A REQUEST FOR INTEREST ON REFUNDS OF WATER AND SEWER IMPACT FEES COLLECTED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT (01):

Commissioner Jones recused herself.

Finance Director Wright explained the item has been brought before the Board on two other occasions, however, the Cyman's requested to appear before the Board.

Mr. and Mrs. Lawrence Cyman explained a timeline of events and requested that the interest accrued over a seven year time period in which their funds were within the County's possession is refunded.

Mrs. Vera Jones confirmed an agreement was signed by the Cymans'. The County asked developers to guarantee a certain dollar amount in fees for water and sewer, as result, DM Jones Construction, Inc. obtained the water and sewer fees during the property closing.

County Attorney Pavlis confirmed a previous assessment of Mr. Eric Gotwalt, County Attorney that the interest is not due to be paid.

Commissioner Loper made a motion to not refund the interest on the water and sewer impact fees. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A JOB DESCRIPTION FOR AN ACTIVITIES

COORDINATOR FOR SENIOR CITIZEN (02):

Human Resources Director Hudzinski explained the Activities Coordinator position has budget approval for the 2014 -2015 budget year but the position does not have an approved job description by the Board. The Activities Coordinator replaces the Nutrition Aide position.

Commissioner Jones made a motion to approve to add the Activities Coordinator job description for the County, in order to advertise and fill the position for the Senior Citizen. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A PAY GRADE CHANGE FOR THE CIVIL ENGINEER

POSITION (03):

Human Resources Director Hudzinski explained the following pay grade change has been submitted for consideration and approval by the Board. The proposed monetary increase of 10% in base salary for the Civil Engineer - Grade 3 parallels the surrounding market and counties. Current: Grade 37 – 21.43/hour, Proposed: Grade 39 – 23.62/hour. The funds for increases are obtained from budgeted funds allocated for this review and have been adjusted to comply with funding availability of the current budget.

Commissioner Jones made a motion to approve to implement the pay grade change to Grade 39 for the Civil Engineer – Grade 3 to set salary level to current market level. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A LOCATION AGREEMENT WITH LBK FILM

PRODUCTIONS LLC. FOR THE USE OF THE TREUTLEN BUILDING (04):

Community Relations Director Kobek explained LBK, in partnership with Moon River Studio's approached the County on the availability of utilizing the Treutlen Building for the filming of one or two scenes that take place in a sheriff's office. The movie is an adaptation of the "Left Behind" Novel series. The location agreement contemplates the use of the facility from 11/19 to 11/25. Site design will take place on November 19th and filming will take place on November 24th or November 25th.

LBK will compensate the county for utilities, and 1.5 hours of employee time to open and close the facility, for a total of \$100.

Commissioner Loper made a motion to approve the location agreement. Vice Chairman Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE TO PROVIDE NOTICE OF INTENT TO LEVY THE MILLAGE TO EFFINGHAM HOSPITAL (05):

Finance Director Wright explained Effingham County's received a letter dated August 11, 2014 which proposed a potential underfunding of the Hospital Authority regarding the County's obligation under the HUD Hospital expansion agreement. The Hospital and the County reviewed the payments. A Memorandum of Understanding (MOU) was drafted which outline updating the process for monthly payments as called for under the contract.

To consolidate the process it has been proposed that the County receive the tax receipts directly and pay out the \$300,000.00 per month to the hospital. As such the MOU approved on November 4, 2014 calls for the county to provide notice to the hospital of its intent to levy in the County's name.

Commissioner Jones made a motion to approve giving notice of intent. Commissioner Loper seconded the motion. The motion carried unanimously.

PRESENTATION OF THE EFFINGHAM FINANCIAL STATEMENTS AND AUDITOR'S REPORT (06):

Finance Director Wright gave a summary through a power point presentation outlining the financial statements of the Auditor's report. There were three (3) audit deficiency findings which included: unrecorded property and equipment, unrecorded retainage and miscoded transactions-Sheriff's Special Funds.

Ms. Kay Proctor, of Thigpen, Lanier, Westerfield & Deal explained the details of the audit findings to be immaterial and isolated incidents.

Mr. Richard Deal thanked the Board for the opportunity and commended Staff and Elected officials on their cooperation.

CONSIDERATION TO APPROVE THE AUDITED FINANCIAL STATEMENTS FOR TRANSMISSION TO THE STATE OF GEORGIA (07):

There was no further discussion after the presentation.

Commissioner Jones made a motion to affirm the audited statements and approve the audit and submission to the State of Georgia on time. Vice Chairman Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE FIRST READING TO AMEND THE LITTER CONTROL ORDINANCE (08):

Zoning Administrator Shaw explained in conjunction with our designation as an MS4 Effingham County is required to adopt a litter control ordinance. It is another tool to help keep the waters of the county and the state clean. The Code Enforcement officer will be the person primarily responsible for enforcing this ordinance. This ordinance is a requirement as a regulated MS4. The revised ordinance is intended to replace the existing litter control ordinance found in Section 42-4 of Effingham County's Code of Ordinances.

Commissioner Jones made a motion to adopt the first reading of the revisions to the Litter ordinance. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO ACCEPT A LIMITED WARRANTY DEED FOR INFRASTRUCTURE AND RIGHTS OF WAY WITHIN GEORGIA PLANTATION SUBDIVISION (09):

Zoning Administrator Shaw explained Georgia Plantation subdivision was platted in 2004. It has direct access to Goshen Rd. It is serviced by county water and individual septic systems. There are three roads in the subdivision to be accepted: Gordon B. Hinckley Ave., Hubener Dr., and Heather Lynn Lane. The county would also be accepting the water infrastructure within the rights of way.

Public works made a final inspection on November 7, 2014 and recommended acceptance of all rights of way and the water infrastructure therein. There are no delinquent taxes. The 2014 tax bill due is \$24.65. A deed was prepared by the owner's attorney and reviewed by the County Attorney.

Commissioner Loper made a motion to accept the limited warranty deed. Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE FIRST READING TO AMEND CHAPTER 36 FIRE PROTECTION AND FIRE PREVENTION REGULATIONS, ARTICLE III, SECTION 36-29 (10):

County Administrator Allen explained Staff and consultants have been reviewing County ordinances as they relate to fire protection and prevention as part of the Pre-ISO Audit being conducted by NFSO. It was discovered that our ordinance states that the County adopted the 2000 edition of the International Fire Prevention Code, and this needs to be updated.

Commissioner Loper made a motion to approve the first reading of the ordinance revision. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO AWARD A CONTRACT AND ISSUE A NOTICE TO PROCEED FOR OLD AUGUSTA ROAD AND HODGEVILLE ROAD RESTRIPIING (11):

County Administrator Allen explained requests were received and made mention of by Commissioner Mason to change the existing striping of portions of both Old Augusta Road and Hodgeville Road.

An Invitation to Bid(ITB No. B15-003) for Old Augusta and Hodgeville Road restriping was advertised on the Effingham County Board of Commissioners website; the Georgia Local Government Access Marketplace Website and on the Department of Administrative Services website. Two bids were received but one arrived after the deadline and was not opened.

The one bid that was received on time was form Peek Pavement Marking, LLC with a bid price of \$5,275.00 for Old Augusta Road and \$6,062.50 for Hodgeville Road. Peek Pavement Marking responded in accordance with the Invitation to Bid and provided the required bid bond.

Commissioner Loper made a motion to approve the contract with Peek Pavement Marking, LLC and issue a Notice to Proceed for Old Augusta and Hodgeville Roads. Vice Chairman Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE EFFINGHAM COUNTY 2015 LOCAL MAINTENANCE IMPROVEMENT GRANT (LMIG) PROJECT (12):

County Administrator Allen explained each year the Georgia General Assembly sets aside a percentage of the motor fuel tax collections to be distributed to Local Governments as a Local Maintenance Improvement Grant (LMIG). The Georgia Department of Transportation is responsible for overseeing the program.

The allocation is based on the total centerline road miles for Effingham County's road system and the total population of Effingham County as compared to the total statewide centerline road miles and total statewide population. For FY 2015, Effingham County's Formula amount is \$628,407.79. We are requesting to spend the FY 15 LMIG money on three of the roads proposed to be resurfaced in 2015 (Long Bridge Road, Wylly Road and High Bluff Road).

Commissioner Floyd made a motion to approve the FY 2015 LMIG project list. Commissioner Loper seconded the motion. The motion carried unanimously.

DISCUSSION ON PROPOSED CHANGES TO THE WATER RESOURCES PROTECTION ORDINANCE AND STORMWATER MANAGEMENT LOCAL DESIGN MANUAL (13):

County Administrator Allen explained on March 7, 2014 the Environmental Protection Agency designated Effingham County for regulation as a new Phase II Municipal Separate Storm Sewer System (MS4) permittee. On June 3, 2014, the Board voted to submit a Notice of Intent and Storm Water Management Program to the Georgia Environmental Protection Division. An overview of various sections of the proposed manual and ordinance was discussed.

The Board directed Staff to move forward and place the manual and ordinance on the December 9, 2014 agenda.

CONSIDERATION TO APPROVE TO REVISE THE COMMISSION MEETING DATE SCHEDULE FOR THE MONTH OF DECEMBER (14):

County Clerk Johnson explained The Board of Commissioners has in the past changed dates of the Commissioner's meeting during this time of the year due to the holidays. It has been customary for the Board to have one meeting in the month of December. The request is to change the dates for the month of December only. The first meeting of January falls a week after the New Year Holiday; therefore dates can remain as scheduled.

The meeting dates as currently scheduled is December 2nd and December 16th. Staff recommends approving cancelling the December 2, 2014 meeting and moving the December 16, 2014 meeting to December 9, 2014.

Commissioner Loper made a motion to approve to cancel the December 2, 2014 meeting and move the December 16, 2014 meeting to December 9, 2014. Vice Chairman Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPOINT A REPRESENTATIVE TO THE DISTRICT 2 SEAT ON THE PLANNING BOARD (15):

County Clerk Johnson explained the term of the District 2 seat on the Planning Board expired some time ago. The Planning Board consists of nine (9) members, one of whom shall be an appointed representative of the Effingham County Commission serving as a Board member and acting liaison between the Commission and the Planning Board. Five (5) of the members are appointed representatives from each voting district, three (3) are appointed by the city councils of Springfield, Guyton and Rincon.

An application has been received by Alan Zipperer. Commissioner Jones recommends appointing this applicant.

Commissioner Jones made a motion to appoint Alan Zipperer to the District 2 seat of the Planning Board. Commissioner Floyd seconded the motion. The motion carried unanimously.

There was further conversation regarding revamping the organization of the Planning Board. Staff asked for the Board's opinion in doing so. The Board was open to suggestions.

CONSIDERATION TO APPROVE A PURCHASE AND SALE CONTRACT FOR APPROXIMATELY 76.89 ACRES OF LAND AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE CLOSING DOCUMENTS (16):

Vice Chairman Kieffer recused himself.

County Administrator Allen explained at the conclusion of the recreation public workshop the Board instructed Staff to include a sale contract for said property on the November 18, 2014 agenda.

Water and sewer is located within the right-of-way of SR 21 adjacent to the property. A current wetlands delineation of is obtained for the property but to date has not been completed.

Further discussions with the IDA have revealed the possibility for immediately acquiring a portion of the Research Forrest Tract.

Commissioner Loper made a motion to approve the Purchase and Sale contract. Commissioner Jones seconded the motion. The motion carried.

REPORTS FROM COMMITTEE COMMISSIONERS AND ADMINISTRATIVE STAFF

County Administrator Allen discussed the following:

- 1. Sheriff's Office Updates**
 - Attached is an update to the progress of the Sherriff's Office project.
- 2. Monthly Fire Report**
 - Attached is the fire report for the month of October.
- 3. Senior Citizens Report**
 - Attached is the Senior Citizens report for the month of October.
- 4. CRC Sidebar Conference**
 - On Friday November 21, 2014 the Coastal Regional Commission will hold a sidebar conference from 7:30 until 4:30 at their office in Darien.
 - The conference will cover Economic Development, Development Authorities, Ethics, and Liabilities, Conflict of Interest and Open Meetings, Open Records.
- 5. HUD Letter**
 - The Memorandum of Understanding with the Hospital Authority was approved by the Board with the stipulation that a letter be received from HUD stating that they had no objections to the MOU.
 - Such a letter was received on November 14, 2014 via email.
- 6. Historic Courthouse Tour**
 - A group of 4th graders are going to tour the Old Jail and then watching a movie at the Mars Theater on February 11, 2015.

- They would also like to tour the Historic Courthouse at the same time, if the Board will allow them to do so.
 - There would be two groups to tour the facility. One at 9:00 and the other at 10:00.
- 7. Eggs and Issues**
- Eggs and Issues will be held on Thursday, December 4, 2014 beginning at 7:30 AM at the College and Career Academy.
- 8. Courthouse Road Public Information Open House**
- A public Information Open House will be held for the Courthouse Road Extension improvement project on December 11, 2014 at 6:00 pm at the Administrative Complex.
 - The meeting is a follow up to the previous PIOH and plans will be presented which seek to address the comments made at the previous meeting.

EXECUTIVE SESSION

At 8:27pm, Commissioner Loper made a motion to enter executive session to discuss Personnel, Property and pending Litigation. Commissioner Jones seconded the motion. The motion carried. Vice Chairman Kieffer had not yet returned from recusing himself.

RECONVENE

The regular Board meeting reconvened at 9:23 pm.

EXECUTIVE SESSION MINUTES

Vice Chairman Kieffer made a motion to approve the executive session minutes of November 4, 2014. Commissioner Loper seconded the motion. The motion carried unanimously.

PLANNING BOARD PRESENTMENTS

WILLIAM LAYNE (01): The applicant request to rezone 1.03 acres located on Hiawasse Avenue from AR-1 to AR-2 Map# 330A Parcel# 3 in the First District.

Zoning Administrator Shaw explained rezoning the property would create a conforming lot and Mr. Layne would like to give to his daughter.

Mr. William Layne approached in favor of his request. No one approached against the request.

Commissioner Floyd made a motion to approve the request with the following Planning Board and Staff 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.

NICKY POWELL JR. (02): The applicant request to rezone 8.64 acres located at 2005 Hodgeville Road from AR-1 to AR-2 Map# 435 Parcel# 38 in the Second District.

Zoning Administrator Shaw explained the rezoning is to subdivide the parcel into two lots. Planning Board and Staff recommends approval. Planning Board did recommend limiting to only two lots.

Mr. Nicky Powell Jr. explained he would like to rezone the property for family use. There is a home currently being constructed on one side of the property.

No one else spoke in favor or against the request.

Commissioner Jones made a motion to approve the request with the following Staff recommendations and to not limit the number of lots:

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.

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

WAYNE & GAIL WINSKIE (03): The applicant request to rezone 4.80 acres located on Hwy 119 North from AR-2 to AR-1 to combine with an adjoining parcel Map# 408 Parcels# 14, 14A, 14B, 14C in the Third District.

Zoning Administrator Shaw explained the Winskies' purchased the four parcels that currently adjoins their home site and would like to combine all parcels into one tract.

Wayne and Gail Winskie approached in favor of the request.

No one else spoke in favor or against the request.

Vice Chairman Kieffer made a motion to approve the request with the following Planning Board and Staff 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.
5. Rezoned parcels shall be combined with applicant's adjacent parcel to meet size requirements for AR-1 zoning.

Commissioner Jones 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