

**EFFINGHAM COUNTY  
BOARD OF COMMISSIONERS MEETING**

August 4, 2015

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The Board of Commissioners of Effingham County, Georgia, Mr. Wendall Kessler, Chairman, Mrs. Vera Jones, Vice Chairperson, Mr. Forrest Floyd, Mr. Jamie Deloach, Mr. Reginald Loper and Mr. Phil Kieffer met in regular session 5:00 pm on Tuesday, August 4, 2015 in the Commissioners' Meeting Room at the Effingham County Administrative Complex.

**PERSONS ATTENDING THE MEETING**

Mr. Edward Newberry, County Attorney, Mr. Toss Allen, County Administrator, Mrs. Stephanie Johnson, County Clerk, Mrs. Joanna Wright, Finance Director, Mr. Clint Hodges, Fire Chief, Mr. George Shaw, Zoning Administrator, Mrs. Fiona Charleton, Purchasing Agent, Mr. Richard Loper, Dr. Franklin Goldwire, Mr. Jack Garvin, Ms. Gigi Rigsby 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 Kieffer made a motion to approve the agenda as presented. Commissioner Loper seconded the motion. The motion carried unanimously.

**MINUTES**

Chairman Kessler asked if there were any corrections or additions to the July 21, 2015 Commission meeting.

Commissioner Loper made a motion to approve the minutes as written. 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.

**OLD BUSINESS**

**CONSIDERATION TO APPROVE TO ACCEPT A BID AND AWARD A CONTRACT TO GOVPLANET, LLC FOR 2015-2016 SURPLUS VEHICLE AUCTION SERVICES (01):**

Chairman Kessler explained Staff was still waiting to receive information; requested that the item be tabled until the August 18, 2015 Commission meeting.

Commissioner Loper made a motion to table the request until the August 18, 2015 Commission meeting. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE FUNDING TO CONSTRUCT RESTROOMS AT 204 EARLY STREET FOR HISTORIC EFFINGHAM SOCIETY (02):**

There was a brief discussion about the City of Springfield's interest in acquiring the property.

Mr. Richard Loper of the Historic Society expressed the need for the County's assistance in the restroom construction at the site even if the property could be owned by the City of Springfield in the future.

Commissioner Loper spoke in favor of the Board approving to fund the project. Chairman Kessler expressed concern for establishing a precedent for funding outside entities. Vice Chairperson Jones shared she would like to know the status of the City of Springfield's interest in obtaining the property and the legalities surrounding the County's ability to fund the project.

Commissioner Loper motioned to direct Staff to gather information for the purposes of obtaining quotes for bids, bring to the BOC for consideration and to continue conversations with the City of Springfield. Commissioner Floyd seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**CONSIDERATION TO APPROVE THE SECOND READING OF AN ORDINANCE FOR CONVEYANCE OF 1.993 ACRES OF PROPERTY LOCATED ON OLD AUGUSTA ROAD (01):**

Chairman Kessler stated the First Reading was approved on June 23, 2015. Commissioner Loper made a motion to approve the 2<sup>nd</sup> Reading of the ordinance. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE TO ACCEPT A GRANT FROM GEORGIA TRAUMA CARE NETWORK COMMISSION AND APPROVE A BUDGET AMENDMENT IN THE AMOUNT OF THE AWARD TO BE RECEIVED (02):**

Finance Director Wright explained the Georgia Trauma Care Network Commission has awarded the EMS community a Grant to be used to purchase

trauma related equipment and/or deliver trauma training for 911 zoned ambulance providers. The total amount of FY 14 and FY 15 combined funding to be disbursed in one grant award to the 911 Zone providers is \$2,980,536. This year the Trauma Commission has agreed to allow the service to purchase any equipment that will enhance your ability to care for trauma patients. The exact amount of money to be allocated to each 911 zoned ambulance will be determined after the grant application.

Commissioner Loper made a motion to approve the request to receive the funds. Commissioner Floyd seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE TO DISPURSE FUNDING TO EFFINGHAM HOSPITAL (03):**

Finance Director Wright explained Effingham County adopted a MOU regarding the hospital funding which stipulates protocol and mechanisms of reconciling the \$3,600,000 obligation under the HUD Hospital expansion agreement. A detail recap and reconciliation has been done regarding the collection of tax dollars. Payments have been reviewed by the Hospital Authority and by the Tax Commissioner to determine and a shortfall were determined for the quarter ending June 30, 2015.

The Hospital reconciliation shows total payments for the quarter of April – June of \$ 499,296.07. The Tax Commissioners office has validated the payments to be \$ 499,296.07. The Tax Commissioners report at calendar year end 2014 showed tax dollars not yet collected of \$542,794 current listing from the Tax Commissioners office show \$ 220,087.

Disbursement to the Hospital of \$ 400,703.93 will be needed as the tax levy did not bring in enough funding as of 6/30/15. Staff will need to assess and make a budget amendment for the payments.

Vice Chairperson Jones made a motion to approve the disbursement of \$400,703.933. Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A FINAL PLAT FOR STAFFORSHIRE ESTATES, PHASE 3 AND ACCEPT A WARRANTY DEED FOR THE RELATED INFRASTRUCTURE (04):**

Zoning Administrator Shaw explained Staffordshire is a subdivision on Bluejay Rd. Plats are presented as each phase is completed. The plat has been reviewed and approved by Staff. The deed has been forwarded to the county attorney for approval. The road has been inspected and approved by the public works department. The water and sewer system have been inspected and approved by staff. An infrastructure maintenance security for \$12,199, 10% of the estimated value of the infrastructure was submitted. All appropriate fees have been paid.

Staff made mention to the Board that there was an issue with the outfall drainage due to beaver dams and some piping. The Public Works department assessed the matter but is unable to make repairs because we do not have easement rights to the property.

The Board confirmed this is an issue to be addressed but did not believe it was relevant to the plat approval. Mr. Paul Scott, Agent for the Developer, stated it was noticed water was backing up due to a blockage possibly on Georgia Power's property.

Vice Chairperson Jones made a motion to follow the County's policy analysis: [It's the County's policy to approve final plats and accept infrastructure and rights of way that meet county standards] and approve the final plat and sign and record the deed for Staffordshire Subdivision, Phase 3 and accept the right-of-ways therein. Commissioner Floyd seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE AMENDMENTS FOR THE AGING SERVICES CONTRACT FOR 2016 (05):**

Finance Director Wright explained each year the County renews a contract with Coastal Regional Commission of Georgia Area Agency on Aging to be the provider of Aging Services meals to our senior citizens in Effingham County. This funding source plays a significant role in the County's ability to serve warm meals to the Senior Citizens of Effingham County. The meal count funded to be served is 11,108 in congregate meals and 18,999 in home delivered meals.

Funding is provided through the CRC (Coastal Regional Commission of Georgia Area Agency on Aging) together with our Senior Citizens program. Our matching funds are already budgeted in the current fiscal year.

Commissioner Loper made a motion to approve as submitted. Vice Chairperson Jones seconded the motion. The motion carried unanimously.

**REVIEW OF THE 2015 RETIREMENT PLAN QUARTERLY UPDATE AND TO APPROVE NO CHANGES TO THE FUND (06):**

Finance Director Wright, supported by Interim HR Director Hearn, 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 at least quarterly. Staff comprises the information and formalizes for the Boards review.

The update includes the period of December 31, 2014 to June 30, 2015 for the 457 (b), which is the Employee Portion of the Plan and the 401 (a) which is the Employer portion of the plan.

As of this year GASB (Governmental Accounting Standards Board) requires each government to report its Retirement Define Benefit plans on the governmental financials balance sheet. This is a significant change as prior requirements simply required an overview to be in the notes of the financial statements. We have been in contact with our actuarial from HA&W.

Mrs. Gini Nichols of LPL Financial overviewed the asset allocation summary which totaled \$8,749,743 as of June 30, 2015, year to date indexes, earnings report, summary of plan accounts and summary of fund performance. Mrs. Nichols recommended no changes at this time.

Finance Director Wright confirmed that Staff is reviewing the processes and procedures. Staff requested time with the Board to review the procedures in a workshop.

Interim HR Director Hearn stated an hour and a half would suffice for presentation.

Vice Chairperson Jones made a motion to approve no changes. Commissioner Kieffer seconded the motion. Commissioner Loper opposed the motion. The motion carried four to one.

**CONSIDERATION TO APPROVE TO AMEND THE RETIREMENT PLAN DOCUMENT TO REFLECT “YEARS OF SERVICE” FROM THE EMPLOYEE HIRE DATE AND APPROVE FOR THE CHAIRMAN TO EXECUTE A RESOLUTION OF THE AMENDMENT (07):**

Finance Director Wright explained Effingham County has sponsored and maintains the ACCG 401 (a) Defined Contribution Plan for Employees of Effingham County (the “Plan”). This Plan provides for certain contributions by the County on behalf of eligible Employees of the county. The Plan requires otherwise eligible employees to work a least one “Year of Service” for the County before becoming eligible to enroll in the Plan, and generally requires five (5) “Years of Service” to be 100% “vested” in the Plan and thereby allowed to keep the accrued benefit upon termination of employment with the County.

In connection with the recent severance of an individual employee, Staff has questioned the calculation of vesting. County personnel, the Plan’s third party administrator and record-keeper, and the County’s benefits counsel reviewed the provisions of the Plan documents and the vesting calculation for the affected individual.

This review determined that the former employee, and apparently all participants, had previously been told that the measuring period began on employment date and each anniversary date thereafter, rather than on January 1 of each year (the Plan Year). Using this calculation period, the affected individual

had sufficient hours during his 5 years of employment to be fully vested and entitled to retain his benefit as of his date of severance. Subsequent investigation has revealed that the document format of the Plan's Adoption Agreement and the language used in that document could have caused confusion regarding the applicable 12 consecutive month period to use for vesting and eligibility calculations.

As a result, the County's legal counsel has recommended that the Plan be amended to clarify that the measuring period for both the Plan's vesting and eligibility provisions is based on the employee's date of employment and subsequent anniversaries of that date, rather than the Plan year. The amendment being submitted for the Board's consideration would, if approved and executed, make that change effective retroactively to January 1, 2015.

Staff believes that employees were given the impression that the "Years of Service" began from the employment date. No information regarding a different calculation of vesting hours was provided to the employees. The plan documents in comparison to information disseminated leaves room for ambiguity.

Vice Chairperson Jones made a motion to amend the plan document to reflect, the defined measurement period to be from an employee's hire date and subsequent anniversaries of that date and make it retroactive as of the date of the adoption of the plan in 2008. Commissioner Floyd seconded the motion. Commissioner Loper opposed the motion. The motion carried four to one.

**CONSIDERATION TO APPROVE DOCUMENTS WITH BB & T AND FOR THE CHAIRMAN TO EXECUTE AND SIGN AGREEMENTS AND A RESOLUTION WITH ACCG FOR THE PURCHASE OF PATROL VEHICLES FOR THE SHERIFF'S DEPARTMENT AND ADMINISTRATIVE OFFICES (08):**

Finance Director Wright explained during the course of the year the County reviews the need for capital expenditures. A request has been made for the board to appropriate funds for the replacement of sheriff and administrative vehicles. The need to replace is based upon the age, mileage and need to replace vehicles from accident lost.

The board approved in the current budget \$156,000 in current leases for the sheriff. It approved \$ 120,000 payments for new lease payments for the sheriff for additional patrol and detective cars under department 17. For administrative the board approved \$45,000 for department 15. The \$45,000 was \$60,000 -\$15,000 or net of anticipated gas and insurance savings.

The average cost of each sheriff vehicle is \$22,000 to \$24,000 dollars. The average cost to outfit the vehicles with lights, radio and decals is an additional \$

5,000 to \$13,000 dollars. Replacement of sheriff vehicles includes 4 patrol cars and various detective vehicles. Replacements of administrative cars are for approximately 15 vehicles. We will pool the administrative cars, reduce those necessary on a day to day bases, reduce the number of cars insurance is paid on, reduce gas cost through fuel mileage, and reduce maintenance cost while providing reliable and safe transportation for staff. Finance rates received showed a range of 5 years 2.18 to 2.34 % monthly payments.

Vice Chairperson Jones made a motion to approve as submitted. Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE TO APPOINT A VOTING DELEGATE FOR THE BUSINESS SESSION DURING THE LEGISLATIVE LEADERSHIP CONFERENCE (09):**

County Clerk Johnson explained The Legislative Leadership conference is a forum for you as members to vote on the final ACCG County Platform. Counties must appoint a voting delegate to vote during the business session on Thursday, October 8, 2015 at 4:45 pm. The conference will be held at Jekyll Island Convention Center, Thursday, October 8<sup>th</sup> through Friday, October 9<sup>th</sup>.

Commissioner Kieffer made a motion to appoint Commissioner Loper as the voting delegate. Vice Chairperson Jones seconded the motion. The motion carried unanimously.

**REPORTS FROM COMMITTEES, COMMISSIONERS AND STAFF**

County Administrator Allen discussed the following:

1. **FEMA Map Review Meeting**
  - To be held Thursday, August 20<sup>th</sup> at the Savannah Civic Center.
2. **State of the Port Address**
  - To be held Thursday, September 24<sup>th</sup> at 10:30 AM – 1:30 PM at the Savannah International Trade & Convention Center

County Clerk Johnson discussed the following:

1. **Hospital Authority Board**
  - Reminded the Board about appointments for the expired seats for districts 1, 3, and 4.

**EXECUTIVE SESSION**

At 6:08 pm, Commissioner Kieffer made to enter executive session to discuss Personnel, Property and Pending Litigation. Commissioner Deloach seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION MINUTES

Commissioner Kieffer made a motion to approve the July 21, 2015 executive session minutes as written. Commissioner Deloach seconded the motion. The motion carried unanimously.

ADJOURNMENT

At 8:33 pm, Vice Chairperson Jones made a motion to adjourn the meeting. Commissioner Deloach seconded the motion. The motion carried unanimously.



WENDALL KESSLER, CHAIRMAN



STEPHANIE JOHNSON, COUNTY CLERK