

EFFINGHAM COUNTY
BOARD OF COMMISSIONERS MEETING
November 17, 2015

The Board of Commissioners of Effingham County, Georgia, Mr. Wendall Kessler, Chairman, Mrs. Vera Jones, Vice Chairperson, Mr. Forrest Floyd, Mr. Jamie Deloach and Mr. Reginald Loper met in regular session 5:00 pm on Tuesday, November 17, 2015 in the Commissioners' Meeting Room at the Effingham County Administrative Complex. Commissioner Kieffer was not present for the meeting.

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, Ms. Irma Davis, Ms. Gussie Nease, Mr. Ross Butler, Ms. Ava Hartzog, Mr. James Anderson, Mr. Mike Vaquer, Mr. Jack Garvin, Ms. Claudia Collier, Ms. Gg Rigsby and Mr. Pat Donahue

CALL TO ORDER

Chairman Kessler called the meeting to order.

INVOCATION

Pastor Bob LeFavi of Bethel Lutheran Church gave the invocation.

PLEDGE TO THE AMERICAN FLAG

Chairman Kessler led the Pledge to the American Flag.

AGENDA APPROVAL

Chairman Kessler asked if there were any changes or corrections to the agenda. There being none, Commissioner Loper made a motion to approve the agenda as read. Commissioner Deloach seconded the motion. The motion carried unanimously.

MINUTES

Commissioner Floyd made a motion to approve the November 3, 2015 Commission meeting minutes as read. Vice Chairperson Jones 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.

NEW BUSINESS

CONSIDERATION TO APPROVE A RESOLUTION AND AUTHORIZE THE CHAIRMAN TO SIGN A PRE-APPLICATION FORM FOR LAND AND WATER CONSERVATION FUND DOLLARS TO BE USED AT THE NEW RECREATION FACILITY (01):

County Administrator Allen explained the Land and Water Conservation Fund (LWCF) Program is a federal program authorized by Congress for the purpose of acquiring federal lands and assisting states and local governments with funds to acquire lands and develop outdoor recreation facilities. Georgia's allocation to local governments in the 2015 funding cycle will be approximately \$2 million.

Local governments are being requested to adhere to a \$25,000 grant minimum (total estimated project cost of \$50,000) and a \$100,000 grant maximum (total estimated project cost of \$200,000).

Staff has targeted two subcomponents of the overall project to be funded by this grant—the four proposed batting tunnels and one 225 foot ball field. These subcomponents can most effectively be coordinated with any time constraints to the funding awards and overall construction.

Vice Chairperson Jones made a motion to approve the resolution and authorize the Chairman to sign the pre-application. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION OF SURPLUS (02):

County Administrator Allen explained the request is to Surplus 1.25 acres of the 3.92 acres available at the proposed Recreation site. A legal description is included which was completed prior to a boundary survey, therefore the description may change slightly. The application to rezone the property is in process with the City of Springfield.

Staff requested the approval to Surplus the property with a more accurate survey and to place as a condition to preserve the oak tree on the property.

Chairman Kessler stated the following conditions he would like the Board to consider if the request is approved: preservation of the tree, to be bid at \$220,000 or more and to limit the parcel use for restaurants only.

County Attorney Newberry advised the Board to give examples of the types of restaurants to be allowed at the site.

The Board further discussed the possibility of a hotel being allowed at this location.

Mr. Mike Vaquer suggested the Board review the newly adopted Georgia Food Code in consideration of identifying the restaurant type.

Vice Chairperson Jones made a motion to approve the Resolution of Surplus for approximately 1.25 acres with the metes and bounds to be determined by a more accurate survey with the following conditions: (1) all efforts be made to preserve the oak tree on the property (2) the minimum bid received is \$220,000 or more and (3) the use is restricted to a food service establishment with intention of that being a family style restaurant, including but not limited to, a Longhorn, Olive Garden or Red Lobster, or a fast food chain, including but not limited to, a McDonalds, Burger King or Chick-fil-A. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION TO ADOPT THE FISCAL YEAR 2015 CAPITAL IMPROVEMENT ELEMENT TO THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS (03):

County Administrator Allen explained the Capital Improvement Element update is an accounting of how impact fee collections were used. It also includes a Short Term Work Program for how future fees are expected to be used. It must be submitted yearly to DCA for review and adopted by the Board of Commissioners.

On October 6, 2015 the board approved a Resolution to transmit the CIE to DCA for review. DCA has reviewed and approved the CIE with minor changes. The Board now has to adopt a Resolution to adopt the CIE for DCA to extend out status as a Qualified Local Government.

Commissioner Loper made a motion to approve the resolution to adopt the Capital Improvement Element update. Commissioner Deloach seconded the motion. The motion carried unanimously.

DISCUSSION OF THE SCHEDULE OF FEES (04):

County Administrator Allen explained the two discussions regarding the schedule of fees are water and sewer Capital Cost Recovery in regards to commercial and industrial, and building permit fees in regards to commercial and industrial. The fees as currently outlined fees are being grossly undercharged or there is not a fee identified in the schedule of fees.

The Board was in favor of some changes and directed Staff to draft a recommendation and present to the Board to study and for a vote.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Commissioner Jones discussed the following:

1. Abandoned Buildings

- A house in Westwood Heights has been abandoned for an extended period of time. The Board discussed the ordinance relating to this issue and how to proceed with rectifying the matter.

Commissioner Floyd discussed the following:

1. Thank you to Law Enforcement

- Expressed thanks to law enforcement and fire fighters for their service to the County. Discussed the Sheriff Deputy who was wounded in the line of duty.

County Administrator Allen discussed the following:

1. Monthly Senior Citizens Report

- Attached is the monthly senior citizens report for the month for October 2015.

2. Monthly Fire Report

- Attached is the monthly fire report for the month for October 2015.

3. Eggs and Issues

- The Effingham Chamber of Commerce will host Eggs and Issues on December 2, 2015 at 7:30 am at the College and Career Academy.

4. Animal Shelter

- Attached is an email received from an individual that adopted a pet from the animal control facility.

5. Effingham Day at the Capitol

- The 2016 Effingham Day at the Capitol will be held Monday, January 25th and Tuesday January 26th.
- Rooms must be booked by January 5th, 2016 to be eligible for the discounted rate.
- A tentative agenda is attached.

6. Financial Reports

- Attached are Financial Reports for October 2015.

7. Animal Shelter Open House

- The Animal Shelter will host an Open House on Saturday, December 12, 2015 from 11:00 am until 1:00 pm.

EXECUTIVE SESSION

At 5:56 pm, Vice Chairperson Jones made a motion to enter executive session to discuss Personnel, Property and Pending Litigation. Commissioner Deloach seconded the motion. The motion carried unanimously.

RECONVENE

The Board reconvened from Executive Session at approximately 7:02 pm. Commissioner Floyd was not present after executive session.

PLANNING BOARD

IRMA DAVIS (01): The Planning Board recommends approving an application by Irma Davis to rezone 6.6 acres located on Herbert Kessler Road from R-1 to AR-1 Map# 374B Parcel# 3-8 & 10-13 in the Second District

Zoning Administrator Barenchik explained a parcel number needed to be corrected. The parcels she be identified as 3-8 rather than 2-8.

County Administrator Allen explained the parcels were subdivided for a subdivision some time ago. Ms. Davis purchased the parcels and wishes to combine them with an adjoin property she owns.

No one was present against the request.

Vice Chairperson Jones made a motion to approve with changing parcels 3-8 & 10-13 with an approximate acreage of 6.6 acres with the following Planning Board and Staff recommendations:

1. Lot meets the requirements of the AR-1 zoning district.
2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts permitted by USACE.
4. Recombination plat must be approved by the Health Department and the Zoning Office.

The motion was seconded by Commissioner Loper. The motion carried unanimously.

IRMA DAVIS – 2nd READING (02): Consideration to approve the 2nd reading of an application by Irma Davis to rezone 6.6 acres located on Herbert Kessler Road from R-1 to AR-1 Map# 374B Parcel# 3-8 & 10-13 in the Second District

Vice Chairperson Jones made a motion to approve the Second Reading with the following stipulations:

1. Lot meets the requirements of the AR-1 zoning district.
2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts permitted by USACE.
4. Recombination plat must be approved by the Health Department and the Zoning Office.

Commissioner Deloach seconded the motion. The motion carried unanimously.

ROSS BUTLER (03): The Planning Board recommends approving an application by Ross Butler to rezone 1 acre located at 656 Floyd Avenue from AR-1 to AR-2 Map# 296 Parcel# 20 in the Third District.

Zoning Administrator Barenchik explained is requesting to subdivide one acre which will be accessed from a sixty (60) easement.

No one spoke in favor or against the request.

Commissioner Deloach made a motion to approve the request with the following Staff recommendations:

1. The lot shall meet the requirements of the AR-2 zoning district.
2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts permitted by USACE.

4. Subdivision plat must be approved by the Health Department and the Zoning Office.

The motion was seconded by Commissioner Loper. The motion carried unanimously.

ROSS BUTLER – 2ND READING (04): Consideration to approve the Second Reading of an application by Ross Butler to rezone 1 acre located at 656 Floyd Avenue from AR-1 to AR-2 Map# 296 Parcel# 20 in the Third District.

Commissioner Deloach made a motion to approve the Second Reading with the following Staff recommendations:

1. The lot shall meet the requirements of the AR-2 zoning district.
2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts permitted by USACE.
4. Subdivision plat must be approved by the Health Department and the Zoning Office.

Commissioner Loper seconded the motion. The motion carried unanimously.

DANIEL NEIDLINGER (05): The Planning Board recommends approving an application by Daniel Neidlinger for a Rural Business use located at 200 Neidlinger Lane Map# 391 Parcel# 8B in the Fourth District

Zoning Administrator Barenchik explained the request is for a deer processing facility. Staff recommends the applicant meets the requirements of Sec. 3.15B for Rural Businesses.

No one spoke against the request.

Commissioner Loper made a motion to approve the request with the following Staff recommendation:

1. Must meet all requirements of Sec. 3.15B Rural Business.

The motion was seconded by Vice Chairperson Jones. The motion carried unanimously.

DANIEL NEIDLINGER – 2ND READING (06): Consideration to approve the Second Reading of an application by Daniel Neidlinger for a Rural Business use located at 200 Neidlinger Lane Map# 391 Parcel# 8B in the Fourth District

Commissioner Loper made a motion to approve the 2nd Reading. Commissioner Deloach seconded the motion. The motion carried unanimously.

JAMES M. ANDERSON (07): The Planning Board recommends approving an application by James M. Anderson for a Variance use to allow a 30 foot easement to access three lots located on Benjamin Gnann Road Map# 458 Parcel# 5 in the Fourth District.

Zoning Administrator Barenchik explained Staff recommends denial as the request does not meet the requirements of the Zoning ordinance.

County Administrator Allen explained the request is before the Board because the property owner was only willing to allow for a thirty (30) foot access easement rather than a sixty (60) easement.

Mr. James Anderson represented Eva G. Hartzog & Walter D. Gnann. Mr. James Anderson confirmed the property owners are aware that if any further development of the property would require approval of the Board of Commissioners.

No one was present against the request.

Commissioner Loper made a motion to approve the request with the following Staff recommendations:

1. Site development plans shall comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
2. All wetland impacts shall be permitted by USACE.
3. Subdivision plat shall be approved by the Health Department and the Zoning Office.

The motion was seconded by Vice Chairperson Jones. The motion carried unanimously.

JAMES M. ANDERSON – 2nd READING (08): Consideration to approve the Second Reading of an application by James M. Anderson for a Variance use to allow a 30 foot easement to access three lots located on Benjamin Gnann Road Map# 458 Parcel# 5 in the Fourth District


Commissioner Loper made a motion to approve the 2nd Reading. The motion was seconded by Vice Chairperson Jones. The motion carried unanimously.

EXECUTIVE SESSION MINUTES

Commissioner Deloach made a motion to approve the executive session minutes as written. Commissioner Loper seconded the motion. The motion carried unanimously.

ADJOURNMENT

There being no further business, at 7:16 pm, Commissioner Loper made a motion to adjourn the meeting. Commissioner Deloach seconded the motion. The motion carried unanimously.


WENDALL KESSLER, CHAIRMAN


STEPHANIE JOHNSON, COUNTY CLERK