

EFFINGHAM COUNTY
BOARD OF COMMISSIONERS MEETING
February 16, 2016

The Board of Commissioners of Effingham County, Georgia, Mr. Wendall Kessler - Chairman, Mr. Forrest Floyd – Vice Chair, Mrs. Vera Jones, Mr. Jamie Deloach, Mr. Reginald Loper and Mr. Phil Kieffer met in regular session 5:00 pm on Tuesday, February 16, 2016 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, Mrs. Fiona Charleton – Purchasing Agent, Mr. Jack Garvin, Mr. Brett Bennett, Ms. Claudia Collier, Mr. Corey Cardarelli, Mr. Brian Kastick, Ms. Candy Cardarelli, Mr. Craig M. Van, Mr. Jonny Weickerson, Mr. Currie Mingledorff, Mr. James Parr, Mr. Darrel Hutcheson, Ms. Gg Rigsby and Mr. Pat Donahue

CALL TO ORDER

Chairman Kessler called the meeting to order.

INVOCATION

Commissioner Deloach 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 presented. Commissioner Kieffer seconded the motion. The motion carried unanimously.

MINUTES

Vice Chairperson Floyd made a motion to approve the February 2, 2016 Commission meeting minutes as written. Commissioner Kieffer 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

CONSIDERATION TO APPROVE FIRE RELEASES AS SUBMITTED BY THE FIRE DEPARTMENT (01):

Commissioner Kieffer made a motion to approve the Consent Agenda. Commissioner Jones seconded the motion. The motion carried unanimously.

OLD BUSINESS

CONSIDERATION TO APPROVE AN AMENDMENT TO THE EFFINGHAM COUNTY SCHEDULE OF FEES (01):

County Administrator Allen explained the item was previously tabled to allow the Homebuilder's Association time to review the document. The Association has confirmed that there are no concerns with the changes. The value under Commercial buildings is the only change.

Commissioner Loper questioned the fees noted for roofs, relocation and windows. The Board discussed and agreed to strike the fee for roofs. The fee for relocations and windows would remain. There was also a question on the demolition permit.

Building Official Kessler explained this permit needs to remain within the schedule of fees in instances of partial demolition of buildings which need to be inspected for structural integrity as well as documentation to assist property owners in having a building removed from their property valuation.

Commissioner Jones made a motion to approve the schedule of cost changes provided with one correction of striking the \$50.00 roof charge under accessory buildings/one and two family dwellings. Vice Chairperson Floyd seconded the motion. Commissioner Loper opposed the motion. The motion carried four to one.

NEW BUSINESS

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

Purchasing Agent Charleton explained On August 18, 2015, the board approved a bid and issued a contract for annual surplus vehicle auction services to GovPlanet.com which expires on June 30th, 2016. GovPlanet.com's contract stipulates "If a vehicle does not sell after 8 weeks with GovPlanet LLC, Effingham County reserves the right

to use another auctioneer". The contract with Lane Brothers Auctions, LLC is valid from February 16 2016 until June 30 2016, and has been reviewed and approved by the County attorney.

Commissioner Loper made a motion to approve Lane Brothers Auctions LLC's quote and Board approval to issue a contract to Lane Brothers Auctions LLC for surplus vehicle auction services. Commissioner Deloach seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A REQUEST FOR A REFUND OF WATER AND SEWER FEES COLLECTED AT ISSUANCE OF A BUILDING PERMIT (02):

Finance Director Wright explained a request was received to refund the water and sewer cost recovery fees.

There was a discussion among the Board and Staff regarding establishing policy or ordinance for addressing such requests. The Board asked the County Attorney to gather information on statutes and Staff to compile suggestions for the policy.

Commissioner Jones made a motion to table the request until the April 5, 2016 Board meeting. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE TO AMEND EFFINGHAM COUNTY'S FINANCIAL POLICY (03):

Finance Director Wright explained there are two (2) sections addressed in the amendment of the policy, protocol used in the sale of surplus of personal property and adding contractual payments to the Hospital.

The County currently has specific guidelines with regard to checks issued over \$100,000 in Financial Policy Addendum No. 3 section 2 - check printing process. Under this section specific type checks are approved for disbursement. Staff at board direction is adding the contractual payments to the hospital.

Regarding the sale of personal surplus property, guidelines are contained within the financial policies as addendum No. 4. Both real and personal property are specified to have a seal bid process. Personal property covers such a vast range and value of items. Staff believes to require its disposal by the same procedures as those for the disposal of real property is restrictive and time consuming.

Commissioner Jones made a motion to approve the amended financial policy as presented. Vice Chairperson Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE DRAW 34 AND 35 TO J.E. DUNN D/B/A RIVES E. WORRELL FOR THE CONSTRUCTION OF THE SHERIFF'S OFFICE (04):

County Administrator Allen explained the contractor believes they have completed work and wishes to be paid for the final draws submitted. Staff has requested that the Sheriff review all items outstanding on the initial punch list and any items since that time to insure final payment is appropriate.

Commissioner Jones stated she has spoken to the Sheriff who has expressed there are further issues to be addressed. Commissioner Jones asked the Sheriff for a list of those items to be addressed.

Commissioner Jones made a motion to deny the request to approve payment at this time and further instructed Staff to request a list of unsatisfactory items from the Sheriff; request a response from Rives Worrell with dates of repairing items for which they are responsible; and any items for which Rives Worrell is not responsible, Rives Worrell shall state if those items are covered under warranty by other subcontractors, etc. After this time, if all items are satisfactory to the Sheriff the request for payment can be brought back before the board. Commissioner Deloach seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE TO REAPPOINT BRAD GREEN TO THE TAX ASSESSOR BOARD (05):

County Clerk Johnson explained the Board of Assessor's consists of a five (5) member board. Each member serves a four (4) year term. Two of the five seats are approaching expiration (March 2016). Those seats are those of Brad Green and Bonnie Gnann. Mr. Green is seeking reappointment and we've been told Ms. Gnann is retiring from the board; however, we have not received formal notification from Ms. Gnann.

Staff is recommending reappointment of Brad Green only. Commissioner Loper is searching for a replacement for Ms. Bonnie Gnann.

Commissioner Kieffer made a motion to reappoint Brad Green to the Tax Assessor Board. Commissioner Deloach seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE TO RELEASE A BOND FOR RABUN ESTATES, PHASE III (06):

Zoning Administrator Barenchik explained Williams Hall Group requests 10% security bond release of \$5,566.25 for Rabun Estates Phase III, located off of Scuffletown Rd. Said subdivision consists of 22 lots. Road right of way and storm

drainage were accepted by Effingham County. The final plat was approved by the board on March 4, 2014.

Commissioner Jones made a motion to approve release of the bond. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A FINAL PLAT AND A DEED TO ACCEPT THE INFRASTRUCTURE IN BUCKINGHAM PLANTATION PHASE 1B (07):

Commissioner Jones recused herself from the discussion and vote.

Zoning Administrator Barenchik explained D.M. Jones Construction, Inc. requests final plat approval of Buckingham Plantation Phase 1B, located off Noel C. Conaway Rd (SR 30). Said subdivision consists of 16 lots. Water and Sewer services are provided by Effingham County.

Staff has reviewed the final plat, final plat checklist, and the warranty deed for Buckingham Plantation Phase 1B. All documents are in order, and consistent with the zoning, plans, and plats approved previously. The warranty deed was reviewed and approved by the County Attorney.

Commissioner Loper made a motion to approve the final plat for Buckingham Plantation Phase 1B and accept the infrastructure. Commissioner Deloach seconded the motion. The motion carried unanimously.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

County Administrator Allen discussed the following:

- 1. Senior Citizens Report**
 - Presented is the Senior Citizens Report for the month of January, 2016.
- 2. City of Savannah I&D Plant Upgrades**
 - The City of Savannah will be making upgrades to their facility beginning on Monday, February 22, 2016.
 - The upgrades will result in a temporary loss of pressure and will last eight to twelve weeks.
 - Notices were mailed to all surface water costumers in their January bill.
- 3. Early Street House**
 - The Springfield Garden Club would like to use the Early Street House on April 16, 2016 for a doll show and a display of Springfield Elementary student's art.
 - Is the Board good with allowing the use of the house on that date? The Board directed Staff to place on the agenda for consideration of approval.
- 4. UGA Extension Reception for Commissioners**
 - The UGA Extension would like to hold a reception for the Commissioners on April 5, 2016 at 4:00 pm.
 - Is the date and time good with everyone?
- 5. CORE MPO Metropolitan Transportation Plan Update**
 - Presented is a letter from Tom Thompson regarding the status of the CORE MPO Metropolitan Transportation Plan Modification for expanded areas.
- 6. Georgia Emergency Management Agency**
 - Presented is a letter from the Georgia Emergency Management Agency stating that Effingham County has met the incentive standards outlined in the Georgia Emergency Management agency-Homeland Security Federal-State-Local Disaster Match Policy and is therefore qualified to receive a

reduced local match for Public Assistance Programs subsequent to a major Presidential Disaster Declaration.

Commissioner Loper discussed the following:

1. Information on LOST

- Received information on legislation being introduced this session on Local Option Sales Tax

Commissioner Deloach discussed the following:

1. Firefighter's Banquet

- To be held Saturday, February 20, 2016 at 6:30 pm at the Career Academy

Commissioner Kieffer discussed the following:

1. Grandview Property

- Abby Smith with the Extension office would like to use the property for 4-H recreation.

Commissioner Jones discussed the following:

1. Roads

- Sheriff McDuffie requested a list of subdivision roads accepted/owned by the County.

EXECUTIVE SESSION

At 6:10 pm, Commissioner Kieffer made a motion to enter in to executive session to discuss Personnel, Property and Pending Litigation. Commissioner Deloach seconded the motion. The motion carried unanimously.

RECONVENE

The Board reconvened the meeting at 6:52 pm

EXECUTIVE SESSION MINUTES

Commissioner Kieffer made a motion to approve the February 2, 2016 executive session minutes. Commissioner Deloach seconded the motion. The motion carried unanimously.

ADDITION TO AGENDA *(after executive session)*

Chairman Kessler explained after discussions in executive session there's a need to add an item to the agenda.

County Attorney Newberry explained the case filed in district court alleges various forms of discrimination. The parties have agreed to settle the case in the amount of \$30,000 without any additional liability. The settlement amount will be evenly divided between ACCG and Effingham County.

Commissioner Jones made a motion to approve to add the agreement to the agenda as New Business# 8. Commissioner Deloach seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A SETTLEMENT AGREEMENT BETWEEN RICHARD T. & RHONDA WHITE AND EFFINGHAM COUNTY (08):

Vice Chairperson Floyd made a motion to approve the agreement. Commissioner Jones seconded the motion. The motion carried unanimously.

PLANNING BOARD PRESENTMENTS

Douglas Helmey – Public Hearing (01): The Planning Board recommends approving an application by Douglas Helmey to rezone 1.34 acres located at 189 Marlow Road from AR-1 to AR-2 to allow for a home site Map# 324 Parcel# 113

Zoning Administrator Barenchik explained the Helmeys' are rezoning the property for a home site. Planning Board recommends approval.

No one was present in favor or against the request.

Vice Chairperson Floyd made a motion to approve the request with the following Planning Board and Staff recommendations:

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

Commissioner Kieffer seconded the motion. The motion carried unanimously.

Douglas Helmey – Second Reading (02): Consideration to approve the Second Reading of an application by Douglas Helmey to rezone 1.34 acres located at 189 Marlow Road from AR-1 to AR-2 to allow for a home site Map# 324 Parcel# 113 in the First District.

Vice Chairperson Floyd made a motion to approve the Second Reading. Commissioner Kieffer seconded the motion. The motion carried unanimously.

Savannah Cold Storage, LLC – Public Hearing (03): The Planning Board recommends approving an application by Savannah Cold Storage, LLC to rezone 181.99 acres located at Old River Road and Interstate 16 from I-1 to I-1 with change of zoning conditions Map# 331 Parcel# 21 in the First District.

Zoning Administrator Barenchik explained the applicants would like the Board to revise the buffer requirements for this property.

Mr. C.J. Chance, of Hussey, Gay, and Bell approached representing Savannah Cold Storage. Mr. Chance explained the 400 foot buffer requirement on the north side renders 40% of the property useless.

Plans and surveys have been submitted to the County for review and comments have been received. The project is moving forward. Contact with Georgia Power has indicated the utilities should be put in place as far north on the property as possible.

Mr. Chance requested that the buffer be reduced to 50 feet and a fence be allowed on the south side of the property, the buffer along the north side of the property to be reduced to 100 feet with a berm and the buffer along I-16 and Old River Road is eliminated. Mr. Chance also requested that the screening mechanism is allowed to be put in place as construction goes along.

Mr. Brian Kastick of Savannah Cold Storage, LLC also spoke in favor of the request.

Mr. Craig Vann asked the Board that while development is favorable to consider his family who are tax paying county residents in the area of this development. Mr. Vann confirmed being against a fence in place of the buffer.

Commissioner Floyd made a motion to approve the request with the following stipulations:

1. The buffer along the north side of the property shall remain 400 feet or shall be reduced to 100 feet undisturbed with a berm.
2. The buffer along the south side shall be reduced to a 50 foot undisturbed buffer.
3. The buffer at Interstate 16 (east side) and Old River Road (west side) shall be removed.
4. The berm shall be constructed within 400 feet in conjunction with development of the north side property as buildings are constructed and allow for utilities.

Commissioner Deloach seconded the motion. The motion carried unanimously.

Savannah Cold Storage, LLC – Second Reading (04): Consideration to approve the Second Reading of an application by Savannah Cold Storage, LLC to rezone 181.99 acres located at Old River Road and Interstate 16 from I-1 to I-1 with change of zoning conditions Map# 331 Parcel# 21 in the First District

Commissioner Floyd made a motion to approve the Second Reading. Commissioner Deloach seconded the motion. The motion carried unanimously.

Candy Cardarelli – Public Hearing (05): The Planning Board recommends approving an application by Candy Cardarelli to rezone 4.88 acres from AR-1 to AR-2 located 875 Zittrouer Road Map# 374 Parcel# 24A in the First District

Zoning Administrator Barenchik explained this property is being subdivided for a home site. Planning Board recommends approval.

Ms. Candy Cardarelli was present for the request.

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

1. Lot meets 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.

Candy Cardarelli – Second Reading (06): Consideration to approve the Second Reading of an application by Candy Cardarelli to rezone 4.88 acres from AR-1 to AR-2 located 875 Zittrouer Road Map# 374 Parcel# 24A in the First District.

Vice Chairperson Floyd made a motion to approve the Second Reading. Commissioner Loper seconded the motion. The motion carried unanimously.

Ryan Sanders (Bellline Energy) – Public Hearing (07): The Planning Board recommends approving an application by Ryan Sanders (Bellline Energy) for a Conditional Use to allow for a Solar Farm located at 1734 Old Louisville Road Map# 210 Parcel# 4 in the Third District.

Zoning Administrator Barenchik explained the request is for a solar farm to be located on the property. Planning Board recommends approval along with a 50 foot undisturbed buffer and compliance with section 5.1.2.9 of the zoning ordinance.

Mr. Ryan Sanders approached the board in favor of the request.

No one approached against the request.

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

1. 5.1.2.9 Solar farms. An array of solar panels that is not an accessory to other uses on the property provided that the array meets all applicable buffer requirements; no new roads may be created for this use. The structures must meet all wind load requirements as referenced in the building code.
2. A 50 foot undisturbed buffer shall be in place.

Commissioner Loper seconded the motion. The motion carried unanimously.

Ryan Sanders (Bellline Energy) – Second Reading (08): Consideration to approve the Second Reading of an application by Ryan Sanders (Bellline Energy) for a Conditional Use to allow for a Solar Farm located at 1734 Old Louisville Road Map# 210 Parcel# 4 in the Third District.

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

Ryan Sanders (Beltline Energy) – Public Hearing (09): The Planning Board recommends approving an application by Ryan Sanders (Beltline Energy) for a Conditional Use to allow for a Solar Farm located off of Clyo Kildare Road Map# 309 Parcel# 23 in the Third District.

Zoning Administrator Barenchik explained this request is similar to the previous item. Staff recommends approval.

Mr. Ryan Sanders explained he was contacted by Commissioner Deloach regarding citizen concerns which will be addressed. The request includes additional buffers. In addition, the project location on the property will be shifted to allow for the use of the existing logging road on the property.

Mr. Curry Mingledorff expressed to the Board that the property has been in his family for a long period of time. His family would like the property to be used for this purpose.

Mr. Jimmy Parr expressed concern for environmental effects, location of the solar farm on the property and EPA issues.

There was a lengthy discussion among the Board and Mr. Sanders about the proposed project.

Ms. Suzanne Parr asked if the buffer dies out will it be replaced? Mr. Ryan Sanders confirmed the buffer would be maintained throughout the life of the project.

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

1. There shall be a 50' vegetative buffer that shall be properly maintained throughout the entirety of the project.
2. There shall be an additional 150 foot undisturbed buffer.
3. The total buffer shall be 200 feet.

Commissioner Loper seconded the motion. The motion carried unanimously.

Ryan Sanders (Beltline Energy) – Second Reading (10): Consideration to approve the Second Reading of an application by Ryan Sanders (Beltline Energy) for a Conditional Use to allow for a Solar Farm located off of Clyo Kildare Road Map# 309 Parcel# 23 in the Third District.

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

Darrel Hutcheson – Public Hearing (11): The Planning Board recommends approving an application by Darrel Hutcheson to rezone 4.39 acres located off of Wallace Drive from AR-1 to R-2 Map# 366 Parcel# 42 in the Third District.

Zoning Administrator Barenchik explained the request to rezone is to allow for 5 residential lots. Water to be provided by City of Springfield and sewer services will be provided by individual septic tanks. Planning Board and Staff recommends approval.

Mr. Darrel Hutcheson explained the lots will be approximately 1 acre lots served by septic systems.

No one was present against the request.

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

1. Lot meets the requirements of the R-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 Jones seconded the motion. The motion carried unanimously.

Darrel Hutcheson – Second Reading (12): Consideration to approve the Second Reading of an application by Darrel Hutcheson to rezone 4.39 acres located off of Wallace Drive from AR-1 to R-2 Map# 366 Parcel# 42 in the Third District.

Commissioner Deloach made a motion to approve the Second Reading. Commissioner Jones seconded the motion. The motion carried unanimously.

ADJOURNMENT

There being no further business, at 8:17pm, 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