

THE EFFINGHAM COUNTY
COMMISSIONERS' MEETING

The Board of Commissioners of Effingham County, Georgia, Mr. C. D. Zeigler, Chairman, Mr. Reginald S. Loper, Sr., Vice-Chairman, Mr. Robert Brantley, Mrs. Vera Jones, Mr. Steve Mason, and Mr. Phil Kieffer met in regular session at 5:00 p.m. on Tuesday, April 05, 2011 in the Commissioners' Meeting Room at the Effingham County Administrative Complex.

PERSONS ATTENDING THE MEETING

Mr. Eric Gotwalt, County Attorney, Mr. David Crawley, County Administrator, Mr. Adam Kobek, Project Manager, Mr. George Shaw, Zoning Administrator, Ms. Rushe Hudzinski-Sero, Human Resources Director, Mrs. Joanna Wright, Finance Director, Mrs. Patrice Crawley, County Clerk, Mr. Richard Stille, Mr. Charlie Kea, Mr. Warren Poythress, Mr. Alan Zipperer, Ms. Rose Harvey, Mr. Keith Lancaster, Mr. Pete Lancaster, Mr. Henry Byrd, Mr. Buzzy Zittrouer, Mr. David Grandgeorge, Mrs. Bonny Gnann, and Mr. David Gnann.

CALL TO ORDER

Chairman Zeigler called the meeting to order.

AGENDA APPROVAL

Commissioner Mason made a motion to approve the agenda. Commissioner Brantley seconded the motion. The motion carried unanimously.

MINUTES

County Clerk explained that there was a clarification/correction of the Ethics Hearing minutes.

Commissioner Mason made a motion to approve the minutes for the March 15, 2011 Board of Commissioners meeting with the correction. Commissioner Jones seconded the motion. The motion carried unanimously.

PUBLIC COMMENTS

Chairman Zeigler stated that if anyone would like to discuss an Agenda Item, they may do so when that item is presented.

Chairman Zeigler explained that the Board would be having dinner between 5:30 p.m. and 6:30 p.m. at the Extension Building and that the Administrative Complex will be locked during that time.

CONSENT AGENDA

Chairman Zeigler read aloud items on the consent Agenda.

Commissioner Kieffer made a motion to approve (1) the errors and releases for Property Tax and (2) Mobile Home Tax as submitted by the Tax Commissioner. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

NEW BUSINESS

CONSIDERATION TO APPROVE THE DONATIONS OF BUSES FROM THE BOARD OF EDUCATION TO BE USED BY THE PUBLIC SAFETY DEPARTMENT FOR A MOBILE HOME COMMAND BUS (1): Public Safety Director Wright explained that two buses were donated to the Effingham EMA in order to establish a Mobile Command Bus for Effingham County. This Command Bus will respond to any agency within the county at their request for large scale scenes. The Command Bus will be equipped with VHF and 800 radios for communications with agencies. Areas within the bus will include an accountability area for responders on scene and a command and control room that will include a conference room. Two buses were donated, only one will be used the other bus will be used for parts, both buses have AC systems already installed. Cost of a new mobile command unit is in the range of \$250,000 to \$500,000, this bus will cost approximately \$3,500 to paint and decal and \$1,000 for materials to outfit the interior of the bus.

Vice-Chairman Loper made a motion to approve the donation of buses from the Board of Education to be used by the Public Safety Department for a mobile command bus. Chairman Zeigler seconded the motion. The motion carried unanimously.

RETIREMENT OVERVIEW (02): Human Resources Director Hudzinski-Sero gave an overview of the County Retirement plans.

DEFINED BENEFIT PLAN 2010 ACTUARIAL OVERVIEW (03): Human Resources Director Hudzinski-Sero and Mrs. Gini Nichols with Merrill Lynch provided the yearly overview on the actuarial valuation of the Effingham County Defined Benefit Plan.

CONSIDERATION TO APPROVE EXECUTING A TEMPORARY RADIO LICENSES AND AUTHORIZING ROBERT DAVIS TO ACT AS EFFINGHAM COUNTY'S AGENT FOR THE TEMPORARY AND PERMANENT LICENSING TRANSACTION (05):

Fire Chief Ashcraft explained that the Fire Department was awarded the 2009 Assistance to Firefighters Grant. This grant is funded as a regional communications project benefiting Effingham, Chatham and the City of Savannah. The project consists mainly of adding a 3rd radio tower site, strengthening the reception of signals in the Rincon and other areas of South Effingham. The equipment will be owned by Effingham, with a onetime monetary contribution for the equipment shelter from Chatham. A lease agreement with Verizon was previously executed for the "Rincon" cell tower where the project will be co-located. For two years or less the new radio site will be configured as the fourth "10 channel" simulcast site using a mix of Chatham and Savannah licenses channels. During this time, the City of Savannah will add this site to their master contract for maintenance. When Effingham reconfigures one or more of its existing sites to the APCO 25 standard, the Rincon site would become a permanent part of the Effingham simulcast cell using channels licensed exclusively to Effingham. Our current design uses Savannah/Chatham frequencies because it was the only way to design the system within the grant budget. The issue we are facing is the frequencies are coordinated exclusively for geographic Chatham County. The site we are using is about a half mile inside Effingham County. This has complicated the licensing process. A separate set of frequencies are available for Effingham. Using Effingham frequencies now would require the addition of expensive site control equipment.

Vice-Chairman Loper made a motion to approve executing a temporary radio license and authorizing Robert Davis to act as Effingham County's agent for the temporary and permanent licensing transaction (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE TRANSFER OF RADIO EQUIPMENT FROM CHATHAM COUNTY TO EFFINGHAM COUNTY (06): Fire Chief Ashcraft explained

that Chatham County as the host and fiscal agent is managing the PSIC grant award for regional communications. One portion of the grant provides certain radio equipment to each of 12 counties in GEMA Area 5. The equipment provided is planned to be located at our landfill tower and connected to the existing Motorbridge Gateway. Staff requests the Board to execute the bill of sale with Chatham County.

Commissioner Mason made a motion to approve the transfer of radio equipment from Chatham County to Effingham County (see minute book page ____). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

RECESS

Chairman Zeigler made a motion to recess to dinner at 5:33 p.m. Commissioner Mason seconded the motion.

RECONVENED

The Board reconvened at 6:31 p.m.

CONSIDERATION TO APPROVE CONTINUING TO SERVE AS THE FISCAL AGENT FOR EFFINGHAM FAMILY CONNECTION/COMMUNITIES IN SCHOOLS (04): Family Connection Chair David Grangeorge explained that the goal of Family Connection/Communities in School is to help all youth in Effingham County to grow up in strong and healthy families by promoting community awareness of the benefits of a drug free community through education involving participation of students, school staff, family members and designated community organizations to reduce drug use in the community, providing an array of educational and supportive opportunities for 9th grade students to ensure academic success and healthy positive outcomes, by decreasing the number of substantiated open case incidents of child abuse and neglect in Effingham County by providing a continuum of community awareness and; educational and supportive opportunities for academic success and by decreasing the number of unexcused absences of 10 or more days in Effingham County. The consensus among state government, the private sector and communities is that Effingham County can only thrive when its children are healthy and succeed in school, and when their

families are stable and self-sufficient. Effingham Family Connection/Communities in Schools, a nonprofit public-private intermediary, exists to (1) unify our commitment to Effingham’s Children and families (2) unify our commitment to Effingham’s children and families (3) make sure our efforts to improve the lives of children and families work and (4) protect every dime of our investment in Effingham’s future. The request is that the Board continues to serve as the fiscal agent for Effingham Family Connection/Communities in Schools.

Vice-Chairman Loper made a motion to approve continuing to serve as the fiscal agent for Effingham Family Connection/Communities in Schools (see minute book page _____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE FINAL PLAT AND TO ACCEPT THE LETTER OF CREDIT FOR CEDAR RIDGE SUBDIVISION (07): County Engineer Liotta explained that Cedar Ridge Subdivision, LLC requests that the County approves the final plat for Cedar Ridge Subdivision, located off of Hodgeville Road. This development consists of 21 lots. Water and sewer services are provided by Effingham County. An irrevocable letter of credit in the amount of \$7,283 has been established bonding the infrastructure for said development until April 5, 2012. There were also four items that needed to be finalized within this subdivision.

Mr. Ricky Jeffcoat explained the reasons for items not being completed.

Commissioner Jones made a motion to approve the final plat and to accept the letter of credit for Cedar Ridge Subdivision. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE WARRANTY DEED FOR CEDAR RIDGE SUBDIVISION (08): County Engineer Liotta explained that the Board had previously approved the final plat for Cedar Ridge Subdivision. The warranty deed now needs to be approved.

Commissioner Mason made a motion to approve the Warranty Deed for Cedar Ridge Subdivision with the stipulation that the four items brought up by staff

be corrected (see minute book page _____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE WARRANTY DEED FOR JAMESTOWN SUBDIVISION (09): County Engineer Liotta explained that Mike Stewart requests that the County accept ownership and maintenance of the infrastructure, road rights of ways and storm drainage systems not including ponds, for Jamestown Subdivision located off of Goshen Road. This development consists of 75 lots with water services provided by a privately owned community well system and sewage services by individual septic tanks.

Commissioner Brantley made a motion to approve the warranty deed for Jamestown Subdivision (see minute book page _____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE WARRANTY DEED FOR PHASE I, II, AND III OF BANNISTER CROSSING (10): County Engineer Liotta explained that Mike Stewart requests that the County accept ownership and maintenance of the infrastructure, road rights of ways and storm drainage systems not including ponds, for all phases of Barrister Crossing Subdivision, located off of Courthouse Road. The water services are provided by a privately owned community well system and sewage services by individual septic tanks.

Vice-Chairman Loper made a motion to approve the warranty deeds for Phase I, II and III of Barrister Crossing (see minute book page _____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE WATER BANK ALLOCATIONS FOR PENNINGTON ESTATES (11): County Engineer Liotta explained that Dennis Morris on behalf of Lakeside Water Co. requests that the Board allow the water bank allocation for Goshen Commercial Park to be transferred for use at Pennington Estates. The water bank was created by EPD after the implementation of the 1997 Interim Strategy for Managing Saltwater Intrusion into the Upper Floridan Aquifer. In order for water to be deducted from the bank to permit a new water system, EPD required both the County's approval and submittal of proper permitting paperwork by the water system owner. The final plat for Pennington Estates (19

lots) was approved by the Board in January, 2000. In June 2002, Lakeside asked for a letter from the Board concurring with a water bank allocation, which was approved, signed by the Chairman in July 2002, and submitted to EPD. Lakeside failed to submit the proper paperwork, thus the water bank allocation was never approved by EPD and no permit was ever issued. Lakeside is currently under enforcement action by EPD for operating this 19 connection water system without a permit. Unfortunately, under the current EPD policy, no new permits can be issued in the Red Zone without a source of water other than new withdrawal from the Upper Floridan. One of the allocations approved by the Board in 2003 was for Goshen Commercial Park. In 2010, the Board purchased that water system and connected the users to surface water. Since the wells are no longer withdrawing groundwater, the allocation is not needed. EPD has verbally told staff and Lakeside that they would approve a transfer of this allocation to Lakeside if the Board approves.

Mr. Dennis Morris was on hand for questions.

Vice-Chairman Loper made a motion to approve water bank allocations for Pennington Estates. Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AMENDING THE AGREEMENT BETWEEN GEORGIA DEPARTMENT OF TRANSPORTATION AND EFFINGHAM COUNTY FOR TRANSPORTATION FACILITY IMPROVEMENTS AT I-16/OLD RIVER ROAD – INTERCHANGE; INCLUDING WIDENING OLD RIVER ROAD (12): Civil Engineer Allen explained that since 80% of the funding for the improvements at I-16/Old River Road – interchange; including widening Old River Road is federal money, Effingham County is required to possess “Qualification Certification” to administer federal funds. Since we recently obtained this certification, a revised Project Framework Agreement for the project must be re-signed by the Board of Commissioners.

Commissioner Jones made a motion to approve amending the Agreement between Georgia Department of Transportation and Effingham County for transportation facility improvements at I-16/Old River Road Interchange; including

widening Old River Road (see minute book page ____). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A UTILITY EASEMENT BETWEEN W H CAPITAL, LLC AND THE BOARD OF COMMISSIONERS (13): Civil Engineer Allen explained that on March 15, 2011, the Board voted to award a contract for the installation of water and sewer lines to service two commercial buildings that are to be constructed along Route 21. A utility easement will be required in order to allow the commercial building to gain access to the utilities that will be constructed within this contract. The owner of the property that will require the easement has agreed to give the necessary easement to Effingham County.

Commissioner Kieffer made a motion to approve a utility easement between W. H. Capital, LLC and the Board of Commissioners (see minute book page ____). Commissioner Mason seconded the motion. The motion carried unanimously.

Commissioner Jones stepped down due to possible conflict.

CONSIDERATION TO APPROVE CHANGE ORDER NUMBER 1 WITH HARCO FOR THE GOSHEN WATER AND SEWER EXTENSIONS FOR FUTURE DEVELOPMENT (14): Civil Engineer Allen explained that on March 15, 2011 the Effingham County Board of Commissioners voted to award a contract for HARCO Construction to construct water and sewer extension for future developments in the amount of \$64,950. A portion of that work included installation of infrastructure to serve the Goshen Apartments. That work is no longer necessary and needs to be removed from the contract.

Commissioner Mason made a motion to approve change order number 1 with HARCO for the Goshen Water and Sewer Extensions for Future Development (see minute book page ____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

Commissioner Jones reentered the meeting.

CONSIDERATION TO APPROVE AN AGREEMENT OF LOCAL STATEMENT OF SERVICE AND MAINTENANCE COST IN LIEU OF RENT IN PUBLIC BUILDINGS WITH THE GEORGIA DEPARTMENT OF HUMAN SERVICES DIVISION OF FAMILY AND CHILDREN

SERVICES (15): Finance Director Wright explained that there is currently an agreement with the Department of Family and Children Services to rent 204 Franklin Street. The contract outlines the items the County is responsible for, which includes utilities, janitorial services, cleaning and maintenance, grounds and insurance.

Vice-Chairman Loper made a motion to approve an agreement of Local Statement of Service and Maintenance Cost in lieu of rent in public buildings with the Georgia Department of Human Services Division of Family and Children Services (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A WORK AUTHORIZATION WITH KERN-COLEMAN AND COMPANY FOR DESIGN SERVICES FOR SANITATION OFFICES (16):

Project Manager Kobek explained that in late 2010 the Board received proposals from three different design teams on offices for sanitation staff at the Courthouse Road site, Kern-Coleman was selected as the design team for the project. The attached work authorization is for architectural and engineering services to provide a full and detailed set of building plans for an office building of approximately 2,000 square feet. The building will serve as office space for four individuals with storage and support spaces for the sanitation staff. The County will handle site planning and civil design in house. The architectural and engineering services fee is \$12,500 which will include detailed building plans and specifications. Bid Preparation and Construction Administration Services will be billed on an as needed basis by hour with a not to exceed figure of \$10,250. The County typically bids the own projects and administers the construction activities, use of these services will be limited for code compliance and life safety issues. This is a SPLOST funded project.

Commissioner Brantley made a motion to approve a work authorization with Kern-Coleman and Company for Design Services for Sanitation Offices (see minute book page ____). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION REGARDING THE ESTABLISHING A MINIMUM NUMBER OF ACRES AS A CONDITION FOR QUALIFYING CONSERVATION USE VALUATION ASSESSMENT (CUVA) (17): Commissioner Kieffer stated that at the March 17, 2009 meeting, commissioners voted unanimously to approve a 10 acre minimum for qualifying for CUVA and for the County Attorney to draft up a resolution for approval at the next meeting. By all accounts, a resolution was not presented or approved by the board at the next meeting. There is currently no minimum acreage for qualified parcels for CUVA. Section 48-5-7.4(a)(3) of the Official Code of Effingham County Georgia states "The governing authority of a county in which the property that otherwise meets the requirements for current use assessment is located may establish a minimum number of acres as a condition for qualifying for current use assessment. Such minimum shall be up to 25 acres and shall apply exclusively to qualified property that is first made subject to a covenant required by subsection (d) of this Code section or is subject to the renewal of a previous covenant required by subsection (d) of this Code section on or after January 1, 2012".

Mr. Henry Byrd, Mr. Lowell Morgan, Mr. Allen Zipperer, Mr. Keith Lancaster, Mr. Mose Mock, Mr. David Gnann and Mrs. Bonnie Gnann stated their concerns of the CUVA Resolution.

Commissioner Mason made a motion to approve a Resolution regarding the Establishing a Minimum of 10 acres as a condition for qualifying conservation use valuation assessment (CUVA) (see minute book page ____). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A PROCLAMATION PROCLAIMING THE MONTH OF APRIL AS NATIONAL DONATE LIFE MONTH (18): County Clerk Crawley explained that a request came from Lifelink of Georgia to proclaim the month of April as National donated life month. Lifelink will be sharing life-saving information about the need for organ and tissue donation in Effingham County and the proclamation will coincide with the national observance of Donate Life Month.

Commissioner Kieffer made a motion to approve a proclamation proclaiming the month of April as National Donate Life Month. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE SAFETY DISCOUNT VERIFICATION FORM FOR INTERLOCAL RISK MANAGEMENT AGENCY (IRMA) AND GROUP SELF-INSURANCE WORKERS COMPENSATION FUND (GSIWCF) (19): County Clerk Crawley explained that ACCG handles the Board of Commissioners workers' compensation and the property & liability insurance program. In order for the board to receive the 7.5% safety discount for works compensation and the 5% safety discount for property and liability insurance the Board must verify that the Effingham County has a safety coordinator and that all qualifications have been met.

Commissioner Jones made a motion to approve the safety discount verification form for Interlocal Risk Management Agency and Group Self-Insurance Workers Compensation Fund (see minute book page ____). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE USE OF SPEED BUMPS IN SUBDIVISIONS (20): County Clerk Crawley explained that Mrs. Kramer from Rosewood Subdivision came before the board requesting to have speed bumps put in her Subdivision.

Chairman Zeigler made a motion to deny the request for the use of speed bumps in County Subdivision. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN EASEMENT LIMITED AGREEMENT WITH CAROLINA GAS TRANSMISSION CORPORATION (21): County Administrator Crawley explained that Old Augusta Road Phase IIA extends from Chimney Road to Mallard Point Subdivision. The final right of way acquisition was approved at the last Board meeting. The Easement Limited Agreement will allow the road to pass over a gas line easement owned by Carolina Gas Transmission Corporation. Carolina Gas agrees to allow for the County to own a portion of the company's existing easement and use of other parts of the easement for construction

activities. The County will provide for an additional easement adjoining the road project for use by the Company, with all of the same rights as the existing easement. The County or Contractor will only build a highway across the easement, no digging below three feet on the Gas easement except by hand, the gas facility will not be exposed or unearthed, the County will grass after construction, County will maintain 24 inches between gas facilities and all other future utilities and structures, call in utilities locates, not damage current gas company structures, the Company has the right to inspect.

Commissioner Kieffer made a motion to approve an Easement Limited Agreement with Carolina Gas Transmission Corporation (see minute book page _). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION

At 8:05 p.m., Chairman Zeigler made a motion to go into Executive Session to discuss personnel, property, and pending litigation. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

County Administrator Crawley and Commissioners discussed personnel and pending litigation. (See copy of Chairperson's affidavit on minute book page number _____).

At 9:23 p.m. the Board reconvened in regular session.

ADDITION TO THE AGENDA

Chairman Zeigler made a motion to approve addition number 22 to the agenda. Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE AUTHORIZATION OF LEGAL COUNSEL TO FILE AN APPLICATION OR PETITION FOR REVIEW OF THE PARKWEST DECISION TO THE GEORGIA SUPREME COURT (22):

Commissioner Jones made a motion to approve the authorization of legal counsel to file an application or petition for review of the Parkwest Decision to the Georgia Supreme Court. Commissioner Kieffer seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION

At 9:24 p.m., Chairman Zeigler made a motion to go into Executive Session to discuss personnel, property, and pending litigation. Commissioner Kiefer seconded the motion. The motion carried unanimously.

County Administrator Crawley and Commissioners discussed personnel and pending litigation. (See copy of Chairperson’s affidavit on minute book page number _____).

ADJOURNMENT

At 9:45 p.m., Chairman Zeigler made a motion to adjourn the meeting. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

C. D. Zeigler, Chairman

Patrice R. Crawley, County Clerk