

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, May 03, 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, Ms. Betty Renfro, Mrs. Ruth Lee, Ms. Carole Hogge, Mr. Jack Gannan, Mr. Ricky Stille, Mr. Charlie Kea, and Mr. Kerry Freeman.

CALL TO ORDER

Chairman Zeigler called the meeting to order.

INVOCATION AND PLEDGE TO THE AMERICAN FLAG

Chairman Zeigler gave the invocation and led the Pledge to the American Flag.

AGENDA APPROVAL

Vice-Chairman Loper made a motion to approve the agenda. Commissioner Brantley seconded the motion. The motion carried unanimously.

MINUTES

Commissioner Brantley made a motion to approve the minutes for the April 19, 2011 Board of Commissioners meeting. Vice-Chairman Loper 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.

CONSENT AGENDA

Chairman Zeigler read aloud items on the consent Agenda.

Commissioner Mason made a motion to approve (1) the errors and releases for Property Tax, (2) the errors and releases for Mobile Home Tax, (3) the errors and releases for Motor Vehicle Tax as submitted by the Tax Commissioner, (4) the Second Reading to amend the Effingham County Zoning Map 418-22A by Gene Hart (Harry E. Hart) to rezone 8.98 acres from I-1 to AR-1, (5) the Second Reading to amend the Effingham County Zoning Map 318-17 by Amber Brooks for a variance and rural use to operate a pet grooming business with the stipulation that the applicant shall provide an updated letter of permission should the owner of the easement change and the application shall comply with all requirements of Section 3.15 – Rural Business of the Effingham County Zoning Ordinance, (6) the Second Reading to amend the Effingham County Zoning Map 295-51 by Jeffery Marsh to rezone 5.68 acres from AR-1 to AR-2 with the following stipulations:

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 Stormwater Local Design Manual.
3. All wetlands impacts shall be permitted by the USACE.
4. Subdivision plat shall be approved by the Health Department and the Zoning Office.

Commissioner Jones seconded the motion. The motion carried unanimously.

Commissioner Kieffer made a motion to approve (7) the Second Reading to amend the Effingham County Zoning Map 410-18 by Charles A. Writch (The Hedges Development Co.) to rezone 6 acres from AR-1 to B-3 located at Hwy 21 South with the following stipulations:

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

Vice-Chairman Loper seconded the motion. The motion carried unanimously.

OLD BUSINESS

CONSIDERATION TO APPROVE THE SECOND READING TO AMEND APPENDIX C OF THE OFFICIAL CODE OF EFFINGHAM COUNTY, ARTICLE III, SECTION 3.30.5 AND 3.30.5.1 CONCERNING THE PARKING LOT (01): Zoning Administrator Shaw explained that in November 2009 the Board of Commissioners passed an amendment to Sec. 3.30.5 and 3.30.5.1 Parking lot improvements required. Due to an oversight the entire text was not included in the second reading material and the entire text was not officially approved.

Commissioner Jones requested more information.

Chairman Zeigler made a motion to table the second reading to the next meeting. Commissioner Kieffer seconded the motion. The motion carried unanimously.

PUBLIC HEARING AND CONSIDERATION TO APPROVE AMENDING CHAPTER 75, ARTICLE II, SECTION 75-56 OF THE OFFICIAL CODE OF EFFINGHAM COUNTY GEORGIA CONCERNING THE REUSE CAPACITY CAPITAL COST RECOVERY FEE (02):

County Administrator Crawley explained that as previously discussed, staff proposed an interim step to facilitate development, amending the Reuse Capacity Capital Cost Recovery Fee.

There were no comments from the Public.

Commissioner Jones made a motion to approve amending Chapter 75, Article II, Section 75-56 of the Official Code of Effingham County Georgia concerning the Reuse Capacity Capital Cost Recovery Fee (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

PUBLIC HEARING AND CONSIDERATION TO APPROVE AMENDING APPENDIX D, DEVELOPMENT IMPACT FEE ORDINANCE OF THE OFFICIAL CODE OF EFFINGHAM COUNTY, GEORGIA (03):

County Administrator Crawley explained that as previously discussed, staff proposed an interim step to facilitate development, amending the Development Impact Fee Schedule.

There were no comments from the Public.

Vice-Chairman Loper made a motion to approve amending Appendix D, Development Impact Fee Ordinance of the Official Code of Effingham County,

Georgia (see minute book page ____). Commissioner Kieffer seconded the motion. Chairman Zeigler opposed the motion. Vice-Chairman Loper, Commissioner Brantley, Commissioner Jones, Commissioner Mason, and Commissioner Kieffer voted in favor of the motion. The motion carried.

CONSIDERATION TO ACCEPT A BID, APPROVE A CONTRACT AND GIVE NOTICE TO PROCEED ON FOREST HAVEN ROAD RESURFACING (04): Civil Engineer Allen explained that as previously discussed the ash roads are failing and each road should be taken on as a case by case basis, as to the exact remedy for each road. As requested by the Board, it was advertised rebuilding and resurfacing Forrest Haven Road by two methods, supplementing the base and asphalt and new construction. The testing is not completed at this time.

Commissioner Mason made a motion to table the bid on Forest Haven Road resurfacing until the next meeting. Commissioner Brantley seconded the motion. The motion carried unanimously.

NEW BUSINESS

RETIREMENT OVERVIEW (01): Human Resources Director Hudzinski-Sero gave an overview of the county retirement plans.

CONSIDERATION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN GEORGIA DEPARTMENT OF TRANSPORTATION AND EFFINGHAM COUNTY BOARD OF COMMISSIONER FOR THE HISTORIC EFFINGHAM EBENEZER SCENIC BYWAY (02): Project Manager Kobek explained that local civic organizations, including the Historic Effingham Society have worked with the Georgia Department of Transportation to designate the Historic Effingham-Ebenezer Scenic Byway. The route will serve as a guide to motorist interested in the history of Effingham County and significant historical sites. The Georgia DOT will purchase the initial signs and posts. The County will install the signs and be responsible for damaged signs and all replacements. A 15% surplus of signs will be made available to the county at cost for any necessary replacements.

Mrs. Betty Waller and Mrs. Betty Renfro presented a Resolution by the State Transportation Board to the Board of Commissioners concerning the scenic byway.

Commissioner Kieffer made a motion to approve a memorandum of understanding between Georgia Department of Transportation and Effingham County Board of Commissioners for the Historic Effingham Ebenezer Scenic Byway (see minute book page _____). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE DONATING FUNDS FOR THE INDEPENDENCE DAY FIREWORKS DISPLAY AT EFFINGHAM COUNTY HIGH SCHOOL (03): Project Manager Kobek explained that the City of Springfield holds a community fireworks display that is open to the public with no admission charge. A concession stand is open with the proceeds supporting the ECHS Band. Springfield is asking that organizations in the county donate money to help host the Fireworks Display. Last year the County gave \$4,000.

Mrs. Ruth Lee gave her comments on how everyone should support the Fireworks Display.

Vice-Chairman Loper made a motion to approve donating \$4,000 to the City of Springfield for the Independence Day Fireworks at Effingham County High School. Commissioner Jones seconded the motion. Chairman Zeigler and Commissioner Brantley opposed the motion. Vice-Chairman Loper, Commissioner Jones, Commissioner Mason and Commissioner Kieffer voted in favor of the motion. The motion carried.

CONSIDERATION TO APPROVE AN AGREEMENT WITH EMERSON NETWORK POWER, LIEBERT SERVICES, INC. FOR ANNUAL MAINTENANCE CONTRACT ON E911'S UNINTERRUPTIBLE POWER SYSTEM (04): E911 Director Spinks explained that the warranty for E911's uninterruptible power system (UPS) expired December, 2010. The system purchase price was \$48,000 excluding batteries. Replacement of the same system today would cost \$52,800 excluding batteries, which is a 10% increase from the purchase price. The ability to keep critical systems running through power outages, utility spikes and other unforeseeable power issues is dependent on the reliability of the UPS system. When correctly implemented, prevented maintenance visits ensure maximum reliability of the 911 equipment by providing systematic inspections, detection and correction of incipient failures,

either before they occur or before they develop into major defects that result in costly downtime. Staff recommends the quote for the preventative maintenance visits 8 – 5 only, 1 annual and 2 semi-annual scheduled Mon – Fri 8 – 5 at the cost of \$4,420 for one year.

Vice-Chairman Loper made a motion to approve an agreement with Emerson Network Power, Liebert Services, Inc. for annual maintenance contract on E911's uninterruptible power system in the amount of \$4,420 (see minute book page ____). Commissioner Mason seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE FIRST READING TO AMEND THE OFFICIAL CODE OF EFFINGHAM COUNTY CHAPTER 22 BY ADDING ARTICLE III TECHNOLOGY

(05): County Administrator Crawley explained that some research needs to be done to see if the Board has the authority to adopt a technology fee.

Commissioner Jones made a motion to table amending the Official Code of Effingham County Chapter 22 by adding Article III Technology until the next meeting. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO UPDATE JOB DESCRIPTION IN THE ELECTIONS DEPARTMENT TO COMPLY WITH ADA COMPLIANCE (06):

Human Resources Director Hudzinski-Sero explained that the department of Elections job descriptions needs to be updated to the ADA Compliance Physical Ability to reflect the proper weight of election equipment.

Commissioner Jones made a motion to update job descriptions in the Elections Department to comply with ADA Compliance (see minute book page _ ____). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN EARLY RETIREMENT INVESTMENT PROGRAM

(07): Human Resources Director Hudzinski-Sero explained that it was requested to review and analysis the cost of offering an Early Retirement Incentive (ERI) to those who meet eligibility requirements within the Defined Benefit Plan (DB) as of July 1, 2011.

County Administrator Crawley requested that the Board give approval for staff to send letters to qualified employees and to schedule appointments with HR Director Hudzinski-Sero and Merrill Lynch representative Gini Nichols.

Commissioner Jones made a motion to approve Early Retirement Investment Program cash out option that was presented. Vice-chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A TRANSFER FROM THE SANITATION FUND TO GENERAL FUND (08): Finance Director Wright explained that the county currently has several additional obligations regarding the General Fund balance. These are a result of several recent agreements concerning service delivery. For some time the General Fund has recorded a designated reserve for the landfill within its fund balance as required by Georgia Law regarding post closure care of landfills. The transfer will allow the county to maintain the necessary funding on hand as mandated by Georgia Law by using funding from the current Sanitation and Landfill Fund. The transfer will enable the county to use the current fund balance within the special tax districts as needed.

Commissioner Jones made a motion to transfer from the Sanitation Fund to the General Fund (see minute book page _____). Commissioner Mason seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A TRANSFER TO GA 1 FUND (09): Finance Director Wright explained that she would like to update the County's Financial Investments and to set up and move a portion of current funds into the Dedicated Portfolios of the Ga Fund 1 as directed by the Board of Commissioners.

Commissioner Jones made a motion to approve a transfer to Ga 1 Fund to gain the higher interest. Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE FUNDING AND FINANCING PROPOSAL FOR GEFA DEBT (10): County Administrator Crawley explained that currently the County has four individual loan agreements with GEFA. Staff is requesting to send a letter to GEFA to modify the loans as follows: (1) in consideration of the conversion of the debt service reserve of currently \$3.5 million, GEFA requests that

Effingham County payoff loan CW04007P2, currently in construction. The payoff as of May 18, 2011 was \$551,947.76. Effingham County agrees with this condition and will make full payment no later than May 31, 2011 (2) GEFA requests that the remaining balance of the debt service account be applied toward principal balance reduction. Effingham County is agreeable to apply \$2.5 million toward principal balance reduction. The funding source for this will be from the County's Special Local Option Sales Tax and will be applied toward source for this will be from the County's Special Local Option Sales Tax and will be applied toward projects constructed under loans 2005L01WS and CW03003P dependent upon when notice to proceed for specific projects were issued, (3) A substitute special condition requiring the establishment of a new debt service reserve in the amount of \$2 million, either in cash, surety, or a letter-of-credit, at the County's discretion. The County does not agree with the establishment of new debt service reserve account and requests that this stipulation is removed, (4) GEFA is willing to remove all other financial stipulations or conditions on our remaining four loans. Effingham County concurs with the removal of all other financial stipulations and conditions, and (5) Effingham County further requests that the GEFA consider debt forgiveness in an amount to be negotiated, due to litigation associated with letters of credit and impact fees.

Commissioner Kieffer made a motion to approve funding and financing proposal for GEFA debt. Commissioner Brantley seconded the motion. Chairman Zeigler opposed the motion. Vice-Chairman Loper, Commissioner Brantley, Commissioner Jones, Commissioner Kieffer, and Commissioner Mason voted in favor of the motion. The motion carried.

CONSIDERATION TO APPROVE A RESOLUTION TO MAKE AN INTERFUND TRANSFER FROM GENERAL FUND TO WATER AND SEWER AND TO ESTABLISH SPECIAL SERVICE DISTRICTS AND ASSOCIATED FUNDING IN ACCORDANCE WITH THE APPROVED SERVICE DELIVERY STRATEGY (11): County Administrator Crawley explained that the resolution will supersede a resolution previously approved by the Board, which established specific special service districts and funding sources for said districts.

Mrs. Ruth Lee explained her concerns over the special service districts.

Commissioner Jones made a motion to approve a Resolution to make an interfund transfer from general fund to water and sewer and to establish special service districts and associated funding in accordance with the approved service delivery strategy (see minute book page _____). Commissioner Brantley seconded the motion. Chairman Zeigler opposed the motion. Vice-Chairman Loper, Commissioner Brantley, Commissioner Jones, Commissioner Kieffer, and Commissioner Mason voted in favor of the motion. The motion carried.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Vice-Chairman Loper discussed the following:

- ◆ ACCG meeting in Savannah

Commissioner Mason discussed the following:

- ◆ ACCG training
- ◆ Signs on Clyo Stillwell Road have been taken care of
- ◆ Would like to see a reduction of paper that the Board receives

Sanitation Director Burns discussed the following:

- ◆ Moving forward with the recycling pilot program

County Administrator Crawley discussed the following:

- ◆ Old Augusta road
- ◆ Personnel meeting with Committee
- ◆ Having chickens in R-1 zoning district
- ◆ Budget meeting with Committee
- ◆ Meeting with the City of Guyton to discuss waste water
- ◆ Public Safety Director Wright to go help GEMA in the tornado stricken area
- ◆ Vehicle Ordinance
- ◆ Grant policy and committee
- ◆ Purchasing Ordinance
- ◆ Schedule of fee update

County Attorney Gotwalt discussed the following:

- ◆ Closing of Earl Lane Road

Civil Engineer Allen discussed the following:

- ◆ Blue Jay and McCall Road safety issue
- ◆ Logs Landing turning lane
- ◆ Woodmen of the World update

Project Manager Kobek discussed the following:

- ◆ Tuckasee King boat landing ribbon cutting with DNR
- ◆ Leed plaque

Finance Director Wright discussed the following:

- ◆ Passed out financial statement

County Administrator Crawley discussed the following:

- ◆ Month information from sales taxes

EXECUTIVE SESSION

At 7:24 p.m., Chairman Zeigler made a motion to go into Executive Session to discuss personnel, property, and pending litigation. Commissioner Kieffer 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 _____).

RECONVENED

The meeting reconvened at 8:20 p.m.

ADJOURNMENT

At 8:20 p.m., Commissioner Jones made a motion to adjourn the meeting. Commissioner Mason seconded the motion. The motion carried unanimously.

C. D. Zeigler, Chairman

Patrice R. Crawley, County Clerk