

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, September 06, 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, Mrs. Joanna Wright, Finance Director, Mrs. Patrice Crawley, County Clerk, Ms. Rushe Hudzinski-Sero, Human Resources Director, Mr. J. C. Garvin, Mr. Jamey Stancell, Mr. Rock Johnson, Mr. Clarence Morgan, Recreation Director, Mr. Roy Branson, Mr. Ron Morgan, Mr. Jimmy Seckinger, Mr. Robert Hunter, Mr. Craig Johnson, Mr. Mike Wilson and Mr. Douglas Kirkland.

CALL TO ORDER

Chairman Zeigler called the meeting to order.

INVOCATION

Chairman Zeigler gave the invocation.

PLEDGE TO THE AMERICAN FLAG

Chairman Zeigler led the pledge to the American Flag.

AGENDA APPROVAL

County Administrator Crawley stated that an item needed to be added to the Agenda. This item would be New Business Number 15 – Consideration to approve an addendum to the reimbursement services agreement and acknowledgment of the grace period to continue services with AFLAC.

Vice-Chairman Loper made a motion to approve the agenda and to add New Business Number 15 as stated. Commissioner Kieffer seconded the motion. The motion carried unanimously.

MINUTES

Vice-Chairman Loper made a motion to approve the minutes for the August 16, 2011 and August 23, 2011 Board of Commissioners meetings. Commissioner Brantley 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 Brantley made a motion to approve errors and releases for motor vehicle as submitted by the Tax Commissioner, errors and releases for property tax as submitted by the Tax Commissioner and the Second Reading to amend the Effingham County Zoning Map 436-25, Jeanette L. Cross to rezone 1.34 acres from AR-1 to AR-2 with the stipulation that (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 Storm Water Management Local Design Manual (3) All wetland impacts shall be permitted by the USACE and (4) A subdivision plat shall be approved by the Health Department and the Zoning Office.

Commissioner Mason seconded the motion. The motion carried unanimously.

OLD BUSINESS

CONSIDERATION TO APPROVE A MEMORIAL MARKER POLICY (01): Project Manager Kobek explained that the Board reviewed and tabled a memorial marker policy at the August 16, 2011 board meeting.

Vice-Chairman Loper made a motion to remove the Memorial Marker Policy from the agenda. Commissioner Kieffer seconded the motion. Vice-Chairman Loper changed his motion to deny the memorial marker policy. Commissioner Kieffer seconded the motion. Commissioner Mason opposed the motion. Chairman Zeigler, Vice-Chairman Loper, Commissioner Brantley,

Commissioner Jones and Commissioner Kieffer voted in favor of the motion. The motion to deny carried.

NEW BUSINESS

CONSIDERATION TO APPROVE THE FIRST READING TO AMEND CHAPTER 30 OF THE OFFICIAL CODE OF EFFINGHAM SOIL EROSION AND SEDIMENTATION CONTROL.

(1): County Engineer Liotta stated that amendment to Chapter 30 of the Official Code of Effingham Soil Erosion and Sedimentation Control was discussed at the August 16, 2011 board meeting. With a few modifications, staff requests that the Board approve the First Reading.

Public Hearing was held and no objectors were present.

Vice-Chairman Loper made a motion to approve the First Reading to Amend Chapter 30 of the Official Code of Effingham Soil Erosion and Sedimentation Control. Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A CONTRACT WITH UNITED HEALTH CARE TO PROVIDE MAJOR MEDICAL AND RX(2):

Human Resources Director Hudzinski-Sero stated that the Board approved United Health Care to provide major medical and RX at their August 23rd meeting. The Board now needs to approve the contract.

Commissioner Jones made a motion to approve a contract with United Health Care to provide major medical and RX (see minute book page _____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

APPEARANCE

5:15 P.M. RECREATION DEPARTMENT – Mr. Roy Branson, Chairman of the Recreation Committee, Mr. Mike Wilson, Mr. Douglas Kirkland, Mr. Robert Hunter, Mr. Ron Morgan, and Mr. Jimmy Seckinger, members of the Recreation Board , spoke on the need to upgrade the Hwy 119 Recreation Gym.

5:30 P.M. ROCK JOHNSON – Mr. Rock Johnson explained the following concerns (1) recreation gym upgrades (2) operation of concession stands and (3) fire stations should have living quarters.

CONTINUE – NEW BUSINESS

CONSIDERATION TO APPROVE A FIRE SERVICES AGREEMENT WITH THE CITY OF NEWINGTON (03): Fire Chief Ashcraft and Newington fire chief Jack Mock stated that the Kildare community is one of the few remaining populated areas of the county that is beyond 5 road miles of a fire station. Recent insurance updates have caused these residents to incur extremely high increases in premium to maintain their homeowner's policies. It would not be economical to build and equip a new fire station for this area at this time. The Newington Fire Department has taken over operation of both Newington and Oliver fire stations. Under the agreement the Newington Fire Department would respond to fires in the Kildare area, and meet adequate fire station distances to lower insurance ratings for a cost of \$4,800 per year.

Commissioner Mason made a motion to approve a fire services agreement with the City of Newington effective October 1, 2011. Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE FIRST READING TO AMEND THE OFFICIAL CODE OF EFFINGHAM COUNTY TO IMPOSE A 9-1-1 CHARGE ON PREPAID WIRELESS SERVICES (04): E-911 Director Spinks stated that legislation was passed in 2008 to assess a 9-1-1 fee on prepaid wireless phones but the legislation has proven to be inefficient and burdensome. The new approach is to collect a .75 fee at the point of sale, remit the fees to the Department of Revenue much like a sales tax, to be distributed per formula based on population of the Public Safety Answering Point. Funds will be distributed annually on or before October 15 of each year with the Department of Revenue retaining not more than 2% of the total amount collected for the cost of administering the program. The effective date of the bill is January 1, 2012.

A Public Hearing was held and no objectors were present.

Commissioner Jones made a motion to approve the First Reading to amend the Official Code of Effingham County to impose a 9-1-1 charge on prepaid wireless services. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION TO TRANSMIT THE FISCAL YEAR 2011 CAPITAL IMPROVEMENT ELEMENT TO THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS (05): This item was held until after Executive Session.

CONSIDERATION TO APPROVE AN ASSEMBLAGE PERMIT FOR THE NJROTC “CADET 5K” RUNNING RACE FUNDRAISER (06): Zoning Administrator Shaw explained that the NJROTC of South Effingham High School represented by Lt. Col Terry Stautberg UMC (Ret.) has requested an assemblage permit for a “Cadet 5k” running race. This event is to be held October 1, 2011 at 1220 Noel C. Conaway, Road. The event hours are to be 9:30 am to 10:30 am and the run will start at the school track, exit the front gate of the school across Noel C. Conaway Rd down Nease Rd, left on St. John’s Rd, left on St. Matthew’s Rd, right on Nease, right on Hester Rd, left on Noel C. Conaway Rd and right into the school to finish on the track.

Vice-Chairman Loper made a motion to approve an assemblage permit for the NJROTC Cadet 5K Running race fundraiser. Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A FINAL PLAT FOR CLOVER POINT AT BELMONT GLEN, PHASE 1B (07): County Engineer Liotta explained that Ernest Communities, LLC requests final plat approval of Clover Point, Phase 1B, located on Hodgenville Road. Said phase consists of 25 lots (Phase 1A was 29 lots). Water and sewer services are to be provided by Effingham County. The preliminary plan for this development was approved on November 2, 2006.

Commissioner Jones made a motion to approve a final plat for Clover Point at Belmont Glen, Phase 1B. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A WARRANTY DEED FOR CLOVER POINT AT BELMONT GLEN, PHASE 1B (08): County Engineer Liotta explained that the Board previously approved the final plat for Clover Point at Belmont Glen, Phase 1B and now needs to approve the warranty deed for this phase. Commissioner Jones made a motion to approve a warranty deed for Clover Point at Belmont Glen,

Phase 1B (see minute book page _____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A WARRANTY DEED FOR FAIRHAVEN SUBDIVISION (09): Civil Engineer Allen explained that Alex Moore who represents the developer for Fairhaven Subdivision requests that the county accept ownership and maintenance of the infrastructure (road right of way, roads and storm drainage systems not including ponds) for Fairhaven Court, located off of Sandhill Road. This development consists of 30 lots and the water is provided by Lake Side Water Company.

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

CONSIDERATION TO APPROVE CHANGE ORDER NUMBER 1 WITH SIKES BROTHER'S FOR THE DECELERATION LANE ON HWY 21 AND LOG LANDING ROAD (10): Civil Engineer Allen explained that after some discussion he would like to either table or remove this item.

Commissioner Mason made a motion to deny change order number 1 with Sikes Brother's for the deceleration lane on Hwy 21 and Log Landing Road. Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE CERTIFICATION OF OWNERSHIP AND AGREEMENT FOR HIGH RISK RURAL ROADS IMPROVEMENTS ON MCCALL ROAD, LITTLE MCCALL ROAD, AND ZEIGLER ROAD (11): Civil Engineer Allen explained that the Federal Highway Administration makes funds available to the Georgia Department of Transportation for traffic operation improvements on off-system roads through a High Risk rural roads program. DOT has identified McCall Road, Little McCall Road and Zeigler Road as high risk rural roads and would like to offer assistance in installing high friction surface treatment and traffic control devices along curves of said roads. A certificate of Ownership and Agreement stating the Board's willing to provide for proper maintenance of the improvements after completion and make reasonable provisions each year for said maintenance as

well as providing any additional information and right of way certification needs to be signed.

Commissioner Mason made a motion to approve certification of ownership and agreement for high risk rural roads improvements on McCall Road, Little McCall Road and Zeigler Road (see minute book page _____). Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN AUDIT ENGAGEMENT LETTER WITH CAINES, HODGES, PACE & COMPANY, P.C. FOR FISCAL YEAR ENDING JUNE, 2011 (12):

Finance Director Wright explained that an engagement letter details the work and services to be performed by the auditors together with the responsibilities of the County. For the past several years, the county has elected to retain Caines, Hodges, & Pace and Company, PC as their auditor. The auditors work includes review of internal controls, review of recorded financial transactions, review of compliance related issues and examination and testing in order to express an opinion of these.

Vice-Chairman Loper made a motion to approve an audit engagement letter with Caines, Hodges, Pace & Company, P.C. for fiscal year ending June, 2011 (see minute book page _____). Chairman Zeigler seconded the motion. Commissioner Jones opposes the motion. Chairman Zeigler, Vice-Chairman Loper, Commissioner Brantley, Commissioner Mason and Commissioner Kieffer vote in favor of the motion. The motion carried.

CONSIDERATION TO APPROVE A RESOLUTION AUTHORIZING A REFERENDUM TO ALLOW PACKAGE SALE ON SUNDAY BY RETAILERS OF PACKAGE MALT BEVERAGES AND WINE (13):

County Attorney Gotwalt stated that the Board needed to give staff more direction on what question they would like on the referendum. After discussion the Board would like staff to present an ordinance to (1) permit and regulate Sunday sales of distilled spirits or alcoholic beverages by the drink (2) permit and regulate the sale of alcoholic beverages and wine on Sundays between the hours of 12:30 p.m. and 11:30 p.m., and (3) permit and regulate package sales of alcoholic beverages, distilled spirits and wine generally.

Commissioner Brantley made a motion to table the Resolution. Commissioner Mason seconded the motion. Staff mentioned to the Board that a Resolution was not the correct way to authorize the referendum that it would have to be in Ordinance form.

Commissioner Brantley changed his motion to deny the resolution. Commissioner Mason seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE MOVING OR CANCELING THE OCTOBER 4TH BOARD OF COMMISSIONERS MEETING (14): County Clerk Crawley stated that ACCG will be holding the local legislative in Atlanta on October 3rd and 4th and four Commissioners will be attending. Since this meeting will be at the same time as the regularly schedule Commissioners Meeting, the Board needs to either move the October 4th meeting or cancel it.

Vice-Chairman Loper made a motion to cancel the October 4th Board of Commissioners Meeting. Chairman Zeigler seconded the motion. The motion carried unanimously.

ADDITION TO NEW BUSINESS

CONSIDERATION TO APPROVE ADDENDUM TO THE REIMBURSEMENT SERVICES AGREEMENT AND ACKNOWLEDGMENT OF GRACE PERIOD SERVICES WITH AFLAC (15): Human Resources Director Hudzinski-Sero stated that on August 23, 2011 the Board approved continuing ancillary and cafeteria offerings to employees. Staff requests that the Board approves the addendum for the reimbursement services agreement and acknowledgment of grace period services with AFLAC.

Commissioner Jones made a motion to approve addendum to the reimbursement services agreement and acknowledgment of grace period services with AFLAC (see minute book page _____). Commissioner Brantley seconded the motion. The motion carried unanimously.

WORKSHOP

EFFINGHAM COUNTY EMERGENCY MANAGEMENT AGENCY: Public Safety Director Wright gave an overview of the Effingham County Local Emergency Operations Plan.

EFFINGHAM COUNTY SHERIFF'S ADMINISTRATION AND JAIL: Project Manager Kobek, Sheriff McDuffie, Mr. Ryan Price, Mr. Buddy Golson, and Mr. Eric Johnson gave an overview of the Sheriff's Administration and Jail. Staff was directed to bring back a contract for a jail assessment.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Chairman Zeigler discussed the following:

- ◆ Bicycle issue on County Roads
- ◆ Changing of the legal organ

Vice-Chairman Loper discussed the following:

- ◆ ACCG Federal Policy meeting
- ◆ HB 237 – General discussion of open meeting

Commissioner Mason discussed the following:

- ◆ Sheriff's traffic unit

Commissioner Kieffer discussed the following:

- ◆ Effingham Park of Commerce

County Clerk Crawley discussed the following:

- ◆ Commissioners picture

County Administrator Crawley discussed the following:

- ◆ Community retreat
- ◆ Board of Election equipment
- ◆ Herbert Kessler Road
- ◆ Joint land user study
- ◆ Dedication of Tuckasee King
- ◆ Leed plaque presentment at the Historic Courthouse
- ◆ State of the Port Address
- ◆ ACCG voting delegate for the Legislative Policy meeting
- ◆ HR Department receiving the Best in Georgia Award at the SHRM Conference for their submission on Work Place Violence
- ◆ Gini Nichols no longer works for Merrill Lynch
- ◆ Mowing of Highway 21

EXECUTIVE SESSION

At 8:15 p.m., Chairman Zeigler made a motion to go into Executive Session to discuss personnel, property, and pending litigation. Commissioner Jones 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

At 9:30 p.m., the Board reconvened into Regular Session.

CONTINUE NEW BUSINESS

CONSIDERATION TO APPROVE A RESOLUTION TO TRANSMIT THE FISCAL YEAR 2011 CAPITAL IMPROVEMENT ELEMENT TO THE GEORGIA DEPARTMENT OF

COMMUNITY AFFAIRS (05): Commissioner Jones made a motion to table the Resolution. Chairman Zeigler seconded the motion. The motion carried unanimously.

ADJOURNMENT

At 9:31 p.m., Chairman Zeigler 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