

**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, November 01, 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, Mrs. Joanna Wright, Finance Director, Mrs. Patrice Crawley, County Clerk, Ms. Rushe Hudzinski-Sero, Human Resources Director, Mr. Tim Mathews, Mrs. Ruth Lee, Ms. G. G. Rigsby, Mrs. Irma Davis, Ms. Gussie Nease, Mr. Jeff Kilgore and Mr. Alan Zipperer.

**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**

Commissioner Mason made a motion to approve the November 01, 2011 Agenda (see minute book page \_\_\_\_\_). Commissioner Jones seconded the motion. The motion carried unanimously.

**MINUTES**

Commissioner Brantley made a motion to approve the minutes for October 18, 2011 Special Called Meeting and Regular Scheduled 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.

Vice-Chairman Loper made a motion to approve:

- (1) the Second Reading to amend the Effingham County Zoning Map 375E-28 by Giuseppe (Joe) Sirigu for a variance use on the property line setback located at 232 Middleton Road with the stipulation that the unit shall only be occupied by Franchesca Sirigu, the applicant's mother
- (2) the Second Reading to amend the Effingham County Zoning Map 324-71 by Manuel Ontiveros to rezone 1 acre located at 2901 Hwy 17 South 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 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.
- (3) The Second Reading to amend the Effingham County Zoning Map 358-14 by David L. Scruggs to rezone 5.57 acres located at 278 Mt. Pleasant Road 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 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.
- (4) The errors and releases for property tax as submitted by the Tax Commissioner
- (5) The errors and releases for mobile home as submitted by the Tax Commissioner
- (6) The sanitation releases as submitted by the Sanitation Director

Commissioner Brantley seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**DIRECTION TO RESOLVE PROPERTY BOUNDARY DISCREPANCY ON HICKORY**

**CIRCLE (1):** Civil Engineer Allen explained that upon having some survey work performed on his property, Mr. Murdaugh discovered that the metes and bounds on the recorded plat for his parcel crossed through the center of the cul-de-sac on Hickory Circle rather than traversing around the perimeter. He also discovered that the amount of land that he had been paying taxes on included half of the area of the cul-de-sac. Staff requested a legal opinion from Ted Carellas and his finding was that Georgia law states that the "intent of the parties" controls. Since the plat was recorded in 1989, it may be difficult to ascertain the intent of either the developer or the surveyor. There are a few alternatives for correcting this issue (1) prepare a revised survey of the property, which clearly shows the

intended boundary and correct acreage (2) obtain a quitclaim deed from the property owner for the portion of the property that is in question or (3) do nothing.

Mr. Shannon Murdaugh stated his issues.

Board gave direction to staff to have a revised survey of the property to clearly show the intended boundary and correct acreage.

**DIRECTION ON HOW TO PROCEED WITH HERBERT KESSLER ROAD (02):** County Administrator Crawley explained that there has been a request that a section of Herbert Kessler Road be closed. There are a few alternatives (1) abandon the section of Herbert Kessler Road that crosses the Davis property and close that section by adding a cul-de-sac at the roads intersection with the Northern and Southern property lines (2) acquire sufficient right of way to improve the entire length of roadway and allow it to remain open and (3) do not improve the roadway and continue to utilize the road as a prescriptive easement.

Mr. Troy Davis, Mrs. Irma Davis, Mrs. Ruth Lee, and Mr. William Cox stated their concerns about this item.

The Board gave the direction to get cost estimates to (1) purchase right of way, (2) build the road, (3) to maintain the dirt road (4) to give a set of criteria to abandon a road and (5) cost to construct a cul de sac.

**CONSIDERATION TO APPROVE A RESOLUTION TO DECLARE COUNTY PROPERTY SURPLUS AND AUTHORIZE SALE OR DONATION OF SAID PROPERTY (03):** Project Manager Kobek explained that from time to time furnishing that are either no longer needed or required or are in a state of disrepair need to be surplus. There is a public auction on November 5<sup>th</sup> that will sell the surplus items.

Vice-Chairman Loper made a motion to approve a Resolution to declare county property surplus and authorize sale or donation of said property (see minute book page \_\_\_\_). Chairman Zeigler seconded the motion. The motion carried unanimously.

**EXECUTIVE SESSION**

At 5:46 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 pending litigation. (See copy of Chairperson's affidavit on minute book page number \_\_\_\_\_).

Chairman Zeigler made a motion to go back into Regular Session. Commissioner Jones seconded the motion. The motion carried unanimously.

**CONTINUED NEW BUSINESS**

**CONSIDERATION TO APPROVE THE PURCHASE AND INSTALLATION OF A NEW HVAC SYSTEM AT THE RECREATION GYMNASIUM (04):** Project Manager Kobek explained that the air conditioning system at the Springfield Recreation Gym has been inoperable since midsummer of this year. The units are old, inefficient and currently out of service. The cost to repair both units is on the order of \$4,000 to \$8,000. This item is presented for consideration to replace the two existing 15 ton HVAC units with strip heat, with two Trane 15 ton heat pump units. Each existing unit is over 15 years old. The low bidder is Richards Heating and Air.

Commissioner Jones made a motion to approve the purchase and installation of a new HVAC system at the recreation gymnasium from Richards Heating and Air. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE FILLING THE UNEXPIRED TERM OF NEAL KESSLER ON THE TAX ASSESSOR BOARD (05):** County Clerk Crawley explained that this item needs to be tabled until November 15, 2011.

Chairman Zeigler made a motion to table the filling of the unexpired term of Neal Kessler on the Tax Assessor Board until the November 15, 2011 Board Meeting. Commissioner Jones seconded the motion. The motion carried unanimously.

**CONSIDERATION TO ENGAGE LEGAL COUNSEL TO REVIEW THE REIMBURSEMENT REQUEST FOR BUCKINGHAM PLANTATION SUBDIVISION (06):**

Commissioner Jones stepped down. County Administrator Crawley explained D. M. Jones Construction, Inc. constructed waste water system improvements within Buckingham Plantation. To date the developer has been paid \$739,844.86 for said system improvements. They are currently seeking the

reimbursement of an additional \$49,476.86 associated with said construction. Staff was instructed to provide a list of possible attorneys to review the information concerning the subject request, resulting in a recommendation to the Board of Commissioners from the selected legal counsel. Several attorneys have been approached to determine their ability to provide a recommendation concerning the reimbursement request for Buckingham Plantation Subdivision. Attorney Hart will provide an independent evaluation in regard to the legal position of Effingham County as may pertain to the request for reimbursement of water sewer and reuse water service agreement. The rate for Attorney Hart services will be \$200 an hour.

Chairman Zeigler made a motion to engage in legal counsel with Jonathan Hart. Commissioner Brantley seconded the motion. Vice-Chairman Loper opposed the motion. Chairman Zeigler, Commissioner Brantley, Commissioner Mason and Commissioner Kieffer voted in favor of the motion. The motion carried.

Commissioner Jones resumed her seat on the Board.

**CONSIDERATION TO APPROVE THE RELEASE OF LETTERS OF CREDIT REQUIRED BY GEFA FOR WATER AND WASTEWATER FINANCING (07):** Commissioner Jones stepped down. County Administrator Crawley explained that GEFA has provided Effingham County a release of all rights, claims and interest associated with the letters of credit obtained as a requirement of loan number 2005-L01WS and loan number CWSRF 04-007. As well GEFA released all rights, claims, and interest as third-party beneficiary of any agreement between the County and any developer that required the developer to post a letter of credit as security for the payment of water, sewer, and re-use fees. Recent court decisions have determined that agreements requiring a letter of credit are void.

Commissioner Brantley made a motion to approve the release of letters of credit required by GEFA for water and wastewater financing. Commissioner Mason seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE 1<sup>ST</sup> READING, CORRECTED ORDINANCE AUTHORIZING A REFERENDUM TO ALLOW PACKAGE SALES ON SUNDAY BY**

**RETAILERS OF MALT BEVERAGES AND WINE (08):** County Attorney Gotwalt explained that due to a typographic error in the question to allow package sales on Sunday by retailers of malt beverages and wine, the Board needs to approve the correct version.

Commissioner Jones made a motion to approve the 1<sup>st</sup> reading, corrected ordinance authorizing a referendum to allow package sales on Sunday by retailers of malt beverage and wine. Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE 2<sup>ND</sup> READING, CORRECTED ORDINANCE AUTHORIZING A REFERENDUM TO ALLOW PACKAGE SALES ON SUNDAY BY**

**RETAILERS OF MALT BEVERAGES AND WINE (09):** Commissioner Kieffer made a motion to approve the 2<sup>nd</sup> reading to correct the ordinance authorizing a referendum to allow package sales on Sunday by retailers of malt beverages and wine (see minute book page \_\_\_\_\_). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

**REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF**

Commissioner Brantley discussed the following:

- ◆ Would like an update of Woodman of the World

Commissioner Jones discussed the following:

- ◆ Impact Fee Workshop – At the next meeting

Vice-Chairman Loper discussed the following:

- ◆ Community Signs – Adam to handle

Commissioner Mason discussed the following:

- ◆ Update of Logs Landing Road

County Administrator Crawley discussed the following:

- ◆ Ash Roads – field trial
- ◆ Tourism assessment will be next week
- ◆ Sanitation Department won a State Award
- ◆ Update on the jail project
- ◆ Only having one meeting in December
- ◆ LOST negotiation seminar being host by ACCG – County Administrator Crawley to attend the December 1<sup>st</sup> one
- ◆ Quarterly Officials Meeting – To host in February
- ◆ Bible Lutheran Church
- ◆ Workshops coming up

**EXECUTIVE SESSION**

At 7:17 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 property, personnel, and pending litigation. (See copy of Chairperson's affidavit on minute book page number \_\_\_\_\_).

Chairman Zeigler made a motion to go into Regular Session at 7:45 p.m. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

**ADJOURNMENT**

At 7:46 p.m., Chairman Zeigler made a motion to adjourn the meeting. Commissioner Brantley seconded the motion. The motion carried unanimously.

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C. D. Zeigler, Chairman

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Patrice R. Crawley, County Clerk