

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, December 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, Director, Mrs. Joanna Wright, Finance Director, Mrs. Patrice Crawley, County Clerk, Ms. Rushe Hudzinski-Sero, Human Resources Director, Mr. Wiley Kessler, Mrs. Sue Kessler, Mrs. Ruth Lee, Mrs. Irma Davis, Mr. Craig Johnson, Mr. Troy Davis, Mrs. Fay V. Kessler, Mrs. Kay Peacock, Mr. Charles Peacock and Summer Deas.

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 Jones made a motion to approve the November 15, 2011 Agenda with corrections (see minute book page _____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

MINUTES

Vice-Chairman Loper made a motion to approve the minutes for November 15, 2011. Commissioner Mason seconded the motion. The motion carried unanimously.

CORRESPONDENCE

Chairman Zeigler stated that if anyone would like to review the correspondence of the Board of Commissioners, they could see County Clerk Crawley.

PUBLIC COMMENTS

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

CONSENT AGENDA

Chairman Zeigler read aloud items on the consent Agenda.

Commissioner Kieffer made a motion to approve:

- (1) the sanitation releases as submitted by the Sanitation Director
- (2) the Second Reading to amend the Effingham County Zoning Map 330-14 by Joe L. White to rezone 4.50 acres located at 365 Ohoopce Avenue 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 398-10 by Jennifer & Michael Cornaire for a variance use to allow for a side yard setback reduction of 2.8 feet on the east side property line for construction of the principal building located at 507 Shearouse Road
- (4) the Second Reading to amend the Effingham County Zoning Map 296-37 by James T. Cameron to rezone 5.65 acres located at 476 Honey Ridge Road from AR-2 to AR-1 with the following stipulations (1) each lot shall meet the requirements of the AR-1 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 combination plat shall be approved by the Health Department and the Zoning Office
- (5) the Second Reading to amend the Effingham County Zoning Map Beaty Construction Co. LLC for a conditional use to have a church occupy the facility located at 131 Commercial Court with the following stipulations (1) all site changes shall meet the requirements of the Development Plan Review Ordinance and (2) all interior changes shall be approved by the Building Department and Fire Inspector

Commissioner Jones seconded the motion. The motion carried unanimously.

NEW BUSINESS

CONSIDERATION TO ACCEPT THE ANNUAL AUDIT FOR FISCAL YEAR 2010-2011

(1): Finance Director Wright and Auditor Donald T. Caines presented the annual audit for Fiscal Year 2010-2011.

Chairman Zeigler made a motion to accept the annual audit for Fiscal Year 2010-2011 (see minute book page _____). Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE FINAL PLAT FOR RABUN ESTATES PHASE 2

(02): County Engineer Liotta stated that Beth Holley, on behalf of Williams Hall Group, requests final plat approval and infrastructure acceptance for Rabun Estates Phase II, which consists of 15 lots, located off Scuffletown Road. Water services are to be provided by a private water system and wastewater will be handled with individual on-site septic systems. On July 18, 2000, the Board approved the preliminary plans for Rabun Estates. The approval motion was made contingent upon a fence being constructed by the developer where the subdivision adjoined two undeveloped parcels. The stipulation to construct a fence was modified by the Board at the October 18, 2011 meeting and it has been satisfied. A check for the infrastructure maintenance in the amount of \$26,807 was given to the County. Staff recommends approval.

Commissioner Jones made a motion to approve the final plat for Rabun Estates Phase 2. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE WARRANTY DEED FOR RABUN ESTATES

PHASE 2 (03): County Engineer Liotta stated that in the previous action, the Board approved the final plat for Rabun Estates, Phase 2. The warranty deed for the roads and the storm drainage infrastructure needs to be accepted by the Board.

Vice-Chairman Loper made a motion to approve the warranty deed for Rabun Estates Phase 2 (see minute book page _____). Chairman Zeigler seconded the motion. The motion carried unanimously.

PROVIDE DIRECTION TO STAFF CONCERNING HERBERT KESSLER ROAD (04):

Civil Engineer Allen explained that several residents along Herbert Kessler Road have requested that the County close a section of the road. There are three options (1) abandon the section of Herbert Kessler Road that crosses Mr. Davis' property and close that section by adding a cul-de-sac at the roads intersection with both 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 it as a prescriptive easement. If the Board desires to close the portion of the road, the road abandonment

process should be followed to legally release the county from any liability and formally abandon any rights the county may have in the road.

Mrs. Fay Kessler, Mr. Wiley Kessler, Mr. Barry Kessler, and Mr. Charlie Peacock requested that the road not be closed.

Mrs. Irma Davis and Mr. Troy Davis requested that the road be closed. Mr. Davis also presented to the Board a petition to close the unimproved portion of Herbert Kessler Road.

Staff was directed to hold a public hearing on closing Herbert Kessler Road at the January 03, 2012 Board meeting. As well as to advertise in the newspaper and notify residents of the Herbert Kessler Road area of the public hearing that is going to be held on January 03, 2012.

EXECUTIVE SESSION

At 7:07 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 property, personnel, and pending litigation. (See copy of Chairperson's affidavit on minute book page number _____).

At 8:21 p.m. Commissioner Kieffer made a motion to go into Regular Session. Commissioner Mason seconded the motion. The motion carried unanimously.

Chairman Zeigler made a motion to approve an addition to the agenda as Number 14 Consideration to approve the purchase of the Winfield Pump Station. Commissioner mason seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE RIGHT OF WAY ACQUISITION ON COURTHOUSE ROAD (05): Civil Engineer Allen stated that the Board had previously discussed improving Courthouse Road Extension to remedy the problems caused by the ash base. This work will also include improvements to the geometry of the road and the associated drainage. Right of way will need to be acquired in order to move forward with the construction. It is anticipated that condemnation

will be required for some parcels. The cost of acquisition is anticipated to be approximately \$200,000.

Commissioner Brantley made a motion to approve right of way acquisition on Courthouse Road Extension. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A REVISED WORK AUTHORIZATION WITH KERN COLEMAN FOR THE SANITATION AND PUBLIC WORKS OFFICE (06): Project Manager Kobek explained that in April of this year, the Board approved a work authorization with Kern Coleman for architectural and engineering services to complete construction document for the Sanitation Offices. Since that time, floor plans have changed several times and finally offices were added for the Public Works office staff. In late October a new work authorization was received, which the Board denied, after further negotiations with Kern-Coleman, they are presenting lower increase to complete the work. The County will handle site planning and civil design. The revised request now only requests an additional \$4,000 in architectural and engineering fees taking the original approved price of \$12,500 to \$16,500.

Vice-Chairman Loper made a motion to approve a revised work authorization with Kern Coleman for the sanitation and public works office (see minute book page ____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AMENDING THE SCHEDULE OF FEES (07): County Clerk Crawley explained that Effingham County charges fees for certain services based on the Schedule of Fees approved by the Board. The schedule of fees has not been amended as a whole since 2009. The presented schedule of fees does not include any fees that are mandated and set by State Law.

County Engineer Liotta went over different alternatives on the water and sewer rates.

Chairman Zeigler made a motion to amend the schedule of fees except the water/sewer fees (see minute book page _____) Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AMENDING THE WATER AND SEWER SCHEDULE OF FEES (07): Commissioner Mason made a motion to approve the water and sewer schedule of fees alternative two – which is a single rate increase to recover 60% of operating expenses excluding depreciation. Vice-Chairman Loper seconded the motion. Chairman Zeigler and Commissioner Jones opposed the motion. Vice-Chairman Loper, Commissioners Brantley, Mason, and Kieffer voted in favor of the motion. The motion carried.

CONSIDERATION TO APPROVE AMENDING THE TAX ASSESSOR POLICY (08): County Clerk Crawley explained that currently the Tax Assessor Board members are appointed in March. Board members must successfully complete 40 hours of training. With the proposed changes of the Tax Assessor Board Membership Appointment policy, the Board shall appoint members to fulfill future vacancies on the Board of Assessors no later than the first regular meeting in March of the year in which the vacancy occurs. Appointees shall take office for four year terms commencing on the 15th day of March following their appointment. At the Board's discretion, appointments to the Board of Assessors may be made sufficiently in advance of the commencement of the appointee's term to allow for the appointee's completion of all state-mandated training before taking office.

Commissioner Brantley made a motion to amend the Tax Assessor Policy (see minute book page _____). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE FIRST READING TO AMEND CHAPTER 70 OF THE CODE OF EFFINGHAM COUNTY (09): County Clerk Crawley explained that at the July 26th meeting new fire fees were established by resolution. The corresponding ordinance that deals with the fire fee assessments includes the actual assessed fee amount. The board has the authority to set this fee from time to time as it deems necessary. Since the fee was contained within the ordinance, an amendment is required. These revisions include, removing all reference to the actual assess fee amount, and let the reader know that the fee will be set by resolution.

No objections at the Public Hearing.

Vice-Chairman Loper made a motion to approve the first reading to amend Chapter 70 of the Official Code of Effingham County. Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE QUALIFYING FEES FOR 2012 (10): County Clerk Crawley explained that state law pertaining to qualifying fees require each county governing authority to fix and publish qualifying fees for county offices no later than February 1st of any year in which a general primary, non partisan election or general election is to be held. The qualifying fees are 3% of the base salary of the position.

Commissioner Jones made a motion to approve the qualifying fees for 2012 (see minute book page _____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A LETTER TO THE SHERIFF REQUESTING THAT THE INMATE RECREATION COMMISSARY FUND IS RETURNED TO THE BOARD OF COMMISSIONERS FOR FISCAL MANAGEMENT PURPOSES (11): County Administrator Crawley explained that the Inmate Recreation/Commissary Fund is controlled exclusively by the Sheriff with no oversight by the Board of Commissioners. However, State law provides that revenue generated using County property; facilities or resources are County property and therefore subject to the Boards authority. Additionally, proceeds from the inmate commissary account are restricted in their use, further supporting proper oversight and control of the fund.

Sheriff McDuffie stated that he understands there were some issues, but they have been handled.

Chairman Zeigler made a motion to approve a letter to the Sheriff requesting that the inmate recreation commissary fund is returned to the Board of Commissioners for fiscal management purposes (see minute book page _____). Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE FUNDING REQUEST FROM THE CITY OF RINCON FOR \$781,400.33 AS IDENTIFIED IN PARAGRAPH 6.3 OF THE STIPULATION REGARDING GOVERNMENT SERVICES (12): County Administrator Crawley

explained during the service delivery negotiations the Board approved specific funding amounts for each city with the Service Delivery Strategy agreements. The Stipulation Regarding Government Service was approved by the Board on April 27, 2011. Paragraph 6.3 outlines that the County will pledge participation for capital projects or to the retirement of debt and that the County's maximum annual obligation to each city shall not exceed one-third of the total participation pledged. The County pledged a total of \$2,344,200.99 to the City of Rincon. The City of Rincon has requested the payment of \$781,400.33, which is equal to one-third of the participation pledged. Requested funding is to be used for the construction of improvements to Fort Howard Road.

Vice-Chairman Loper made a motion to approve the funding request from the City of Rincon for \$781,400.33 as identified in paragraph 6.3 of the stipulation regarding government services. Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION TO AMEND THE 2012 FISCAL YEAR BUDGET TO INCLUDE FINANCIAL POLICIES FOR ADMINISTRATION OF PURCHASE AND GRANTS AND TO RESCIND ALL CONFLICTING POLICIES (13):

County Administrator Crawley explained that each fiscal year the Board adopts a budget. From time to time it is necessary to amend the budget to adapt to changing governmental needs during the budget period. In order to assure proper fiscal management and compliance, staff has suggested the incorporation of financial policies for purchases and grants. Currently, the County has a purchasing policy that is dated and should be amended for proper fiscal management and to assure compliance with purchasing requirements. A grant policy does not exist at this time, so this policy will be the first.

Commissioner Kieffer made a motion to table the Resolution to amend the 2012 fiscal year budget to January 3, 2012. Commissioner Jones seconded the motion. The motion carried unanimously.

ADDITION TO THE AGENDA

CONSIDERATION TO APPROVE THE PURCHASE OF THE WINDFIELD PUMP STATION (14): Commissioner Brantley made a motion to approve the Chairman

to execute any purchasing and closing documents on the Windfield Pump Station for the amount of \$128,421 with the following stipulations: (1) dedication by deed in a form approved by Effingham County of all water, sewer, drainage, and street improvements located within public rights of way or easement as shown on the final plat approved recorded in the Office of the Clerk of Superior Court of Effingham County, plat cabinet 159C, slide B, C, and D and plat cabinet D, slide D-1, (2) contemporaneous delivery of a release executed by Effingham Land Investors, Inc. (hereinafter ELI) releasing all rights under the agreement consummated on Water, Sewer, and re-use water service between Effingham County and ELI dated December 19, 2006, including but not limited to, the right to reimbursement for system improvements constructed by ELI or in the alternative, proof of a valid assignment of said rights to Heritage Bank and (3) Contemporaneous delivery of a release executed by Heritage Bank releasing Effingham County from all claims arising from or in any way relating to the Water, Sewer, and Re-Use Water Service between the County and ELI dated December 19, 2006 with Effingham Land Investors, Inc.

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

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Commissioner Mason discussed the following:

- ◆ Haden Lake Road has been repaired by loggers

County Administrator Crawley discussed the following:

- ◆ Ash Roads – field trial
- ◆ Jail update on January 3rd
- ◆ LOST Negotiations

Sheriff McDuffie discussed the following:

- ◆ Gold Ordinance is needed
- ◆ Sex Offender Watch

Continue of County Administrator Crawley discussed the following:

- ◆ Clark Road – drainage has been corrected

ADJOURNMENT

At 9:54 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