

**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, March 20, 2012 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, Community Relations Director, Mr. Toss Allen Civil Engineer, Mrs. Patrice R. Crawley, County Clerk, Mrs. Joanna Wright, Finance Director, Mrs. Rose Harvey, Mr. Tim Mathews, Mrs. Ruth Lee, Mr. S. R. Collins, Mrs. Carolyn Collins, Mr. Roscoe Collins, Mr. Frank E. Warner, Mr. E. Wade Barnett, Mr. George H. Groce, Mr. David Deason, and Mr. Bill Simpson.

**CALL TO ORDER**

Chairman Zeigler called the regular meeting to order.

**INVOCATION AND PLEDGE TO THE AMERICAN FLAG**

Chairman Zeigler gave the invocation and the pledge to the American Flag.

**AGENDA APPROVAL**

Commissioner Kieffer made a motion to approve the Agenda (\_\_\_\_\_). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

**CORRESPONDENCE**

Chairman Zeigler stated that all correspondence for the Board of Commissioners is kept in the County Clerk's office, and anyone who is interested in viewing these may do so in this office.

**MINUTES**

Vice-Chairman Loper made a motion to approve the minutes for the March 06, 2012 Commissioners meeting with the corrections stated. 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**

**CONSIDERATION TO APPROVE RELEASING THE SANITATION RELEASES AS SUBMITTED BY THE SANITATION DIRECTOR (01):** Commissioner Jones made a motion to approve releasing the sanitation releases as submitted by the Sanitation Director with the correction of the amount to be released (see minute book page \_\_\_\_). Vice-Chairman Loper seconded the motion. The motion carried unanimously.

**OLD BUSINESS**

**CONSIDERATION TO APPROVE THE REQUEST BY FLINT RIVER SERVICES, INC. TO RELEASE THE PERSONAL PROPERTY TAX PENALTIES (01):** County Clerk Crawley explained that Mr. Miles Espy, who is the accountant for Flint River, wanted to attend the meeting but due to another commitment is unable to attend and would like to request that the item be tabled.

Vice-Chairman Loper made a motion to table the request by Flint River Services, Inc. to the April 3<sup>rd</sup> meeting. Commissioner Brantley seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**DISCUSSION WITH RON MORGAN CONCERNING HIS DRAINAGE ISSUE LOCATED ON RINCON STILLWELL ROAD (01):** Mr. Ron and Mrs. Charlene Morgan explained the drainage issues on their property. Board requested staff to get a final cost and sketch of best to correct the drainage issue and requested that this matter come back before the Board at the April 17<sup>th</sup> meeting.

Commissioner Jones stepped down.

**CONSIDERATION TO APPROVE THE FINAL PAYMENT TO D. M. JONES OF AN INVOICE FOR BUCKINGHAM PUMP STATION AND GENERATOR (02):**

Mr. Hubert Sapp, Mrs. Vera Jones, Mr. Tim Mathews, Mrs. Rose Harvey, Mrs. Ruth Lee, and Mr. Charlie Kea spoke concerning this item.

Vice-Chairman Loper made a motion to approve the final payment. Commissioner Kieffer seconded the motion. Chairman Zeigler, Commissioners Brantley and Mason opposed the motion. Vice-Chairman Loper and Commissioner Kieffer voted in favor of the motion. The motion died.

Commissioner Mason made a motion to include the contract with D. M. Jones for the Buckingham pump station and generator in the comprehensive plan for water and sewer agreements. Commissioner Brantley seconded the motion.

Commissioner Mason withdrew his motion. Commissioner Brantley withdrew his second.

Chairman Zeigler made a motion to approve that the Board move forward, and not pay this bill, but move forward, with the intention to pay it when we have developed a decision making process of how to handle this and not only this issue but these issues in general. And at that point and time we will then make arrangements to pay this bill according to whatever our decision making process is. Commissioner Mason seconded the motion. Vice-Chairman Loper and Commissioner Kieffer opposed the motion. Chairman Zeigler, Commissioners Brantley and Mason voted in favor of the motion. The motion carried.

Commissioner Jones resumed her seat.

**CONSIDERATION TO APPROVE AN AGREEMENT WITH EMERSON NETWORK POWER, LIEBERT SERVICES FOR 911 BATTERY (03):** E911 Director Spinks explained that on February 13, 2012 Emerson Liebert performed an inspection and preventative maintenance on the UPS battery system. The technician discovered a battery in need of replacement and submitted a proposal for installation of new battery.

Vice-Chairman Loper made a motion to approve an agreement with Emerson Networks Power, Liebert Services for 911 Battery installation cost of \$496. Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A STATEWIDE MUTUAL AID AND ASSISTANCE AGREEMENT WITH GEMA-HOMELAND SECURITY (04):** Fire Chief Ashcraft explained that the purpose of the Statewide Mutual Aid and Assistance Agreement with

GEMA-Homeland Security is to provide for mutual assistance between the participating parties in managing any emergency or disaster that is duly declared by the governing authority and to ensure the timely reimbursement of costs incurred by the local government which render such assistance.

Vice-Chairman Loper made a motion to approve a statewide mutual aid and assistance agreement with GEMA-Homeland security (see minute book page \_\_\_\_\_). Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A LETTER TO THE GEORGIA DEPARTMENT OF TRANSPORTATION AGREEING TO REIMBURSE THE DEPARTMENT THE COST OF LEVELING AND PAVING ON HODGEVILLE ROAD (05):**

Civil Engineer Allen explained that the Georgia Department of Transportation will construct two feet wide shoulders on each side of Hodgeville Road under a high risk rural roads program. That project is expected to be let in June or July of 2012. Staff would like to resurface the road at the same time that the widening is constructed. Trying to coordinate the completion of the projects with two different contractors would be difficult. GDOT has agreed to include the leveling and resurfacing work in their contract if the Board sends a letter stating that they will reimburse the Department for the additional costs associated with the leveling and resurfacing.

Commissioner Jones made a motion to approve a letter to the Georgia Department of Transportation agreeing to reimburse the cost of the leveling and paving on Hodgeville Road (see minute book page \_\_\_\_\_). Commissioner Brantley seconded the motion. Chairman Zeigler abstained. The motion carried unanimously.

**PLANNING BOARD**

**NEW BUSINESS**

**AA SHAW, LLC – PUBLIC HEARING (01):** A Public Hearing was held on the application by AA Shaw, LLC to rezone 282.67 acres from AR-1 to CP located at Egypt Ardmore Road Map 245-21 in the Third District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Mason made a motion to approve the First Reading for the application by AA Shaw, LLC to rezone 282.67 acres from AR-1 to CP located at Egypt Ardmore Road Map 245-21 with the following stipulations:

- (1) Each lot shall meet the requirements of the CP 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.
- (4) Subdivision plat shall be approved by the Health Department and the Zoning Office.

Commissioner Brantley seconded the motion. The motion carried unanimously.

**AA SHAW, LLC– PUBLIC HEARING (02):** A Public Hearing was held on the application by AA Shaw, LLC to rezone 257.19 acres from AR-1 to CP located at 400 Shawnee Egypt Road Map 264-27 in the Third District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Mason made a motion to approve the First Reading for the application by AA Shaw, LLC to rezone 257.19 acres from AR-1 to CP located at 400 Shawnee Egypt Road Map 264-27 with the following stipulations:

- (1) Each lot shall meet the requirements of the CP 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.
- (4) Subdivision plat shall be approved by the Health Department and the Zoning Office.

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

**HENRY S. MORGAN – PUBLIC HEARING (03):** A Public Hearing was held on the application by Henry S. Morgan to rezone 12.18 acres from I-1 to AR-1 located off of U.S. Hwy 80 Map 378-42 in the First District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Brantley made a motion to approve the First Reading for the application by Henry S. Morgan to rezone 12.18 acres from I-1 to AR-1 located off of U.S. Hwy 80 Map 378-42 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.
- (4) Subdivision plat shall be approved by the Health Department and the Zoning Office.
- (5) Documentation of closure from the Environmental Protection Division

Commissioner Mason seconded the motion. The motion carried unanimously.

**IRMA K. DAVIS – PUBLIC HEARING (04):** A Public Hearing was held on the application by Irma K. Davis to rezone 38.39 acres from R-1 to AR-1 located off of Herbert Kessler Road Map 374-18B in the Second District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Jones made a motion to approve the First Reading for the application by Irma K. Davis to rezone 38.39 acres from R-1 to AR-1 located off of Herbert Kessler Road Map 374-18B 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.
- (4) Subdivision plat shall be approved by the Health Department and the Zoning Office.

Commissioner Kieffer seconded the motion. The motion carried unanimously.

**FREDERICK L. THOMAS – PUBLIC HEARING (05):** A Public Hearing was held on the application by Frederick L. Thompson to rezone 13.62 acres located at 448 Chester Thomas Road from AR-1 to AR-2 Map 315-34 in the Third District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Mason made a motion to approve the First Reading for the application by Frederick L. Thomas to rezone 13.62 acres located at 448 Chester Thomas Road from AR-1 to AR-2 Map 315-34 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.
- (4) Subdivision plat shall be approved by the Health Department and the Zoning Office.

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

**HERITAGE BANK OF THE SOUTH – PUBLIC HEARING (06):** A Public Hearing was held on the application by Heritage Bank of the South to rezone 64.92 acres located off of Springfield Tusculum Road from R-1 to AR-1 Map 318-13 and 14 in the Third District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Mason made a motion to approve the First Reading for the application by Heritage Bank of the South to rezone 64.92 acres located off of Springfield Tusculum Road from R-1 to AR-1 Map 318-13 and 14 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.
- (4) Subdivision plat shall be approved by the Health Department and the Zoning Office.

Commissioner Kieffer seconded the motion. The motion carried unanimously.

**HERITAGE BANK OF THE SOUTH – PUBLIC HEARING (07):** A Public Hearing was held on the application by Heritage Bank of the South to rezone 35 acres located off of Indigo Road from I-1 to AR-1 Map 425-27A in the Third District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Mason made a motion to approve the First Reading for the application by Heritage Bank of the South to rezone 35 acres located off of Indigo Road from I-1 to AR-1 Map 425-27A.

Commissioner Mason withdrew his motion.

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

**VERNON C. KNOWLES – PUBLIC HEARING (08):** A Public Hearing was held on the application by Vernon C. Knowles to rezone 8.99 acres located at 275 Beebe Road from I-1 to AR-1 Map 410-8 in the Fourth District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Vice-Chairman Loper made a motion to approve the First Reading for the application by Vernon C. Knowles to rezone 8.99 acres located at 275 Beebe Road from I-1 to AR-1 Map 410-8 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.
- (4) Subdivision plat shall be approved by the Health Department and the Zoning Office.

Commissioner Jones seconded the motion. The motion carried unanimously.

Commissioner Jones stepped down.

**GATEWAY COMMUNITY CHURCH EFFINGHAM – PUBLIC HEARING (09):** A Public Hearing was held on the application by Gateway Community Church Effingham for a conditional use to operate a church in the commercial use space located at 107 Waterford Court Map 465G-4 & 6 in the Fifth District.

Zoning Administrator Shaw presented the request.

Mr. Andy Lamon spoke for Gateway Community Church Effingham.

Mrs. Vera Jones stated that she was in support of the request.

There were no objectors present.

Commissioner Mason made a motion to approve the First Reading for the application by Gateway Community Church Effingham for a conditional use to operate a church in the commercial use space located at 107 Waterford Court Map 465G-4 & 6. Commissioner Kieffer seconded the motion. The motion carried unanimously.

Commissioner Jones resumed her seat.

**NEW BUSINESS CONTINUED**



**CONSIDERATION TO APPROVE AMENDING THE OFFICIAL CODES OF EFFINGHAM COUNTY FOR THE DISTANCE RESTRICTIONS WITHIN THE ALCOHOL ORDINANCE (06):** County Administrator Crawley explained that the County currently prohibits the sale of distilled spirits in or within 100 yards of any church. State law allows for the retail sale of malt beverages, wine, and distilled spirits for consumption on premises unless prohibited by a county or municipality. Multiple alternatives are available to the board and are as follows: Option 1: Do nothing. Current County ordinance requires a separation of 100 yards between the front door of the church and the front door of the establishment serving alcohol for consumption on premises and for the sale of malt beverages and wine by the package, as measured in a straight line. Churches are considered a conditional use in commercial districts due to the separation rule and are thus required to go through the public hearing process to locate in a commercial district. This process allows both the church and neighboring property owners to share their concerns. Option 2: Remove separation requirement. State law allows local jurisdiction to remove or change as they see fit this separation rule between churches and licensees for the retail sale of alcohol for consumption on premises as well as for the sale of malt beverages and wine and would allow the sale of wine, malt beverages, and distilled spirits for consumption on premises and the sale of wine and malt beverages by the package. Option 3: Make churches a prohibited use in commercial districts. The zoning ordinance could be amended to move churches from conditional use in commercial districts to a prohibited use. This would remove the need for the public hearings but would limit the potential locations for churches. Churches currently in commercial districts would be considered a nonconforming use, and be grandfathered. Option 4: Remove separation requirement for churches that are located in retail and business centers. The current alcohol ordinance could be amended to remove the separation requirement between churches and retail and/or business centers. Definitions of retail and business centers would need to be included in both the alcohol and zoning ordinance. Removal of the separation requirement could allow for either or both the sale of wine, malt beverages, and distilled spirits for

consumption on premises and the sale of wine and malt beverages by the package. Option 5: Remove the separation requirement for churches and restaurants that sell malt beverages, wine, and distilled spirits by the drink on premises. Amendment of the separation requirement could be limited to removal of the distance restriction between churches and retail sales for consumption on premises. The distance restriction would still apply to convenience and grocery stores that sell malt beverages and wine by the package.

Commissioner Mason made a motion to table this item until the April 3<sup>rd</sup> meeting. Commissioner Jones seconded the motion. The motion carried unanimously.

**WORKSHOP**

It was decided to hold off on the workshop until another time.

**REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF**

Commissioner Mason discussed the following:

- ◆ Updates on Committee meetings that Commissioners may attend

Zoning Administrator Shaw discussed the following:

- ◆ ATV park holding a rally

County Administrator Crawley discussed the following:

- ◆ Animal Control drop off pens and the exhaust fan repairs have been completed
- ◆ ECVB and the Historic Effingham Society are sponsoring the 150<sup>th</sup> Commemoration of Camp Davis on May 12<sup>th</sup>. County is to provide insurance and labor.
- ◆ Board of Education has requested that the County reduce the tax collection fee from 2.5% to 1%.
- ◆ House Bill 386 Tax Reform is something that you need to review and make comments on
- ◆ Staff would like to setup a meeting with representatives of the Hospital to discuss payment requirements within the contract and how tax receipts are applied
- ◆ As the Board is well aware, there are multiple subdivisions that have not been completed in accordance with plans and specs submitted to the County. Laurel Mill is one example. Staff continues to allow building permits to be issued so as not to interrupt building growth and the developer has promised repeatedly to complete the subdivision.
- ◆ Financial Summary is included for you to review.

**EXECUTIVE SESSION**

At 8:20 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 pending litigation and property. (See copy of Chairperson's affidavit on minute book page number \_\_\_\_\_).

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

**ADJOURNMENT**

At 8:39 p.m., Chairman Zeigler made a motion to adjourn. 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