

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 18, 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, Ms. Rushe Hudzinski-Sero, Human Resources Director, Mrs. Joanna Wright, Finance Director, Mr. Leon Hall, Sr, Mr. Brett Bennett, Mr. Tim Mathews, Mr. Charlie Kea, Mr. Glenn Weston, Mr. Travis Zittrouer, Mr. John Henry, Mr. Ryan Moore, Mr. Chap Bennett, Ms. Teresa Bender, Mr. Ken Kocher, Mrs. Dorothy Kocher, Ms. Linda miner, Ms. Pat Norton, Mr. Nick Neward, Mr. Harold Brackett. Ms. Barbara Brackett, Ms. Andrea O'Donnell, Mr. Darren O'Donnell, Mr. Wayne Hodges, Mr. Ted Hathcock, Mrs. Phillis Hathcock, Ms. Rose Harvey, Mr. Steve Perry, Ms. Judy Perry, Ms. Erin Rahn, Mr. Rick Lott, Ms. Christine Frashure, Ms. Beth Kight, Mr. Larry Kight, Ms. Rhonda Barlow, Mr. Thaddeus James, Mr. Craig Johnson, Mrs. Bickie Decker, Ms. Lori Harige, and Ms. Alexa Harige.

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

County Attorney Gotwalt explained that he would like to add for discussion to the Agenda a letter proposal to be sent to Mr. Kicklighter which could resolve outstanding issues between the County and Jenk, LLC, in reference to the connection of the Walker Building to the County's water and sewer systems.

County Administrator Crawley explained that an engagement letter with Pat O'Connor to mediate LOST issues pursuant to Georgia law needed to be added to the Agenda so that LOST negotiations can continue.

Vice-Chairman Loper explained that after the September 13th posting on Facebook, he would like to add to the Agenda the immediate release of the June 5, 2012, June 19,

2012, July 17, 2012 and August 7, 2012 Executive Session minutes pertaining to the Ebenezer Site under property acquisition.

Chairman Zeigler explained that he would like to add to the Agenda a discussion item regarding the accusations made against staff and a Commissioner pertaining to the land acquisition of the Ebenezer Site.

Vice-Chairman Loper made a motion to approve the Agenda with the above stated additions. Commissioner Brantley seconded the motion. The motion carried unanimously.

MINUTES

Commissioner Jones made a motion to approve the minutes for the August 28, 2012 Special Called Meeting. Commissioner Kieffer seconded the motion. Chairman Zeigler and Vice-Chairman Loper abstained. The motion carried.

Vice-Chairman Loper made a motion to approve the minutes for September 4, 2012 LOST Meeting and September 4, 2012 Commissioners Meeting. Commissioner Kieffer seconded the motion. Chairman Zeigler abstained. The motion carried.

PUBLIC COMMENTS

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

OLD BUSINESS

CONSIDERATION TO APPROVE A LETTER AGREEMENT TO AMEND THE CONTRACT WITH CROWN CASTLE CONCERNING CELL TOWER LOCATED ON HWY 21 (01): Community Relations Director Kobek explained that he had sent Crown Castle the concerns of the Board and had not heard from them. Therefore, he requested the item be removed from the Agenda.

Commissioner Jones made a motion to remove the letter agreement to amend the contract with Crown Castle concerning cell tower located on Hwy 21. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

NEW BUSINESS

CONSIDERATION TO APPROVE RELEASING JUNE 4, 2012, JUNE 19, 2012, JULY 17, 2012, AND AUGUST 7, 2012 EXECUTIVE SESSION MINUTES PER EBENEZER SITE UNDER PROPERTY ACQUISITION (01): Vice-Chairman Loper stated that due to the postings on Facebook dated September 13th pertaining to the

purchase of the Ebenezer Site, he requested that the Executive Session minutes for June 4, June 19, July 17, and August 7, 2012 be released.

County Attorney Gotwalt explained that the Executive Session minutes are privileged. However the code states that once property acquisition is completed or abandoned, the records related to the property can be disclosed.

Commissioner Jones made a motion to approve releasing June 4, 2012, June 19, 2012, July 17, 2012 and August 7, 2012 executive session minutes for the Ebenezer Site property acquisition. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

DISCUSSION OF ACCUSATION OF WRONG DOING BY COUNTY ADMINISTRATOR CRAWLEY AND VICE-CHAIRMAN LOPER PERTAINING OF THE LAND ACQUISITION OF THE EBENEZER SITE (02): Chairman Zeigler stated his concerns about how to move forward after the accusations concerning County Administrator Crawley and Vice-Chairman Loper were made by Comm so that the issue does not fester.

After some discussion, County Attorney Gotwalt stated that county employees have a grievance they can take action by the methods proscribed in the HR policy and that more discussion concerning an employee might need to be done in Executive Session.

Commissioner Mason stated that county staffing issues need to be dealt in Executive Session and political charges should to be handled separately.

Commissioner Mason stepped down due to possible conflict.

DISCUSSION ON SENDING A LETTER TO JENKS, INC. CONCERNING THE WALKER BUILDING (03): County Attorney Gotwalt explained that the presented proposal is consistent with the draft agreement that was first sent to Mr. Jenkins' former attorney in May 2008 around the time that he acquired the building. It is also consistent with the draft agreement that was sent May 2010. The County has no documentation supporting Mr. Jenkins' claim that he was told that he would not be charged re-use fees. In the spirit of compromise, the proposal being offered for the Board's consideration reflects the current re-use fee of \$1,300 not the fee of \$2,000 that was in effect at the time the building was connected. A release will be needed to be executed by both parties to memorialize the terms of the agreement.

Commissioner Mason resumed his seat.

CONSIDERATION TO APPROVE THE TERMS OF THE ENGAGEMENT LETTER WITH PAT O’CONNOR (04): County Attorney Gotwalt explained that Pat O’Connor has sent an engagement letter outlining the mediation process. In order to proceed with the mediation, Effingham County and the Cities must all agree and acknowledge, through their respective attorneys, that Patrick T. O’Connor, has and does now represent each of them in other matters and that any and all conflicts created by Mr. O’Connor’s representation of Effingham County, Guyton, Rincon or Springfield are hereby acknowledged and completely waived by each party.

Commissioner Brantley made a motion to approve the terms of the engagement letter with Pat O’Connor. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE 2012 PERFORMANCE PARTNERSHIP AGREEMENT WITH GEMA (05): EEMA Director Myrick explained that the FY2012 performance partnership award is funded by the Department of Homeland Security Emergency Management Performance Grant Award and includes a minimum 50 percent match requirement. GEMA-Homeland Security agrees to provide required and necessary state and federal resources to local governments on a timely basis in response to major emergencies and disasters; a comprehensive training and exercise program for emergency personnel; and other critical situational information. GEMA-Homeland Security further agrees to provide funding support to local qualified governments for appropriate administrative expenses; administer and manage federal and state assistance programs for the benefit of local governments; provide necessary and requested information, advise, recommend and provide technical assistance concerning emergency management administrative, operations and planning issues and to eliminate restrictive and unnecessary administrative requirements in managing its responsibilities on behalf of local governments.

Chairman Zeigler made a motion to approve the 2012 Performance Partnership Agreement with GEMA (see minute book page _____). Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH EFFINGHAM COUNTY BOARD OF EDUCATION FOR USE OF SEVEN (7) BUSES FOR THE PURPOSE OF AN EVACUATION IN THE EVENT OF A DISASTER (06): EEMA Director Myrick explained that the

purpose of this Memorandum of Understanding is to establish the terms, conditions and procedures under which the Effingham County Prison will utilize seven buses from the Effingham County Board of Education for assisting the Emergency Management Agency in evacuations for citizens of Effingham County. The County will have to reimburse the cost for any damages and fuel.

Commissioner Jones made a motion to approve a Memorandum of Understanding with Effingham County Board of Education for use of seven buses for the purpose of an evacuation in the event of a disaster (see minute book page _____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A TECHNICAL SERVICE AGREEMENT WITH PHYSICO-CONTROL, INC. FOR MAINTENANCE ON EIGHT CARDIAC MONITORS (07): County Administrator Crawley explained that the County currently owns 8 cardiac monitors which cost from \$12,500 to \$16,000. The proposed service agreement covers the cost of annual inspection of all units as well as onsite service when needed. It also provides replacement batteries and discounts on accessories for the units. The annual cost is \$9,663 and is a budgeted expense. .

Vice-Chairman Loper made a motion to approve a technical service agreement with Physico-Control Inc. for maintenance on eight cardiac monitors (see minute book page _____). Commissioner Brantley seconded the motion. The motion carried unanimously.

CONSIDERATION TO ACCEPT THE FAIR MARKET VALUE ASSESSMENT PROPOSED BY GDOT FOR 1.287 ACRES OF THE ATLAS SAND MINE PROPERTY FOR BRIDGE REPLACEMENT (08): Civil Engineer Allen explained that Georgia Department of Transportation intends to replace the existing bridge on US 80 which crosses the Ogeechee River. Because the new bridge will be located to the north of the existing bridge, a section of US 80 will also be shifted to the North. The relocation section of US 80 will require that GDOT acquire approximately 1.287 acres of land owned by the Effingham County Board of Commissioners. GDOT will compensate the County in the amount of \$1,674.

Commissioner Brantley made a motion to accept the fair market value assessment proposed by GDOT for 1.287 acres of the Atlas Sand Mine Property for bridge replacement. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN ASSEMBLAGE PERMIT FOR ALBERT JACKSON TO HOLD A TURKEY SHOOT LOCATED ON CHURCH ROAD TO BE HELD ON WEEKENDS BEGINNING SEPTEMBER 18, 2012 THRU JANUARY 5, 2013 (09): Zoning Administrator Shaw explained that Albert Jackson requests an assemblage permit for a turkey shoot to be held on weekends beginning from September 18, 2012 thru January 5, 2013. The property is located on Church Road; which is a dead end road near Springfield. All of the adjoining neighbors are aware of the event and have signed a petition in approval.

Vice-Chairman Loper made a motion to approve an Assemblage Permit for Albert Jackson to hold a turkey shoot located on Church Road to be held on weekends beginning September 18, 2012 thru January 5, 2013. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN ASSEMBLAGE PERMIT FOR NJROTC OF SOUTH EFFINGHAM HIGH SCHOOL TO HOLD A “CADET 5K” RACE ON OCTOBER 6, 2012 AT SOUTH EFFINGHAM HIGH SCHOOL (10): Zoning Administrator Shaw explained that NJROTC of South Effingham High School represented by Lt. Col Terry Stautberg USMC (Ret.) has requested an assemblage permit for a “Cadet 5k” running race. This event is to be held on October 6, 2012 at 1220 Noel C. Conaway Road. The event hours are to be 9:30 a.m.to 10:30a.m. The run will start at the school track, exit the front gate of the school across Noel C. Conaway Rd., down Nease Road, left on St. John’s Road, left on St. Matthew’s Road, right on Nease, right on Hester, left on Noel C. Conaway Road and right into the school to finish on the track.

Commissioner Jones made a motion to approve an Assemblage Permit for NJROTC of South Effingham High School to hold a “Cadet 5K” race on October 6, 2012 at South Effingham High School. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPORVE A RESOLUTION TO DECLARE ITEMS AS SURPLUS FOR DISPOSITION AT AUCTION, BY SEALED BIDS OR DISPOSAL (11): Community Relations Director Kobek explained that from time to time the County has furnishings, goods, and supplies that are broken, damaged or no longer needed. The County must declare items of value as surplus to dispose of the items and remove them from County inventories. Typically a local auction handles the sale of

the items, unless we have items that may not bring top dollar through a local auction. Items not sold at auction can be trashed, kept, or donated to non-profits.

Vice-Chairman Loper made a motion to approve a Resolution to declare items as surplus for disposition at auction, by sealed bids or disposal (see minute book page _____). Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPOINT A REPRESENTATIVE TO SERVE ON THE HEALTH DEPARTMENT BOARD (12): County Clerk Crawley explained that The Board of Health exercises responsibility and authority in all matters within the county pertaining to health unless the responsibility for enforcement of such is by law that of another agency. The Board of Health consists of 7 members. Currently Julie Weddle's seat is up for reappointment and she does not wish to be reappointed. Mr. Jeff Utley and Mr. Jim Simmons are interested in serving on the Health Department Board.

Vice-Chairman Loper made a motion to appoint Jeff Utley to serve as the consumer interested in promoting Public Health. Commissioner Brantley seconded the motion. Commissioner Kieffer opposed the motion. Chairman Zeigler, Vice-Chairman Loper, Commissioners Brantley, Jones, and Mason voted in favor of the motion. The motion carried.

CONSIDERATION TO APPROVE TRAVEL TO THE 2012 LEGISLATIVE LEADERSHIP CONFERENCE (13): County Clerk Crawley explained that the 2012 ACCG Legislative Conference serves as the final opportunity for county officials to have input and vote on amendments to the 2013-2014 County Platform which will guide the ACCG policy staff during the upcoming session of the Georgia General Assembly. Vice-Chairman Loper would like to attend the conference. The Commissioner's Travel Policy states that the Board of Commissioners should approve all travel of a Commissioner.

Commissioner Jones made a motion to approve Vice-Chairman Loper to attend the 2012 ACCG Legislative Conference. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPOINT REPRESENTATIVES TO SERVE ON THE TRANSPORTATION ADVISORY BOARD (14): County Clerk Crawley explained that in 2009, The Board approved a resolution to establish the Effingham County Transportation Advisory Board. The Advisory Board is charged with assisting the Board of Commissioners in Transportation issues. Mr. Alan Zipperer and Mr. Tommy Blewett are the two citizens currently serving on the Transportation Advisory Board and

their appointment expires December, 2012. Both gentlemen would like to be reappointed to serve on the Transportation Advisory Board.

Commissioner Kieffer made a motion to reappoint Alan Zipperer and Tommy Blewett to serve on the Transportation Advisory Board starting January 1, 2013. Commissioner Brantley seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION

At 6:21 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, pending litigation and property. (See copy of Chairperson's affidavit on minute book page number _____).

At 6:45 p.m. Chairman Zeigler made a motion to go back into Regular Session. Commissioner Kieffer seconded the motion. The motion carried unanimously.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Commissioners Mason discussed the following:

- ◆ Recycling points

Commissioners Kieffer discussed the following:

- ◆ Speed limit on Stephenson and Crystal

County Administrator Crawley discussed the following:

- ◆ Hospital Property – Possible meeting with Hospital
- ◆ Recycle Bank – Going to get the recording
- ◆ Financials are included with the committee report
- ◆ Meeting with the Sheriff the Thursday following the last Commissioners meeting of the month
- ◆ Central School Site – waiting for the corrective title deed
- ◆ ACCG Fall Meeting – Commissioner Loper will be attending
- ◆ LOST Meeting – will be scheduling days for mediation
- ◆ Workshops to begin discussions concerning Transportation – meeting with the Advisory Board to discuss proposed projects
- ◆ CGI video showcase – If any commissioner is interested in a speaking part, please let Adam know
- ◆ ACCG 2012 Fall District Meeting schedule – October 23rd in Richmond Hill City Center – Commissioner Jones has signed up
- ◆ ACCG-GMA Joint Fall Training – Nov 15-16 in Macon if you want to attend
- ◆ Stephenson Drive – speed limit – waiting on a response from Public Safety Department
- ◆ Annual Contracts – Patrice working on a spreadsheet
- ◆ Excise Information - letter going to the industry
- ◆ Clipping of Stephenson and Log Landing Road – almost completed
- ◆ Green Drive – drainage issue – Toss working on
- ◆ Chicken survey – should have result soon
- ◆ Community award – still working on

PLANNING BOARD

VERNON T. & PHYLLIS HATHCOCK – PUBLIC HEARING (04): A Public Hearing was held on the application by Vernon T. & Phyllis to rezone 63.90 acres located off of Courthouse Road from R-1 to AR-1 Map and Parcel 348-4 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 T. & Phyllis to rezone 63.90 acres located off of Courthouse Road from R-1 to AR-1 Map and Parcel 348-4 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 Management Local Design Manual.
3. All wetland impacts shall be permitted by the USACE.
Subdivision plat shall be approved by the Health Department and the Zoning Office

Commissioner Brantley seconded the motion. The motion carried unanimously.

EFFINGHAM INDUSTRIAL DEVELOPMENT AUTHORITY – PUBLIC HEARING (01): A Public Hearing was held on the application by Effingham County Industrial Development Authority to rezone 1606.14 acres located at 1496 Hodgeville Road from PD to I1 Map and Parcel 433-1 in the Second District.

Zoning Administrator Shaw presented the request.

Executive Director John Henry with the Effingham County Industrial Development Authority was available to answer questions concerning the rezoning.

Teresa Bender, Eric Deangelo, Wayne Hodges, Harold Brackett, Linda Myer, Rick Lott, Rhonda Barlow, Teresa Bender, and Judy Perry stated their concerns about the rezoning.

Commissioner Mason made a motion to approve the First Reading for the application by Effingham County Industrial Development Authority to rezone 1606.14 acres located at 1496 Hodgeville Road from PD to I1 Map and Parcel 433-1 in the Second District with the following stipulation:

1. Each lot shall meet the requirements of the I-1 Zoning District.
2. Site development plans shall comply with the Effingham County 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. A traffic analysis or study must be submitted to staff with any development plan

Chairman Zeigler seconded the motion. Commissioner Jones opposed the motion. Chairman Zeigler, Vice-Chairman Loper, Commissioners Brantley, Mason, and Kieffer voted in favor of the motion. The motion carried.

EFFINGHAM INDUSTRIAL DEVELOPMENT AUTHORITY – PUBLIC HEARING (02): A Public Hearing was held on the application by Effingham County Industrial Development Authority to rezone 429.94 acres located off McCall Road from PD to I1 Map and Parcel 450-66 in the Second District.

Zoning Administrator Shaw presented the request.

Commissioner Mason made a motion to approve the First Reading for the application by Effingham County Industrial Development Authority to rezone 429.94 acres located off McCall Road from PD to I1 Map and Parcel 450-66 in the Second District with the following stipulation:

1. Each lot shall meet the requirements of the I-1 Zoning District.
2. Site development plans shall comply with the Effingham County 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. A traffic analysis or study must be submitted to staff with any development plan

Chairman Zeigler seconded the motion. Commissioner Jones opposed the motion. Chairman Zeigler, Vice-Chairman Loper, Commissioners Brantley, Mason, and Kieffer voted in favor of the motion. The motion carried.

EFFINGHAM INDUSTRIAL DEVELOPMENT AUTHORITY – PUBLIC HEARING (03): A Public Hearing was held on the application by Effingham County Industrial Development Authority to rezone 418.76 acres located off McCall Road from PD to I1 Map and Parcel 450-67 in the Second District.

Zoning Administrator Shaw presented the request.

Commissioner Mason made a motion to approve the First Reading for the application by Effingham County Industrial Development Authority to rezone 418.76 acres located at off McCall Road from PD to I1 Map and Parcel 45-67 in the Second District with the following stipulation:

1. Each lot shall meet the requirements of the I-1 Zoning District.
2. Site development plans shall comply with the Effingham County 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. A traffic analysis or study must be submitted to staff with any development plan

Chairman Zeigler seconded the motion. Commissioner Jones opposed the motion.

Chairman Zeigler, Vice-Chairman Loper, Commissioners Brantley, Mason, and Kieffer voted in favor of the motion. The motion carried.

EXECUTIVE SESSION

At 8:09 p.m., Commissioner Mason 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, pending litigation and property. (See copy of Chairperson’s affidavit on minute book page number _____).

Commissioner Jones left the meeting.

At 9:02 p.m. Chairman Zeigler made a motion to go back into Regular Session. Commissioner Kieffer seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION MINUTES

Commissioner Kieffer made a motion to approve the Board of Commissioners executive session minutes for September 04, 2012. Vice-Chairman Loper seconded the motion. Chairman Zeigler abstained. The motion carried.

ADJOURNMENT

At 9:03 p.m., Chairman Zeigler made a motion to adjourn. Commissioner Brantley seconded the motion. The motion carried unanimously.

C. D. Zeigler, Chairman

Patrice R. Crawley, County Clerk