

## **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, October 02, 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, Mrs. Patrice R. Crawley, County Clerk, Mrs. Joanna Wright, Finance Director, Mrs. Rush Hudzinski-Sero, Human Resources Director, Mr. Toss Allen, Civil Engineer, Mr. Jack C. Garvin, Mr. John Henry, Rev. Lloyd Dees, Mr. Ryan Moore, Ms. Phyllis Hathcock, Mr. Dennis Webb, Mr. Mickey Kicklighter, Mr. Glenn Weston, Mr. Franklin Goldwire, and Mrs. Dionne Lovett.

### **CALL TO ORDER**

Chairman Zeigler called the meeting to order.

### **INVOCATION**

Rev. Dees gave the invocation.

### **PLEDGE TO THE AMERICAN FLAG**

Chairman Zeigler led the Pledge to the American Flag

### **AGENDA APPROVAL**

Chairman Zeigler stated that he would like to add new business number 9 – Consideration for the Board to take a stance and allow staff to move forward, agree or not agree to drop the whole allegations against staff and Commissioner Loper.

Vice-Chairman Loper made a motion to approve the Agenda with the addition to New Business Number 9. Commissioner Brantley seconded the motion. The motion carried unanimously.

### **MINUTES**

County Clerk Crawley explained that there were some grammatical corrections made after the minutes were sent in the Agenda Packet. The changes have been tracked and a copy has been provided to each Commissioner.

Chairman Zeigler made a motion to approve the minutes with the tracked changes. 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 out loud Consent Agenda number 1, 2, and 3.

Vice-Chairman Loper made a motion to approve. Commissioner Mason had a question concerning Consent Agenda 2. Since there was a question, Consent Agenda 2 was moved to Old Business 1. Vice-Chairman Loper made removed his motion.

**CONSIDERATION TO APPROVE THE ERRORS AND RELEASES FOR MOBILE HOME TAX AS SUBMITTED BY THE TAX COMMISSIONER (01):**  
Commissioner Brantley made a motion to approve the Errors and Releases for mobile home tax as submitted by the Tax Commissioner. Chairman Zeigler seconded the motion. The motion carried unanimously.

**OLD BUSINESS**

**CONSIDERATION TO APPROVE ERRORS AND RELEASES FOR PROPERTY TAX AS SUBMITTED BY THE TAX COMMISSIONER (01):** Commissioner Mason questioned how personal property tax is released on businesses. Tax Commissioner McDaniel explained that the release comes from the Tax Assessor's office. It was her understanding that the Tax Assessor used the best information available to come up with the releases and the reasoning behind the releases.

Commissioner Mason made a motion to approve errors and releases for property tax as submitted by the Tax Commissioner and with the removal of list those removed, until further research could be completed on the items removed. Commissioner Brantley seconded the motion. The motion carried unanimously.

**APPEARANCE**

**REVEREND DEES** – Reverend Dees serves on the Coastal Georgia Development Center Aging Services Advisory Council and introduced Ms. Dionne Lovette with the Coastal Georgia Development Center Aging Services Advisory Council. Mrs. Lovette explained that this Council is comprised of volunteers representing seniors, persons with disabilities, and caregivers residing in the Coastal Georgia region. Mrs. Lovette gave an overview of several services and programs offered to Seniors in our area

and updates on the Area Agency on Aging. CONSENT AGENDA CONTINUED

**CONSIDERATION TO APPROVE THE SECOND READING TO AMEND MAP AND PARCEL 348-4 TO REZONE 63.90 ACRES LOCATED OFF OF COURTHOUSE ROAD FROM R-1 TO AR-1 FOR VERNON T & PHYLLIS HATHCOCK (03):**

Vice-Chairman Loper made a motion to approve the second reading to amend map and parcel 348-4 to rezone 63.90 acres located off of Courthouse Road from R-1 to AR-1 for Vernon T. & Phyllis Hathcock 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 Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE SECOND READING TO AMEND MAP AND PARCEL 433-1 TO REZONE 1606.14 ACRES LOCATED AT 1496 HODGEVILLE ROAD FROM PD TO I1 FOR THE EFFINGHAM COUNTY INDUSTRIAL**

**DEVELOPMENT AUTHORITY (04):** Vice-Chairman Loper made a motion to approve the second reading to amend map and parcel 433-1 to rezone 1606.14 acres located at 1496 Hodgeville Road from PD to I1 for the Effingham County Industrial Development Authority with the following stipulations:

1. Each lot shall meet the requirements of the I-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. A traffic impact study shall be submitted to staff with any development plan.

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

**CONSIDERATION TO APPROVE THE SECOND READING TO AMEND MAP AND PARCEL 450-66 TO REZONE 429.94 ACRES LOCATED OFF MCCALL ROAD FROM PD TO I1 FOR THE EFFINGHAM COUNTY INDUSTRIAL DEVELOPMENT**

**AUTHORITY (05):** Vice-Chairman Loper made a motion to approve the second reading to amend map and parcel 450-66 to rezone 429.94 acres located off McCall Road from

PD to I1 for the Effingham County Industrial Development Authority with the following stipulations:

1. Each lot shall meet the requirements of the I-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. A traffic impact study shall be submitted to staff with any development plan.

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

**CONSIDERATION TO APPROVE THE SECOND READING TO AMEND MAP AND PARCEL 450-67 TO REZONE 418.76 ACRES LOCATED OFF MCCALL ROAD FROM PD TO I1 FOR THE EFFINGHAM COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY (06):** Vice-Chairman Loper made a motion to approve the second reading to amend map and parcel 450-66 to rezone 429.94 acres located off McCall Road from PD to I1 for the Effingham County Industrial Development Authority with the following stipulations:

1. Each lot shall meet the requirements of the I-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. A traffic impact study shall be submitted to staff with any development plan.

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

**NEW BUSINESS**

**CONSIDERATION TO APPROVE THE REPAIR TO DEZITA THOMPSON'S VEHICLE (01):** Dezita Thompson explained that a bad lightning storm with heavy rains caused a large tree limb to fall on top of her vehicle damaging the rear window. Shattered glass and water entered the rear of the vehicle seat causing damage. The County insurance company would not pay citing the damage was caused by an act of God.

Dezita is requesting being reimbursed the deductible and a rental car.

Chairman Zeigler made a motion to deny the request. Commissioner Mason seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE AN AGREEMENT WITH ECOLAB FOR A**

**DISHWASHER (02):** Warden Spears explained that in March, 2011, the Prison and Ecolab entered into a lease agreement for a dishwasher and cleaning chemicals. The original lease was for one year with three one year renewals, after the first year Ecolab reserved the right to increase the base rentals. Ecolab is proposing an increase from \$119.95 to \$126.95 per month. The total increase for the year is \$84.00. Three quotes were obtained and Ecolab still offers the lowest total annual cost.

Commissioner Jones made a motion to approve an agreement with Ecolab for a dishwasher (see minute book page \_\_\_\_). Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE AN AGREEMENT WITH HUNT INSURANCE**

**GROUP, LLC. FOR CATASTROPHIC INMATE MEDICAL (03):** Purchasing Agent Charleton explained that every year the board contracts with a carrier for the catastrophic inmate medical insurance. This policy covers major medical expenses on inmates not under state custody, providing coverage for additional liabilities that can be incurred from injuries to inmates. The current policy carries a \$30,000 deductible with a \$250,000 maximum coverage per inmate. The annual premium paid for 2011 was \$13,723.20 which came to \$9.53 per inmate. Two quotes were received. Staff recommends accepting the policy renewal with Hunt Insurance option 2 for stop-gap insurance coverage for the jail and to approve for the Chairman to sign contract once attorney has reviewed and approved.

Commissioner Jones made a motion to approve an agreement with Hunt Insurance Group, LLC. for catastrophic inmate medical option number 2 (see minute book page \_\_\_\_). Commissioner Brantley seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A JOB DESCRIPTION FOR A CIVIL**

**ENGINEERING TECHNICIAN (04):** Human Resources Director Hudzinski-Sero explained that the realignment of engineering responsibilities from Department 25 Public Works to Department 15 General Government required the replacement and move of a

road construction supervisor with civil engineering technician. This included a new job description to update responsibilities and job tasks. The position was approved in the 2012/2013 budget; therefore no need of additional funds just the approval of the job description.

Vice-Chairman Loper made a motion to approve a job description for a Civil Engineering Technician with the stipulation that the position comes before the Board for approval before hiring the position. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE RESCINDING THE SOUTHBROOK WATER**

**SERVICE AGREEMENT (05):** County Engineer Liotta explained that in 2007 a Water Service Agreement was entered into between the Board and Southbrook Development LLC. The agreement covered an 18 lot subdivision off Hwy 17 just north of Blue Jay Road. It was to be served by a well constructed by the developers within the subdivision, which would be owned, operated and permitted by the County upon completion. Since then, the development was foreclosed upon by the bank and sold to another group of developers. The new developer group recently met with staff to discuss the possibility of continuing with county-owned water supply but in the end it was determined that their best interest would be served by owning the well system privately. Since the time the agenda book went out, the developers have come back to staff and request to revisit the county owning the well.

Chairman Zeigler made a motion to deny the request. Commissioner Mason seconded the motion. The motion carried unanimously.

**DISCUSSION ON THE PROPOSED AMENDMENT TO CHAPTER 30 OF THE OFFICIAL CODE OF EFFINGHAM COUNTY GEORGIA TO INCLUDE WATER**

**SUPPLY WATERSHEDS (06):** County Engineer Liotta explained that one of the goals of the State is the protection of natural resources, environment, and vital areas. Included in a State Act are minimum standards and procedures generally known as Part V Criteria. To maintain eligibility for certain state grants, loans, and permits, local governments must implement regulations consistent with these criteria. The rules direct local governments to establish local protection efforts to conserve critical environmental resources. DNR and DCA are responsible for ensuring that local governments comply with the Criteria by

adopting and enforcing the necessary local ordinances. As a result of a recent water assessment survey by DCA, staff looked into whether the required ordinances were ever adopted. No evidence could be found showing that they had previously been adopted. This ordinance needs to be adopted in order to be in compliance.

**CONSIDERATION TO APPROVE ACCEPTING A 2003 FORD CROWN VIC. FROM THE BOARD OF EDUCATION (07):** Community Relations Director Kobek explained that the Board of Commissioners and the Board of Education provide school resource officers to Effingham schools by agreement. The Board of Education has surplused a vehicle that had been offered to the County for use by the School Resources Officers. The county needs to accept this vehicle to add it to the County's inventory. The vin number is 2FAFP72W43X158805.

Vice-Chairman Loper made a motion to approve accepting a 2003 Ford Crown Vic from the Board of Education. Chairman Zeigler seconded the motion. The motion carried unanimously.

Commissioner Mason stepped down due to possible conflicts.

**CONSIDERATION TO APPROVE THE COUNTY ATTORNEY TO SEND A PROPOSAL TO ATTORNEY KICKLIGHTER CONCERNING JENKS, LLC./WALKER BUILDING (08):** County Attorney Gotwalt explained that a draft of a proposal letter was created to send to Attorney Kicklighter. It is consistent with the draft agreement that was sent in May, 2012. In the spirit of compromise, the proposal 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.

Attorney Kicklighter explained that Mr. Jenkins was in favor of the \$9,000 reimbursement.

Commissioner Jones made a motion to approve the County Attorney to send a proposal to Attorney Kicklighter concerning Jenks, LLC/Walker Building (see minute page \_\_\_\_\_). Commissioner Brantley seconds the motion. Vice-Chairman Loper, Commissioners, Brantley, Jones, and Kieffer voted in favor of the motion. Chairman Zeigler opposed the motion. The motion carried.

Commissioner Mason rejoined the meeting.

**EXECUTIVE SESSION**

At 6:22 p.m., Chairman Zeigler made a motion to go into Executive Session to discuss personnel, property, and pending litigation. Commissioner Mason seconded the motion. The motion carried unanimously.

County Administrator Crawley, and Commissioners discussed property. (See copy of Chairperson's affidavit on minute book page number \_\_\_\_\_).

At 7:27 p.m. Commissioner Brantley made a motion to go back into Regular Session. Commissioner Mason seconded the motion. The motion carried unanimously.

#### **ADDITION TO THE AGENDA**

**CONSIDERATION TO FOR THE BOARD TO TAKE A STANCE AND ALLOW STAFF TO MOVE FORWARD, AGREE OR NOT AGREE TO DROP THE WHOLE ALLEGATIONS AGAINST STAFF AND COMMISSIONER LOPER (09):** After some discussion, the Board made a motion.

Vice-Chairman Loper and Commissioner Kieffer stepped down.

Commissioner Mason made a motion that the Board officially vote that there has not been enough evidence to prove a collusion between County Administrator Crawley and Commissioner Loper or that miss information was knowingly provided to the Board. Commissioner Brantley seconded the motion. Commissioner Jones opposed the motion. Chairman Zeigler and Commissioners Brantley and Mason voted in favor of the motion. The motion carried.

Commissioner Jones, Chairman Zeigler, and Commissioner Mason would like an opinion on if a matter is discussed in executive session that a family member or a board member could be involved in, should a board member leave the room and if a board member has to step down due to possible conflict, should they leave the room or can they sit with the audience.

#### **REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF**

Commissioner Jones discussed the following:

- ❖ Prisoners working inside subdivision.

Chairman Zeigler discussed the following:

- ❖ CRC transportation update

Commissioner Kieffer discussed the following:

- ❖ Community Award – Commissioner Brantley would like to be in the discussion

County Administrator Crawley discussed the following:

- ❖ Doug Eaves to attend the LOST negotiations
- ❖ Transportation issue prior to workshop how to move forward with Effingham Parkway
- ❖ CGI showcase video completed
- ❖ ACCG fall district meeting – Jones and Loper planning on attending
- ❖ ACCG joint training meeting in Macon
- ❖ Stephenson Crystal drive see attached memo from Toss Allen
- ❖ Annual Contracts still working on handling that
- ❖ Excise tax may come up during LOST. Have not received information from the letter sent out.
- ❖ Hospital property – waiting on a meeting
- ❖ Drainage issue – Toss is working on
- ❖ Chicken Survey – Patrice will compile
- ❖ Republic Waste – is coming to the next Board meeting to discuss the Recycle Bank
- ❖ Community awards – hopefully have something at the next meeting
- ❖ Conversion of financial software upgrades
- ❖ Fire Department would like to be in three parades coming up
- ❖ Cost sharing in the water line to Parker Store – Board stated no on sharing
- ❖ Laurel Mill Subdivision – going to be coming up before the Board soon
- ❖ Halloween Date – No comments.
- ❖ Water and sewer finance

**EXECUTIVE SESSION MINUTES**

Commissioner Jones abstained from the Executive Session Minutes because she left the meeting.

Vice-Chairman Loper made a motion to approve the Board of Commissioners executive session minutes for September 18, 2012. Commissioner Brantley seconded the motion. The motion carried unanimously.

**ADJOURNMENT**

At 8:35 p.m., Chairman Zeigler made a motion to adjourn the meeting. Commissioner Brantley seconded the motion. The motion carried unanimously.

Not present  
C. D. Zeigler, Chairman

Reginald S. Loper  
Reginald S. Loper, Sr., Vice-Chairman

Robert Brantley  
Robert Brantley

Vera Jones  
Vera Jones

Patrice Crawley  
Patrice Crawley, County Clerk

Phil Krieff  
Phil Krieff