

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, Mrs. Vera Jones, Mr. Steve Mason, and Mr. Phil Kieffer met in regular session at 5:00 p.m. on Tuesday, December 11, 2012 in the Commissioners' Meeting Room at the Effingham County Administrative Complex. Commissioner Brantley was not present.

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. Ray Parker, Mr. Tom Exley, Mrs. Phyllis Hathcock, Mr. Ted Hathcock, Mr. Tommy Exley, Mr. Alec Metzger, Mrs. LaMeisha Kelly, Mr. Clarence Morgan, Mr. Richard Cowart, Mr. Charles Layton, and Ms. Linda Kellam.

Chairman Zeigler thanked Mary Lee Brown for her services to Effingham County and wished her good luck on her upcoming retirement.

CALL TO ORDER

Chairman Zeigler called the meeting to order.

INVOCATION AND PLEDGE TO THE AMERICAN FLAG

Chairman Zeigler gave the invocation and led the Pledge to the American Flag.

AGENDA APPROVAL

County Administrator Crawley explained that due to time constraints it would be necessary to add an item to the Agenda. The item is a Resolution approving an intergovernmental agreement with the Board of Education to enforce vehicles meeting or overtaking a stopped school bus.

Commissioner Jones made a motion to approve the addition of New Business Number 13 – Consideration to approve a Resolution approving an intergovernmental agreement with the Board of Education to enforce vehicles meeting or overtaking a stopped school bus. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

MINUTES

Vice-Chairman Loper made a motion to approve the minutes for the November

20, 2012, Board of Commissioners. Commissioner Mason 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.

CONSENT AGENDA

Chairman Zeigler read out loud Consent Agenda Items 01, 02, 03, 04, 05, 06, 07, 08, 09 and 10. County Attorney Gotwalt stated there were a few minor changes to item number 4.

Vice-Chairman Loper made a motion to approve (01) Sanitation Releases as submitted by the Sanitation Department, (02) Errors and Releases for Mobile Home Tax, (03) and Property Tax as submitted by the Tax Commissioner, (04) second reading to amend the Effingham County Zoning Map 304-14 by Walter Sparks (Spirit Life Revival Center) for a conditional use to construct a church on a commercial property located at 115 Bay Road, (05) second reading to amend the Effingham County Zoning Map 372-2,4,8,9 by Clay Peavey to rezone 15.47 acres located off of Low Ground Road from R-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, 4- Subdivision plat shall be approved by the Health Department and the Zoning Office., (06) second reading to amend the Effingham County Zoning Map 348-12,13 by Vernon T. & Phyllis Hathcock to rezone 82.26 acres located off of Courthouse Road from PD 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, 4 – Subdivision plat shall be approved by the Health Department and the Zoning Office, (07) second reading to amend the Effingham County Zoning Map 391-88 by Bank of Newington to rezone 2.04 acres located off of McCall 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, 4 – Subdivision plat shall be approved by the Health Department and the Zoning Office, (08) second reading to amend the Effingham County Zoning Map 413-6A01 by Clay Peavey (on behalf of Doug & Vanessa Denison) to rezone 5.59 acres located off of McCall Road from R-1 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, 4 – Subdivision plat shall be approved by the Health Department and the Zoning Office, (09) second reading to amend the Effingham County Zoning Map 451-55 by Joan Akins to rezone .50 of an acre located off of Goshen Road from B-1 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, 4 – Subdivision plat shall be approved by the Health Department and the Zoning Office, and (10) second reading to amend the Effingham County Zoning Map 476C-46 by Lillian A. Cawthon for a variance use for a reduction of the rear property line setback located at 205 Hayden Court.

Commissioner Jones seconded the motion. The motion carried unanimously.

OLD BUSINESS

CONSIDERATION TO APPROVE A WATER AGREEMENT WITH BGN INVESTMENTS, LLC FOR SOUTHBROOK SUBDIVISION (01): County Engineer Liotta explained that this item was tabled by the Board on November 20th for staff to receive new estimates on completion of the system improvements. There were two quotes received.

Chairman Zeigler made a motion to table the water agreement with BGN Investments, LLC for Southbrook Subdivision to January 22nd. Commissioner Kieffer seconded the motion. The motion carried unanimously.

APPEARANCE

MR. TOMMY EXLEY 5:30 P.M. – Mr. Exley requested that the Board reconsider denying his request to make changes to the proposed location of the strain

poles, pedestrian signals and conduits associated with the signal to be installed at SR21 and Old Augusta Road in order to allow for a future roadway to be constructed on his property which will access the proposed traffic signal. He would be willing to cover the repayment of costs associated with the revisions.

County Administrator Crawley stated that the construction on the signal could hold off until the January 8th meeting so that staff can meet with Mr. Exley.

OLD BUSINESS CONTINUED

CONSIDERATION TO APPROVE THE SECOND READING TO AMEND THE OFFICIAL CODE OF EFFINGHAM COUNTY BY ADDING AN ORDINANCE TO LEVY A LOCAL EXCISE TAX ON ENERGY USED IN MANUFACTURING (02): County Administrator Crawley explained that this was the second reading for the Ordinance to levy a local excise tax on energy used in manufacturing. That it looked like the Cities would pass an intergovernmental agreement with the County on the excise tax.

Commissioner Mason made a motion to approve the second reading to amend the Official Code of Effingham County by adding an ordinance to Levy a Local Excise Tax on Energy Use in Manufacturing (see minute book page _____). Chairman Zeigler seconded the motion. Commissioners Jones and Kieffer opposed the motion. Chairman Zeigler, Vice-Chairman Loper, Commissioner Mason voted in favor of the motion. The motion carried.

CONSIDERATION TO APPROVE AN AMENDMENT TO THE RULES OF PROCEDURES FOR THE EFFINGHAM COUNTY BOARD OF COMMISSIONERS (03): County Clerk Crawley explained that due to changes in state laws, it is necessary to update the Rules of Procedures of the Board of Commissioners. The main changes were for section 1.01.22 meetings, section 1.09 Executive Session and section 1.10 Vice-Chairman.

Vice-Chairman Loper made a motion to approve an amendment to the Rules of Procedures for the Effingham County Board of Commissioners (see minute book page _____). Chairman Zeigler approved the motion. The motion carried unanimously.

NEW BUSINESS

CONSIDERATION TO APPROVE THE A RESOLUTION AUTHORIZING THE CITY OF RINCON TO ANNEX CERTAIN PROPERTY,

NOT BEING CONTIGUOUS WITH THE CITY LIMITS OF RINCON, HOWEVER, SAID PROPERTY BEING ANNEXED BY AGREEMENT BETWEEN EFFINGHAM COUNTY AND THE CITY OF RINCON (01): Mr. Ray Parker representing the First Christian Church explained that the Church and four other land owners have petitioned the City of Rincon to annex their property in the City of Rincon. In order to tie onto the City of Rincon's infrastructure, they would need to be annexed into the City.

Commissioner Jones made a motion to table until the January 22nd meeting to have a discussion with the City of Rincon. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE REQUEST FROM DONNIE HICKS TO RELEASE PROPERTY TAXES (02): Mr. Donnie Hicks explained that he moved into his house January 13, 2012. When he received the tax bill for 2012, the square footage was incorrect. The Tax Assessor came out and recalculated the house and verified that the square footage was incorrect. Because the digest had been approved, the Tax Assessor could only change the future year and the Board had to release the difference.

Vice-Chairman Loper made a motion to approve a refund in the amount of \$776.43 (see minute book page _____). Commissioner Jones seconded the motion. The motion carried unanimously.

PRESENTATION

U16 EFFINGHAM CYCLONES SOCCER TEAM 6:30 P.M. - The Board presented to Claire Bergner, Makayla Brant, Kailey Kessler, Savannah Leslie, Kylie Malcom, Sydney Martinez, Megan Miller, Selena Osborne, Hayden Overstreet, Annay Phillips, Taylor Poore, Makenzi Rogers, Megan Small, Brianna Stewart, Mackenzie Stewart, Madison Thornton, and Madeline Weiss, who make up the U16 Effingham Cyclones Soccer Team, a Resolution for completing a perfect season of soccer games played while defeating competitors from across the State of Georgia.

NEW BUSINESS CONTINUED

CONSIDERATION TO APPROVE THE RELEASE OF FIRE FEES AS SUBMITTED BY THE FIRE DEPARTMENT (03): Interim Fire Chief Burnsed explained that he has received two requests for fire fee releases. These properties were

verified that they meet the requirements for release and will be checked periodically in the future to ensure that they still meet the release requirements.

Vice-Chairman Loper made a motion to approve the release of fire fees as submitted by the Fire Department (see minute book page _____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE RETIREMENT PLAN SERVICES PROVIDER AND TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE NECESSARY AGREEMENTS AFTER APPROVAL FROM THE COUNTY ATTORNEY (04): Human Resources Director Hudzinski-Sero explained that Merrill Lynch provided correspondence to Effingham County stating that they would be closing the County's public funds accounts. A request for proposals for a Retirement Services provider was advertised and four vendors responded. Staff request for approval for LPL as the retirement plan services provider and to authorize the Chairman to execute the necessary agreements after approval from the County Attorney.

Vice-Chairman Loper made a motion to approve LPL as the retirement plan services provider and to authorize the Chairman to execute the necessary agreements after approval from the County Attorney (see minute book page _____). Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE FINAL PLAT FOR CLOVER POINT AT BELMONT GLEN, PHASE I (05): County Engineer Liotta explained that Ernest Communities, LLC requests final plat approval of Clover Point, Phase 2 located off Hodgeville Road. Said phase consists of 18 lots and water/sewer is provided by Effingham County. The infrastructure maintenance security has been provided in a letter of credit for the amount of \$12,723.13.

Commissioner Jones made a motion to approve the final plat for Clover Point at Belmont Glen, Phase I. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A WARRANTY DEED FOR THE INFRASTRUCTURE IN CLOVER POINT AT BELMONT GLEN, PHASE II AND TO ACCEPT THE LETTER OF CREDIT(06): County Engineer Liotta explained that Ernest Communities, LLC requests warranty deed approval of Clover Point, Phase 2 located off Hodgeville Road. Said phase consists of 18 lots and

water/sewer is provided by Effingham County. The infrastructure maintenance security has been provided in a letter of credit for the amount of \$12,723.13.

Commissioner Kieffer made a motion to approve a warranty deed for the Infrastructure in Clover Point at Belmont Glen, Phase II and to accept the letter of credit. Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE CORRECTIVE DEED AND PLAT FOR PATRIOTS POINT SUBDIVISION FORMERLY KNOWN AS LAUREL GROVE SUBDIVISION (07): County Engineer Liotta explained that on October 18, 2011, the final plat and warranty deed for Laurel Grove, located off Nease Road was approved by the Board of Commissioners. Since then, Development Associates, Inc. has purchased the entire subdivision from the bank and desires to rename the subdivision to Patriots Point. The County Engineer and the Development Services Office Manager have reviewed the corrective plat and deed. The documents are consistent with what was approved last year and the new names are not in used elsewhere in the County.

Vice-Chairman Loper made a motion to approve the corrective deed and plat for Patriots Point Subdivision formerly known as Laurel Grove Subdivision (see minute book page _____). Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A WARRANTY DEED FOR AURIGA FARMS PHASE 10 AND 11 (08): County Engineer Liotta explained that Walter Moody was the developer of several phases of Auriga Farms. Mr. Moody subsequently started the process of transferring the roads/drainage infrastructure for phase 10 & 11 to the County, it was never completed. On November 7, 2012 the punch list was provided to Michelle Moody by e-mail. Mr. Moody has stated that he wasn't going to address any of the items on the punch list. Public Works estimates that the cost to address the deficiencies listed on the punch list would be approximately \$4,800.

County Attorney Gotwalt did not know if a deed can be signed by a former officer on behalf of a dissolved corporation. He would like to have a real estate lawyer review and get their opinion.

Commissioner Jones made a motion to table the warranty deed for Auriga Farms Phase 10 and 11 to the January 22nd meeting. Commissioner Kieffer seconded the motion. Chairman Zeigler and Commissioner Mason opposed the motion. Vice-

Chairman Loper and Commissioners Jones and Kieffer voted in favor of the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN ASSEMBLAGE PERMIT FOR LYNN JEFFERS TO HOLD A TURKEY SHOOT ON 453 HODGEVILLE ROAD BEGINNING DECEMBER 13, 2012 AND ENDING FEBRUARY 2, 2013 (09):

Zoning Administrator Shaw explained that Lynn Jeffers requested to hold a turkey shoot on his property. Mr. Jeffers has attempted to get his neighbors to sign a petition allowing for the discharge of any weapon on Mr. Jeffers property but not everyone has signed.

Mr. Alan Newkirk, who is a neighbor of Mr. Jeffers, was not aware of the Turkey Shoot until this afternoon and has not received all of the information concerning this.

Commissioner Mason made a motion to deny the assemblage permit for Lynn Jeffers. Vice-Chairman Loper seconded the motion. The motion carried unanimously.

PLANNING BOARD

RICHARD AND WENDY COWART PUBLIC HEARING (01): A public hearing was held on an application by Richard and Wendy Cowart to rezone 5.61 acres from AR-2 to AR-1 located at 3777 Hwy 17 South Map 354-42 in the First District.

Zoning Administrator Shaw went over the application.

There were not objectors.

Commissioner Jones made a motion to approve the First Reading for the application by Richard and Wendy Cowart to rezone 5.61 acres from AR-2 to AR-1 located at 3777 Hwy 17 South Map 354-42 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 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. Must meet all requirements of Chapter 10 Animals of the Effingham County Code.

Commissioner Kieffer seconded the motion. The motion carried unanimously.

LINDA KELLAM PUBLIC HEARING (02): A public hearing was held on an application by Linda Kellam for a variance use for a reduction on the easement width from 60 to 53 feet located at 574 Goshen Road Map 451D-4 in the Second District.

Zoning Administrator Shaw went over the application.

There were no objectors.

Commissioner Jones made a motion to approve the First Reading for the application by Linda Kellam for a variance use for a reduction on the easement width from 60 to 53 feet located at 574 Goshen Road Map 451D-4. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CHARLES LAYTON PUBLIC HEARING (03): A public hearing was held on an application by Charles Layton (The Murray Firm, LLC) to rezone 2 acres from AR-1 to AR-2 located at 371 Racepath Road in the Fourth District.

Zoning Administrator Shaw went over the application.

There were no objectors.

Vice-Chairman Loper made a motion to approve the First Reading for the application by Charles Layton (The Murray Firm, LLC) to rezone 2 acres from AR-1 to AR-2 located at 371 Racepath Road 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 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.

NEW BUSINESS CONTINUED

CONSIDERATION TO APPROVE CHANGE ORDER NUMBER 3 WITH RIVES E. WORRELL ON THE SHERIFF'S OFFICE AND JAIL CONSTRUCTION PROJECT (10): Community Relations Director Kobek explained that the Board approved a design build contract for programming and schematic design in late 2011. In May 2012 the Board authorized change order 1 to complete design drawings and provide Guaranteed Maximum pricing. In August the Board authorized change order 2 to pre-release precast cell design. This change order 3 is for the Board to release funds for construction of the designs and set the Guaranteed Maximum Pricing. Staff recommends option A, which is to release the construction of the new jail facility and prison renovations and withholds construction funding in the amount of \$950,591 for the Sheriff's Office. This will increase the contract sum by \$14,580,994.50 and the new contract sum will be \$15,458,881.00.

Commissioner Jones made a motion to approve option A to release the

construction of the new jail facility and prison renovations and withhold construction funding in the amount of \$950,591 for the Sheriff's office making the new contract sum including all change order to be \$15,458,881.00 (see minute book page _____).

Commissioner Mason seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A MEMORANDUM OF AGREEMENT WITH GEORGIA FORESTRY COMMISSION FOR THE ANTENNA LOCATED ON THE TOWER AT THE LANDFILL (11): County Clerk Crawley explained that the Georgia Forestry Commission has antenna/receiver space on the County tower located near 240 Public Safety Blvd. This antenna/receiver is used by the Georgia Forestry Commission Law Enforcement Division for the purpose of maintaining a VHF radio voice repeater. The cost for the space is \$1. with automatic annual renewals for five additional one year periods at the end of each term unless otherwise cancelled by either party.

Vice-Chairman Loper made a motion to approve a memorandum of agreement with Georgia Forestry Commission for the antenna located on the tower at the landfill (see minute book page _____). Chairman Zeigler seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION APPROVING ENERGY EXCISE TAX INTERGOVERNMENTAL AGREEMENT AND AUTHORIZING THE CHAIR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT ON BEHALF OF THE COUNTY (12): Vice-Chairman Loper made a motion to approve a resolution approving energy excise tax intergovernmental agreement and authorizing the Chair to execute an intergovernmental agreement on behalf of the County (see minute book page _____). Commissioner Mason seconded the motion. The motion carried unanimously.

ADDITION TO THE AGENDA

CONSIDERATION TO APPROVE A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE BOARD OF EDUCATION TO ENFORCE VEHICLES MEETING OR OVERTAKING A STOPPED SCHOOL BUS (13): County Administrator Crawley explained that the Board of Education has requested the Board of Commissioners to execute an intergovernmental Agreement that would allow the use of video recording devices and

related equipment to provide proof of violations for vehicles meeting or overtaking a stopped school bus. The Board of Education's vendor will install video recording devices on school buses to record violations of O.C.G.A. § 40-6-163. The violations will be prosecuted under the jurisdiction of the Effingham County Sheriff's Office. The County will receive revenue from each civil fine that is assessed and collected excluding \$50.00 to be remitted to the Board of Education and other associated vendor fees, certified mail cost, and credit card processing fees, if applicable.

Sheriff McDuffie was available to answer questions.

Vice-Chairman Loper made a motion to approve a resolution approving an Intergovernmental agreement with the Board of Education to enforce vehicles meeting or overtaking a stopped school bus (see minute book page _____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Commissioner Mason discussed the following:

- ❖ Weight limits on county roads

County Attorney Gotwalt discussed the following:

- ❖ LOST hearing will be in January

County Administrator Crawley discussed the following:

- ❖ Central School Site – will be scheduling a closing once attorney has reviewed the deed
- ❖ Hospital property – Rick Rafter, Tommy Exley, and Ronnie Brooks has been selected to meet with the Commissioners concerning the Hospital Property. To schedule a meeting in January
- ❖ Green Drive Drainage issue – Toss is working on it
- ❖ Effingham Day at the Capital – January 27th thru 29th
- ❖ ACCG Legislative Conference – February 4th and 5th – Please let County Clerk Crawley know if you will be attending
- ❖ February 5th Commissioners Meeting will need to be moved due to the ACCG Legislative Conference
- ❖ Weight Limits on Roads – Staff is looking on how the best way to handle this
- ❖ Old Augusta Road/Ft Howard Road – Lane shifts will be happening soon.
- ❖ Logging permits – Staff is in the process of reviewing how this issue has been handled by other Counties

EXECUTIVE SESSION MINUTES

County Clerk Crawley explained that there are a few clarifications from the County Attorney with the Executive Session Minutes. If a discussion is needed, then it will need to take place in Executive Session.

Commissioner Kieffer made a motion to approve the Board of Commissioners executive session minutes for November 20, 2012. Vice-Chairman Loper seconded the motion. Chairman Zeigler and Commissioner Jones abstained. The motion carried.

EXECUTIVE SESSION

Chairman Zeigler made a motion to remove Executive Session from the agenda. Commissioner Jones seconded the motion. The motion carried unanimously.

ADJOURNMENT

At 8:02 p.m., Chairman Zeigler made a motion to adjourn the meeting. Commissioner Kieffer seconded the motion. The motion carried unanimously.

Wendall Kessler, Chairman

Patrice Crawley, County Clerk