

**THE EFFINGHAM COUNTY
COMMISSIONERS' MEETING**

The Board of Commissioners of Effingham County, Georgia, Mr. Wendall Kessler Chairman, Mr. Steve Mason, Vice-Chairman, Mr. Forrest Floyd, Mrs. Vera Jones, Mr. Reginald Loper, Sr., and Mr. Phil Kieffer met in regular session at 5:00 p.m. on Tuesday, January 08, 2013 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 of Community Relations, Mr. Toss Allen Civil Engineer, Mrs. Patrice R. Crawley, County Clerk, Ms. Karen Arnold, Executive Assistant, Mrs. Joanna Wright, Finance Director, Mr. Joe Maner, Mr. J. C. Garvin, Mr. Murray Marshall, Mr. Tom Exley, Mr. Tommy Exley, Mrs. Bebe Exley, Mr. Kenny Dumas, Mrs. Sue Dumas, and Mr. Ira Dickerson.

CALL TO ORDER

Chairman Kessler called the meeting to order.

INVOCATION AND PLEDGE TO THE AMERICAN FLAG

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

ELECTION OF THE VICE CHAIRMAN

Chairman Kessler asked for verbal nominations for Vice Chairman.

Commissioner Loper nominated Commissioner Mason, Commissioner Kieffer nominated Commissioner Jones, and Commissioner Jones nominated Commissioner Kieffer.

Commissioner Jones made a motion to close the nominations and Commissioner Loper seconded the nomination.

Each Commissioner voted by paper ballot for the nominees. .

County Clerk Crawley tallied the ballots and read out loud the results. Which were Commissioners Floyd, Mason and Loper voted for Commissioner Mason, Commissioner Jones voted for Commissioner Kieffer, and Commissioner

Kieffer voted for Commissioner Jones. Three votes affirmed Commissioner Mason as the Vice-Chairman.

AGENDA APPROVAL

County Clerk Crawley explained that there was a correction to item number 10. The date should be February 5th instead of 4th.

Vice-Chairman Mason made a motion to approve the Agenda with the stated correction (_____). Commissioner Loper seconded the motion. The motion carried unanimously.

MINUTES

Commissioner Loper made a motion to approve the minutes for December 11, 2012. Vice-Chairman Mason seconded the motion. The motion carried unanimously.

PUBLIC COMMENTS

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

CONSENT AGENDA

Chairman Kessler read out loud the Consent Agenda.

Commissioner Loper made a motion to approve: (1) to release fire fees as submitted by the Fire Department, (2) release sanitation fees as submitted by the Sanitation Department, and to amend: (3) the Effingham County Zoning Map 354-42 at the request of Richard A and Wendy Cowart to rezone 5.61 acres from AR-2 to AR-1 located at 6777 Hwy 17 South 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 5-Must meet all requirements of Chapter 10 Animals of the Effingham County Code, (4) the Effingham County Zoning Map 451D-4 at the request of Linda Kellam for a variance use for a reduction on the easement width from 60 to 53 feet located at 574 Goshen Road, and (5) to amend the Effingham County Zoning Map 391-11

Charles Layton (The Murray Firm, LLC) to rezone 2 acres located at 371 Racepath 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, and 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

CONSIDERATION TO APPROVE CHANGE ORDER 3 ON OLD AUGUSTA 2A & 2B WITH BAKER INFRASTRUCTURE GROUP, INC. (01): Civil Engineer Allen explained that construction began on Old Augusta Road in March of 2012. After construction began, Mr. Exley approached the County with a 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. The Board tabled this request at their October 16th and November 6th meeting and denied the request at their November 20th meeting. At the December 11th meeting, Mr. Exley appeared before the Board and requested that a decision not be made until after he had a chance to work through the permitted requirements for the new entrance with Ga DOT. The Board agreed to delay decision until the January 8th meeting. The Ga DOT has confirmed the size and geometric configuration of the entrance that will be required to be constructed. After further consultation with Ga DOT, the entrance can't be constructed without relocating the proposed strain poles. Since the cost of relocation will be less before the poles have been erected, Mr. Exley has requested that the Board approve change order number 3. He is making this request understating that the Board has denied funding the change order; therefor he will be required to pay the entire amount. Mr. Exley agrees to dedicate a minimum of two hundred feet wide right-of-way across his property

and agrees to construct the road within it to meet AASHTO and Ga DOT requirements. A two lane section would be constructed while being designed such that a four lane section could be constructed in the future. In exchange for preserving the corridor for a future East-West connector and constructing the roadway within to a standard greater than is required by the current regulations, Effingham County would pay the \$47,199.76 for the change order.

Commissioner Jones made a motion to approve pay the change order or written security in lieu of payment dedicated to the county in the amount of \$47,199.76 that would be paid if an agreement is not reached before completion of the work or in lieu an agreement to provide 200 foot right of way as specified in alternative number two (Mr. Exley dedicates a minimum two hundred feet wide right-of-way across his property and agrees to construct the road within it to meet AASHTO and Ga DOT requirements. A two lane section would be constructed while being designed such that a four lane section could be constructed in the future. In exchange for preserving the corridor for a future East-West connector and construct the road way within it to a standard greater than is required by our current regulations, Effingham County would pay the \$47,199.76 for the Change Order (see minute book page _____). Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AN ASSEMBLAGE PERMIT FOR LYNN JEFFERS TO HOLD A TURKEY SHOOT ON THURSDAY, FRIDAY, AND SATURDAY OF EACH WEEKEND BEGINNING JANUARY 10, 2013 AND ENDING FEBRUARY 2, 2013 FROM 6:30 P.M. TO 11:00 P.M. LOCATED AT 453 HODGEVILLE ROAD (02): Zoning Administrator Shaw explained that Mr. Jeffers has requested a permit to hold a Turkey Shoot at 453 Hodgeville Road. Per the ordinance, Mr. Jeffers has gotten permission of every occupant within 300 yards to approve discharging guns except one. The one individual does not want to give permission to allow the discharging of guns.

Mr. Steve Jeffers requested that it be measured to see if the dwelling that is occupied is within the 300 yards.

Vice-Chairman Mason made a motion to approve the Assemblage Permit once the distance of the dwelling to the place that the turkey shoot will be held has been verified. If the dwelling is within the 300 yards, then the permit is denied

Commissioner Loper seconded the motion. The motion carried unanimously. Zoning Administrator Shaw measured the distance and the dwelling was inside 300 yards, therefore the permit is denied.

CONSIDERATION TO APPROVE AUTHORIZING THE TAX COMMISSIONER TO RECEIVE PAYMENTS TOWARDS ALL TAXES AND FEES IN CAPACITY OF HER DUTIES AS TAX COMMISSIONER (03): Tax Commissioner McDaniel stated that notice was received that pursuant to O.C.G.A. §48-5-146 tax commissioners in the State of Georgia are required to receive authorization from the County Governing Authority to accept personal, company, certified, treasurer's or cashier's checks, or bank, postal or express money orders for payment of taxes and fees.

Commissioner Kieffer made a motion to approve authorizing the Tax Commissioner to receive payments for all taxes and fees in capacity of her duties as Tax Commissioner (see minute book page _____). Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION TO ADOPT EFFINGHAM COUNTY'S FY2012 CAPITAL IMPROVEMENT ELEMENT (CIE) UPDATE (04): Zoning Administrator Shaw explained that the Capital Improvement Element update is a required report for all jurisdictions that collect impact fees as per the rule of the Georgia Department of Community Affairs (DCA). The Board approved the transmittal of the CIE on October 16, 2012. DCA has approved the transmittal and the Board needs to adopt the CIE to be in compliance with Certified Local Government Status.

Commissioner Jones does not agree with the funding source for the sewer and water funding for the Old Augusta Road project.

Commissioner Loper made a motion to approve a Resolution to adopt Effingham County's FY2012 Capital Improvements Element update. Vice-Chairman Mason seconded the motion. Commissioners Floyd, Jones, and Kieffer opposed the motion. The motion died.

Commissioner Jones made a motion to approve a Resolution to adopt Effingham County's FY2012 Capital Improvements Element update if DCA and RDC are okay to change the funding source to pending for the Old Augusta projects under water and sewer. Commissioner Kieffer seconded the motion. The motion carried unanimously. Zoning Administrator Shaw contacted RDC and DCA and was given approval to change the wording.

CONSIDERATION TO APPROVE RELEASING THE BOND FOR RABUN ESTATES

PHASE II (05): County Engineer Liotta explained that Beth Holley, on behalf of Williams Hall Group, requests that the County release the infrastructure maintenance security for Rabun Estates Phase II, located off Scuffletown Road. The final plat for Rabun Estates Phase II was approved December 6, 2011 and the County accepted ownership of the infrastructure for said phase at that time.

Commissioner Jones made a motion to approve releasing the Bond for Rabun Estates Phase II. Vice-Chairman Mason seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE RELEASING THE BOND FOR PATRIOTS POINT

PHASE I (06): County Engineer Liotta explained that First Chatham Bank and Patriots Point, LLC request that the County release the infrastructure maintenance security for Patriots Point Phase I, located off Nease Road. The final plat for Laurel Grove Phase I was originally approved October 18, 2011 and the County accepted ownership of the infrastructure for said phase at that time.

Commissioner Jones made a motion to approve releasing the Bond for Patriots Point, Phase I. Vice-Chairman Mason seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION OF EFFINGHAM COUNTY AUTHORIZING AND ADOPTING POST-ISSUANCE COMPLIANCE POLICIES AND PROCEDURES FOR GOVERNMENTAL TAX-EXEMPT BONDS AND TAX CREDIT BONDS

(07): Finance Director Wright explained that the County recently issued a series of certificates of participation (COP) for the construction of the new jail. The COP'S were issued as tax exempt. Current IRS guidelines impose certain restrictions regarding the use of the funds and or any additional revenue which might be

gained from the bonds such as interest. These regulations and specific guidelines must be monitored and reported timely to the IRS. While there is no formal requirement by the IRS for a policy or resolution, background information indicates that the IRS does review whether an entity has policies in place.

Commissioner Loper made a motion to approve a Resolution of Effingham County authorizing and adopting post-issuance compliance policies and procedures for governmental tax-exempt bonds and tax credit bonds (see minute book page _____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

Commissioner Loper stepped down due to possible conflict of interest.

CONSIDERATION TO APPROVE ACCEPTING A QUOTE AND ENTERING INTO A CONTRACT FOR INERT LANDFILL SERVICES (08): Director of Community Relations Kobek explained that the County currently collects inert material from citizens and residents at the dry waste collection site on Courthouse Road. The County also collects and generates a sizeable amount of inert debris through the Public Works Department. Once at the dry waste collection site, the material is gathered in large roll off containers and hauled by Republic to their inert landfill. The County is paying each time the material is handled. The County currently pays approximately \$193.79 for hauling and tippage with Republic Waste. The low bidder on price per 15yd load is Hollow Oak Landfill in Bloomingdale at \$37.50 per load. The second lowest bidder is A.I.M. Construction Company at \$89.98 per 15 yd load. This has been a difficult bid, as the material is not collected from the same area each time, and the material would be diverted from Courthouse Road if a new provider is chosen in a system that would allow the County to haul and directly dump the debris. The Board may select to lock in these contract prices with both vendors, as depending on the area of collection, each may be cheaper. All roads lead to Springfield for Public Works dump trucks carrying this debris at the end of the day, giving an advantage to AIM. However, if work is being done in the South/Southwest portions of the county, Bloomingdale would provide the best price. Staff recommends the Board to contract with both landfill providers. That way the debris can be delivered to the cheapest repository.

Commissioner Jones made a motion to approve contracting with AIM and Hollow Oak Landfill (see minute book page _____). Vice-Chairman Mason seconded the motion. The motion carried unanimously.

Commissioner Loper returned to his seat.

CONSIDERATION TO APPROVE THE CERTIFICATE OF SUBSTANTIAL COMPLETION FOR GOSHEN STATION (09): Director of Community Relations Kobek explained that the Board approved a contract for the construction of Goshen Station and a notice to proceed in March, 2012 for a total of \$1,504,478. The board approved change orders throughout the project which have decreased the contract price by \$7,166 to \$1,497,312. The project is now nearly 100% complete and ready for substantial completion. The Goshen Station will house County EMS, Sheriff's substation and Rincon Fire Department. Warranty periods begin on the date of substantial completion which would be 12/21/12. The building was original inspected on 12/10/12 to create the punch list, it was reinspect on 12/26/12 and the majority of all punch list items had already been resolved. Final payment, retainage, and closeout have not and will not be requested or paid until after substantial completion is accepted.

Commissioner Loper made a motion to approve the Certificate of Substantial Completion for Goshen Station (see minute book page _____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE MOVING THE FEBRUARY 5TH COMMISSIONERS MEETING TO FEBRUARY 7TH DUE TO ACCG CAPITAL CONNECTION CONFERENCE (10): County Clerk Crawley explained that from time to time it is necessary to move the Board of Commissioners Meeting. ACCG Capitol Connection will be held February 4th and 5th in Atlanta and several Commissioners are planning on attending this event. Staff recommends moving the February 5th Commissioners meeting to February 7th.

Commissioner Floyd made a motion to approve moving the February 5th Commissioners Meeting to February 7th due to ACCG Capital Connection Conference. Commissioner Kieffer seconded the motion. The motion carried unanimously.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Commissioner Jones discussed the following:

- ◆ Westwood drainage issues.

Commissioner Floyd discussed the following:

- ◆ Guyton hearing with EPD
- ◆ Resolution to EPD concerning the Ogeechee River

Commissioner Loper discussed the following:

- ◆ Closing of Plant Kraft
- ◆ Jeff Mullis will be the chairman for the Senate Rules Committee

County Administrator Crawley discussed the following:

- ◆ Central School Site – moving forward on the closing and additional right of way
- ◆ Hospital meeting concerning the request of additional land. Chairman Kessler, Commissioners Loper, Jones and Kieffer have agreed to meet with the Hospital. Staff will set up the meeting and whoever is available will attend.
- ◆ Drainage issue on Green Drive – Staff has been working on a road project, but will resume looking into this drainage issue.
- ◆ Thru traffic of semi-truck on county roads. Staff to work on ordinance to help eliminate the truck traffic.

Civil Engineer Allen discussed the following:

- ◆ Working on plans and cost on Ft Howard Road from the City of Rincon to its connection to Old Augusta Road.

County Administrator Crawley discussed the following:

- ◆ Staff to get an ordinance for logging permits.
- ◆ Recreation Board would like a separate account for the concession and to use that revenue for other needs in the Recreation Department
- ◆ City of Guyton will be holding a public hearing on the WWTP Land Application System Permit. Staff will draft a letter to the City of Guyton to stating that the County is still willing to provide sewer service.
- ◆ Magistrate Court Judge Hinson is reappointing Rhonda Sexton as Magistrate Judge and would like consent from the Board and County Administrator
- ◆ City of Savannah is raising their water service rates to be effective April 1, 2013.
- ◆ Resolution from the Bryan County concerning the Ogeechee River. Staff is to draft a similar resolution.
- ◆ Waiting on the right of way plats for Old Augusta Central for possible property transfer.
- ◆ 4-H shooting team needs a place to shoot skeet and would like to use Atlas Sand.
- ◆ CGI video is available for review, these videos will be posted to the website

Vice-Chairman Mason discussed the following:

- ◆ How the trees are being trimmed on county right of way.

Commissioner Kieffer discussed the following:

- ◆ Greenery contract for the Recreation Department. Staff reported that they are onsite, but will follow up.

EXECUTIVE SESSION

At 8:04 p.m., Vice-Chairman Mason made a motion to go into Executive Session to discuss personnel, property, and pending litigation. Commissioner Loper seconded the motion. The motion carried unanimously.

County Administrator Crawley and Commissioners discussed personnel and pending litigation. (See copy of Chairperson's affidavit on minute book page number _____).

RECONVENED

At 9:25 p.m., Commissioner Kieffer made a motion to reconvene into regular session. Commissioner Mason seconded the motion. The motion carried unanimously.

ADJOURNMENT

At 9:25 p.m., Commissioner Floyd made a motion to adjourn the meeting. Commissioner Mason seconded the motion. The motion carried unanimously.

Wendall Kessler, Chairman

Patrice R. Crawley, County Clerk