

**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 22, 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. Wilson Burns, Mr. Dennis Morris, Mr. Mark Glisson, Mrs. Dianne Robertson, Ms. Fontella Singleton, Ms. Charlette Carter, and Mr. Nathon Carter.

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.

AGENDA APPROVAL

County Clerk Crawley explained that there was a correction to item Planning Board Number 2. The parcel is located in Third District.

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

MINUTES

Commissioner Kieffer made a motion to approve the minutes for January 08, 2013. Commissioner Loper 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.

CORRESPONDENCE

Chairman Kessler announced that all correspondence that the County Commissioners have received is located in the County Clerk's office for review.

CONSENT AGENDA

Chairman Kessler read out loud the Consent Agenda.

Commissioner Loper made a motion to approve the release of Fire Fees as submitted by the Fire Department (see minute book page _____).

Commissioner Floyd seconded the motion. The motion carried unanimously.

OLD BUSINESS

CONSIDERATION TO APPROVE A RESOLUTION AUTHORIZING THE CITY OF RINCON TO ANNEX CERTAIN PROPERTY, NOT BEING CONTIGUOUS WITH THE CITY LIMITS OF RINCON, SAID PROPERTY BEING ANNEXED BY AGREEMENT BETWEEN EFFINGHAM COUNTY AND THE CITY OF RINCON (01): Commissioner Loper explained his concerns about annexation of property that is not contiguous with the city limits of Rincon.

Commissioner Loper made a motion to deny the Resolution authorizing the City of Rincon to annex certain property. Vice-Chairman Mason seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A WATER AGREEMENT WITH BGN INVESTMENTS, LLC FOR SOUTHBROOK SUBDIVISION (02): County Engineer Liotta stated that an agreement was entered into between the Board and Southbrook Development, LLC. for an 18 lot subdivision off Hwy 17. It was to be served by a water system constructed by the developers which would be owned, operated and permitted by the county upon completion. However, since the original developers only drilled the well and did not finish the rest of the system improvements, the county never accepted ownership of the water system. The development has been sold to another group of developers. The new development group initially determined that their best interest would be served by owning the water system privately.

However, the private company was unable to guarantee that they could get an EPD permit for all 18 lots, so the developers returned to the County requesting that the County own the system.

Mr. Mark Glisson and Mr. Wilson Burns were on hand to answer any questions.

Mr. Dennis Morris with Lakeside Water Company made a suggestion on how to handle the permitting.

Staff requested to hold this item to the end of the meeting, so that they could work with Developers on changing the agreement.

CONSIDERATION TO APPROVE A WARRANTY DEED FOR AURIGA FARMS PHASE

10 AND 11 (03): County Engineer Liotta explained that Walter Moody has requested that the Board take over the roads in phase 10 and 11 of Auriga Farms.

County Clerk Crawley stated that the County Attorney suggested that Mr. Moody's capacity to sign the deed should be self-evident on the deed, but it is not. If the Board wishes to take responsibility for the roads in Auriga Farms, he recommends that approval be made contingent upon receipt of a corrected deed signed as follows: Walter Moody, as Chief Executive Officer, Chief Financial Officer and Secretary of M. Blue, Inc. on September 10, 2010, the date on which said corporation was administratively dissolved.

Commissioner Floyd made a motion to approve a warranty deed for Auriga Farms Phase 10 and 11 with the correction of the deed to state Walter Moody, as Chief Executive Officer, Chief Financial Officer and Secretary of M. Blue, Inc. on September 10, 2010, the date on which said corporation was administratively dissolved (see minute book page _____). Commissioner Kieffer seconded the motion. Vice-Chairman Mason opposed the motion. Commissioners Floyd, Jones, Loper, and Kieffer voted in favor of the motion. The motion carried.

NEW BUSINESS

CONSIDERATION TO APPROVE AWARDING A BID FOR FOOD SERVICES AT THE

PRISON (01): Purchasing Agent Charleton explained that a request for proposal for food service for Effingham County Prison and Jail inmates and Effingham County Senior Citizens was issued and five proposals were received. Based on

experience, capability, qualifications, references and financial strength, Aramark Correctional Services has been found by the evaluation committee to offer the best food service program for County Inmates and seniors.

Commissioner Loper made a motion to approve awarding a bid for Food Services to Aramark Correctional Services. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE AWARDING A BID FOR INMATE MEDICAL (02):

Purchasing Agent Charleton explained that TransformHealthRX has been contracted for inmate medical services since 2010. Requests for services were issued and six proposals were received. Southern Health Partners had the lowest proposal.

Ms. Brandy McDonald with TransformHealthRX gave the reasons why Effingham County should not change inmate medical companies.

Commissioner Mason made a motion to table awarding the bid for inmate medical so that staff could continue negotiations until February 19. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A RESOLUTION AND AGREEMENT FOR COUNTY DEPOSIT ACCOUNTS (03): Finance Director Wright explained that Effingham County currently has existing bank accounts to facilitate the daily operations. Upon election and taking of office, the current Board of Commissioners needs to sign a new resolution and appropriate signature cards.

Commissioner Loper made a motion to approve a resolution and agreement for County deposit accounts (see minute book page _____). Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE OPENING AN ANIMAL CONTROL DONATION ACCOUNT (04): Finance Director Wright explained that over the past several years there have been various changes to the Department of Animal Control. The shelter relies on donations and the generosity of the donation enables the shelter to continue to bring awareness to pet overpopulation and make a difference in the lives of the animals. A separate account will segregate the

donation funds received and show where the funds are being used as they were intended for.

Commissioner Loper made a motion to approve opening an animal control donation account (see minute book page _____). Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE THE BUDGET CALENDAR FOR FY 2013/2014

(05): Director of Community Relations Kobek explained that the administrative staff proposes an annual budget calendar so the Board, Department Heads, and staff are well aware of the budget schedule. If for some reason the calendar should need to be amended, the Board will be notified.

Vice-chairman Mason made a motion to approve the budget calendar for FY2013/2014 (see minute book page _____). Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE REQUESTING A CONTRACT EXTENSION FROM

GA DEPARTMENT OF TRANSPORTATION FOR OLD AUGUSTA PHASE 2A (06): Civil Engineer Allen explained that on April 19, 2011, Effingham County entered into a contract with the Georgia Department of Transportation for 2.580 miles of grading, drainage, base and plant mix surfacing on Old Augusta Highway beginning at Chimney Road and ending at Mallard Pointe and traffic signal installation on Old Augusta Highway at SR21. According to section A(6) of the contract, the work must be completed by February 10, 2013. If an extension is not requested, Ga Department of Transportation will have to cease inspections on Phase 2A prematurely.

Commissioner Loper made a motion to approve requesting a contract extension from Ga Department of Transportation for Old Augusta Phase 2A. Commissioner Mason seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE BUYING FURNITURE FOR THE GOSHEN PUBLIC

SAFETY STATION (07): Director of Community Relations Kobek explained that the County constructed Goshen Station and the tenants have moved into the building. In accordance with SDS fire contracts, the County is required to provide

all furniture and fixtures for the facility. The existing EMS furnishings are quite old, worn and in poor conditions.

Commissioner Mason made a motion to approve buying furniture for the Goshen Public Safety Station. Commissioner Kieffer seconded the motion. The motion carried unanimously.

PLANNING BOARD

NEW BUSINESS

WARREN CAWLEY – PUBLIC HEARING (01): A Public Hearing was held on the application by Warren Cawley, Jr. to rezone 5 acres from AR-1 to AR-2 located at 599/613 Nease Road Map 374-39 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 Warren Cawley, Jr. to rezone 5 acres from AR-1 to AR-2 located at 599/613 Nease Road Map 374-39 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.

Commissioner Loper seconded the motion. The motion carried unanimously.

FONTELLA F. SINGLETON – PUBLIC HEARING (02): A Public Hearing was held on the application by Fontella F. Singleton to rezone 4.44 acres from AR-1 to AR-2 located at 165 Johnson Road Map 424-25 in the Third District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Mason made a motion to approve the application by Fontella F. Singleton to rezone 4.44 acres from AR-1 to AR-2 located at 165 Johnson Road Map 424-25 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.

Commissioner Jones seconded the motion. The motion carried unanimously.

TYRONE DIXON – PUBLIC HEARING (03): A Public Hearing was held on the application by Tyrone Dixon to rezone 2.61 acres from AR-1 to AR-2 located at 165 Johnson Road Map 424-25 in the Third District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Mason made a motion to approve the application by Tyrone Dixon to rezone 2.61 acres from AR-1 to AR-2 located at 165 Johnson Road Map 424-25 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.

Commissioner Loper seconded the motion. The motion carried unanimously.

SANDRA MARTIN – PUBLIC HEARING (04): A Public Hearing was held on the application by Sandra Martin for a rural business use to conduct a quilting, sewing business with classes located at 490 Stillwell Road map 410-1 in the Fourth District.

Zoning Administrator Shaw presented the request.

There were no objectors present.

Commissioner Loper made a motion to approve the application by Sandra Martin for a rural business use to conduct a quilting, sewing business with classes located at 490 Stillwell Road with the stipulation that the applicant must meet all requirements of 3.15B- Rural Business of the Effingham County zoning ordinance.

Commissioner Kieffer seconded the motion. The motion carried unanimously.

AMENDMENT OF THE OFFICIAL ZONING MAP OF EFFINGHAM COUNTY (05): A

Public Hearing was held on the amendment of the Official Zoning Map of Effingham County.

Zoning Administrator Shaw presented the amendment.

There were no objectors present.

Commissioner Jones made a motion to approve the First Reading of the amendment of the Official Zoning Map of Effingham County. Commissioner Loper seconded the motion. The motion carried unanimously.

CONTINUED NEW BUSINESS

CONSIDERATION TO APPROVE COMMISSIONER TRAVEL TO EFFINGHAM DAY AT THE CAPITOL AND ACCG CAPITOL LEGISLATIVE CONFERENCE (08):

County Clerk Crawley explained that a policy was passed requiring Board approval of any Board members travel expenses . Some of the Board members are planning on attending two events that are coming up. In January, the whole Board will be attending the Chamber's Effingham Day at the Capitol, the Board will be meeting with different State Legislators and Agencies to discuss various issues concerning Effingham County. In February, three of the Commissioners will be attending ACCG Capitol Connection for necessary training and to receive legislative updates. The total cost for these events will be \$7,708.60.

Commissioner Jones made a motion to approve Commissioner Travel to Effingham Day at the Capitol and ACCG Capitol Legislative Conference. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE OGEECHEE RIVER RESOLUTION (09): County Administrator Crawley explained that over the past several years EPD has been monitoring pollutants in the Ogeechee River and King America Fishing's role in connection with the river. Chatham and Bryan County have passed resolutions urging the continuation of monitoring of river pollutants and King America's effluent discharge. The intent of this resolution is to show the Board's expectations are for any effluent discharge permits to be equal to drinking water standards or for the effluent discharge be retained on the property of the permit holder. As

well as the desire for a clean and healthy Ogeechee River by requesting EPD to continue to monitor the effluent discharge permits and pollution in the river.

Commissioner Floyd made a motion to approve the Ogeechee River Resolution with the amendment of adding all of the Commissioner names to the document (see minute book page _____). Commissioner Mason seconded the motion. The motion carried unanimously.

CONTINUED OLD BUSINESS

CONSIDERATION TO APPROVE A WATER AGREEMENT WITH BGN INVESTMENTS, LLC FOR SOUTHBROOK SUBDIVISION (02): Commissioner Jones made a motion to approve the new contract with the change of system improvements, the purchase price shall be based on the actual construction cost of the Potable Water Supply Source, not to exceed \$25,000, provided Developer complies with terms of this Agreement and if other structure(s) directly benefit from the Potable Water Supply Source, the water connection service fees collected from the other structure(s) shall be applied to the balance of the purchase price at a rate of the water connection service fees minus \$900.00 not to exceed \$25,000 as per the above, until there are no more such water connection service fees. (see minute book page _____). Commissioner Loper seconded the motion. The motion carried unanimously.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Commissioner Kieffer discussed the following:

- ◆ Hospital Authority interviewing process

Commissioner Jones discussed the following:

- ◆ Green Drive drainage

Chairman Kessler discussed the following:

- ◆ Discussion to have a premeeting

Chairman Mason discussed the following:

- ◆ Logging permits are necessary due to the impact on the roads the log truck cause

County Administrator Crawley discussed the following:

- ◆ Hospital Property meeting is scheduled for January 31st at 10:00 a.m. Chairman Kessler, Commissioner Loper and Commissioner Kieffer will be attending
- ◆ Green Drive drainage – available studies have been reviewed and staff is doing some field verification of the existing conditions.
- ◆ Effingham Day at the Capitol meetings on Monday -10:30 a.m. GEFA, noon EPD, and 2:00 p.m. DOT

- ◆ ACCG Legislative Conference will be held February 4th and 5th
- ◆ February 5th Commissioners meeting has been changed to February 7th at 5:00p.m.
- ◆ Weight limits on Roads – Best direction at this time appears to be to post County roads that are closed to through truck traffic with enforcement in State Court. Information is attached to the committee reports.
- ◆ Old Augusta Road/Ft Howard Road – preliminary design and cost estimate are complete.
- ◆ Logging Permits – Staff is currently working to outline a process for notification. Information is attached to the committee reports.
- ◆ Water rate increase from the City of Savannah – wholesale water rates will increase from \$1.78 per 1000 gallons to \$1.84 per 1000 on April 1, 2013. Staff will review the current rate structure and provide proposed rate changes for the Board.
- ◆ Old Augusta Road Central – Have received the plats for Old Augusta Road Central and will be scheduling a public hearing to abandon the right of way.
- ◆ CGI Video Showcase – The revisions of the video has been email to the Board today.
- ◆ Georgia Trend – Effingham County will be featured in the March edition of Georgia Trend Magazine. The county could advertise with the Chamber for a cost of \$550. The Board did not have any objections of advertising with the Chamber.
- ◆ Old Effingham Days – Individuals within the community are working to organize the next Old Effingham Days event. Does the County intend to participate with staff resources and funding?
- ◆ Zoo Zoning – There is a request to operate a zoo on a 40 acre parcel of property in Clyo. The County doesn't have a zoning classification that would allow this use.
- ◆ Financials – Attached for your review are the Financials for the County.
- ◆ Turkey Shoot – At the last meeting, the request for an assemblage permit came up to hold a turkey shoot. The Board put a stipulation for approval if the measurement met the requirements. The measurements did not meet the requirements and the assemblage permit was denied.
- ◆ Capital Improvement Element – At the last meeting, the CIE was approved with a stipulation that DCA and CRC would allow the amendment of the CIE as to the funding for Old Augusta project be changed to pending. This amendment was approved by DCA and CRC, therefore adopted by the Board.

EXECUTIVE SESSION

At 8:16 p.m., Commissioner Loper made a motion to go into Executive Session to discuss personnel, property, and pending litigation. Commissioner Floyd 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 9:50 p.m., Commissioner Jones made a motion to reconvene into regular session. Commissioner Kieffer seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION MINUTES

Commissioner Kieffer made a motion to approve the Executive Session Minutes with the stated correction. Commissioner Jones seconded the motion. The motion carried unanimously.

ADJOURNMENT

At 9:51 p.m., Commissioner Floyd made a motion to adjourn the meeting. Commissioner Kieffer seconded the motion. The motion carried unanimously.

Wendall Kessler, Chairman

Patrice R. Crawley, County Clerk