

**THE EFFINGHAM COUNTY
COMMISSIONERS' MEETING**

The Board of Commissioners of Effingham County, Georgia, Mr. Wendall Kessler, Chairman, Mr. Steve Mason, Vice-Chairman, Mr. Reggie Loper, Mr. Forrest Floyd, Mrs. Vera Jones and Mr. Phil Kieffer met in regular session at 5:00 pm on Tuesday, December 17, 2013 in the Commissioners' Meeting Room at the Effingham County Administrative Complex

PERSONS ATTENDING THE MEETING

Mrs. Elizabeth Pavlis, County Attorney, Mr. Toss Allen, Interim County Administrator, Mr. Adam Kobek, Director of Community Relations, Mrs. Stephanie Johnson, County Clerk, Mrs. Joanna Wright, Finance Director, Mr. Steve Liotta, County Engineer, Mr. George Shaw, Zoning Administrator, Ms. Rushe Hudzinski-Sero, Human Resources Director, Dr. Franklin Goldwire, Mr. Jack Garvin, Mr. Willie Wright, Ms. Lucille Tate, Mr. Levan Scott, Mrs. Norma Wallace, Ms. Lula Seabrooks, Mr. Travis Zittrouer, Ms. Cheryl Goldwire, Mr. Steve Chiariello, Mr. Frank and Mrs. Gail Smith, Ms. Gigi Rigsby and Mr. Pat Donahue

CALL TO ORDER

Chairman Kessler called the meeting to order.

INVOCATION AND PLEDGE TO THE AMERICAN FLAG

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

AGENDA APPROVAL

Chairman Kessler called for a motion to approve the agenda. Commissioner Jones made a motion to approve the agenda as presented. Commissioner Kieffer seconded the motion. The motion carried unanimously.

MINUTES

Chairman Kessler asked if there were any corrections or additions to the minutes of the December 3, 2013 Fire Station Workshop and the December 3, 2013

Commission meeting. There was a separate vote on the minutes due to the absence of Commissioner Kieffer.

Commissioner Loper made a motion to approve the minutes of the December 3, 2013 Fire Station Workshop as read. Commissioner Floyd seconded the motion. Commissioner Kieffer abstained from the vote due to being absent.

Commissioner Floyd made a motion to approve the December 3, 2013 Commission meeting as read. Commissioner Kieffer seconded the motion. The motion carried unanimously.

PUBLIC COMMENTS

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

CORRESPONDENCE

Chairman Kessler explained all documents from the meeting are located in the Clerk's office and on the Board of Commissioner's website.

CONSENT AGENDA

Chairman Kessler called for a motion.

Commissioner Loper made a motion to approve: to accept the release of Sanitation Fees as submitted by the Sanitation Department.

Commissioner Floyd seconded the motion. The motion carried unanimously.

OLD BUSINESS

CONSIDERATION TO APPROVE THE NEW TRAVEL POLICY (01):

Interim County Administrator Allen explained the policy was tabled at the last meeting due to correspondence received from the attorney after the packets were issued.

County Attorney Pavlis stated an area of the document was struck in its entirety because of non-compliance with the policy.

Interim County Administrator Allen stated the changes were grammatical issues only.

Commissioner Jones made a motion to table the new travel policy until the January 7, 2014 Commission meeting. Commissioner Floyd seconded the motion. The motion carried unanimously.

THE PLANNING BOARD RECOMMENDS APPROVING AN APPLICATION BY SOS SOLAR FOR H.B. RAHN FOR A CONDITIONAL USE LOCATED AT 1900 STILLWELL CLYO ROAD TO INSTALL A SOLAR FARM ON FIVE ACRES MAP# 425 PARCEL# 5 (THIRD DISTRICT) (02):

Zoning Administrator Shaw explained the item was approved by the Planning Board with one stipulation. The applicant was present to speak on behalf of the request.

Mr. Steve Chiariello of SOS Solar explained the request is to develop a solar farm on a five acre parcel of property. The company hopes to begin construction in March. All power from the system would be sold to Georgia Power. There will be no noise or harmful radiation as a result of the farm. The property being utilized will be leased from the owner.

There was a discussion about the acreage size being utilized for the farm. The Board came to a consensus of a survey plat of precisely five acres.

Commissioner Jones recommended that the zoning application includes the signature of the property owner, if different than the applicant.

No one was present in favor or against the request.

Vice Chairman Mason made a motion to approve the request. Commissioner Loper seconded the motion. The motion carried unanimously.

NEW BUSINESS

CONSIDERATION TO APPROVE THE JOB DESCRIPTIONS FOR THE POSITION OF COUNTY ADMINISTRATOR (01):

Human Resources Director Hudzinski-Sero explained the job description has been updated to reflect a more comprehensive and task specific assignment of duties based on the suggestions from the ACCG workshop. The first copy shows all the suggested changes in red. The second copy shows a draft of the new document once the changes are implemented and portrays adjustments in document flow.

There was a discussion among the Board regarding the functions of the Administrator including hiring and firing abilities, the job description and contract. The Board highlighted different areas of the job description document to be revised.

Vice Chairman Mason made a motion to table the request until the January 7, 2014 Commission meeting. Commissioner Jones seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE TO APPOINT A REPRESENTATIVE TO THE HEALTH BOARD (02):

County Clerk Johnson explained the Board's need to appoint a representative to serve on the Health Department Board. Mr. Jeff Utley is currently filling the unexpired term for consumer advocate. Mr. Utley is the only person who has submitted documentation and interest in the appointment. An ad seeking interested parties for the Health Board was run in the Effingham Herald.

Commissioner Loper made a motion to reappoint Jeff Utley to the Health Board. Vice Chairman Mason seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE TO RELEASE A LETTER OF CREDIT IN THE AMOUNT OF \$12,723.13 FOR CLOVER POINT, PHASE II (03):

County Engineer Liotta explained upon inspection and finding no deficiencies, the letter of credit can now be released.

Commissioner Loper made a motion to approve to release the letter of credit in the amount of \$12,723.13 for Clover Point, Phase II. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A WARRANTY DEED TO ACCEPT THE ROADS IN COBBLETON SUBDIVISION, PHASE I AND PHASE II (04):

Chairman Kessler recused himself due to business relations. Vice Chairman Mason chaired the meeting.

County Engineer Liotta explained Public Works has recommended acceptance of the roads in both Phases I and II of Cobbleton Subdivision. A warranty deed has been presented by the developer to consider for acceptance.

County Attorney Pavlis recommended that a signature line for the corporate secretary and corporate seal be added to the deed as required by Georgia law.

Commissioner Jones made a motion to approve the warranty deed to accept the roads in Cobbleton Subdivision, Phase I and Phase II with the stipulation that the deed is revised to include a signature line for the Corporate Secretary and Corporate Seal. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A WARRANTY DEED TO ACCEPT THE ROAD(S) IN CAMERON OAKS SUBDIVISION (05):

County Engineer Liotta explained the subdivision was platted in 2008. The developer has requested the County accept the roads, however, deficiencies were found by the Public Works department during inspection.

There was a discussion about the road signs not being posted within the development and if the Public Works department ever received payment for road signs in the past. There was also a discussion about the previously approved road listing and under what terms roads were to be accepted.

Mr. Frank and Mrs. Gail Smith expressed to the Board that the County has already been paid for the signs.

Commissioner Jones made a motion to approve the warranty deed to accept the roads in Cameron Oaks Subdivision with the stipulation the Clerk receives verification of payment by the developer for signage, if not paid, the developer will pay before the deed is signed by the Chairman. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE TO A WARRANTY DEED TO ACCEPT THE ROAD(S) IN RED OAK SUBDIVISION (06):

County Engineer Liotta explained items number 6 and 7 to be related items to be addressed separately. Public Works inspected the roads/drainage infrastructure on August 26 and found two minor deficiencies, both of which pertained to the road. Public Works estimates the cost to repair the identified issues would be about \$2,500 - \$3,000. Red Oak was not on the list approved by the Board at the November 5 meeting. This was because no houses are present, and significant water/sewer issues remain.

Mr. Frank Smith explained he has paid taxes on individual lots within the development. Mr. Frank Smith made mention of the subdivision being final platted, recorded and approved by the Board of Commissioners; believes the County has liability to share in the cost of finishing the lift station for this subdivision.

There was discussion about a lock being placed on the gate to the lift station. Mr. Frank Smith believed the lock was placed by the County. County Engineer Liotta stated after speaking with Staff no one was aware of the County placing a lock on the gate.

Mrs. Gail Smith confirmed her belief that County employees placed a lock on the gate.

Commissioner Jones made a motion to table the request until the January 21, 2014 Commission meeting. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A WARRANTY DEED TO ACCEPT THE WATER AND SEWER INFRASTRUCTURE IN RED OAK SUBDIVISION (07):

County Engineer Liotta explained although the water/sewer was adequately operational when the final plat was approved, it was assumed that it would be completed within the one year warranty period. Water/sewer staff and an electrical engineer recently inspected the water/sewer and found many significant issues. Staff sent a letter to the developers on September 6 documenting the punch list. Red Oak was not on the road list approved by the Board at the November 5 meeting. This was because no houses are present.

Commissioner Jones made a motion to table the request until the January 21, 2014 Commission meeting. Commissioner Loper seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A CONTRACT WITH ATLANTA GAS LIGHT FOR NEW SERVICE TO SERVE THE NEW JAIL PROJECT (08):

Community Relations Director Kobek explained as part of the construction of the new jail project a new gas service is required for water and space heating. Extension of a new line requires a contract with AGL. The existing gas which serves the existing Sheriff's Office and Jail will remain but enters that facility at the rear of the building. Based on anticipated future revenues, there is no upfront cost to this new line. Contract stipulates that the County is anticipating using the service for approximately 10 years, and any future connections to this line will receive proportional credit towards initial cost to serve.

Commissioner Loper made a motion to approve the contract with Atlanta Gas Light for new service to serve the new jail project. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE A LEASE AGREEMENT WITH GATEWAY BEHAVIORAL HEALTH SERVICES (09):

Community Relations Director Kobek explained Gateway occupies a building at 275 First Street Extension. The County is in need of a lease agreement that memorializes the rights and responsibilities of either party. The lease agreement contemplates zero rent from Gateway in consideration that Gateway provides comprehensive services to the developmentally disabled, mentally ill and individuals suffering with addictive diseases. Under the rental agreement, Gateway is responsible for all utilities, including power, water/sewer and garbage collection. The County is responsible for building maintenance issues. The term of this agreement runs through June 30, 2016.

There was a discussion about verification of ownership of the property due to the property being previously deeded to a now defunct entity as evidenced from the Secretary of State.

Commissioner Jones made a motion to approve the lease agreement with Gateway Behavioral Health Services subject to proof of County ownership verified by the County Attorney or acceptance of deed stating County ownership. Commissioner Floyd seconded the motion. The motion carried unanimously.

DISCUSSION OF A REFUND REQUEST FOR FIA TP TIMBER, LLC FOR TAX YEARS 2010, 2011 AND 2012 (10):

County Attorney Pavlis explained the County Attorney recommended this item be placed on the agenda for discussion to make the Board aware of the request. The Board has a year to make a decision. County Attorney Pavlis stated

legal counsel's belief that the request is being made based on a previous refund request approved for Plum Creek.

Chairman Kessler stated this company never filed an appeal for taxes.

CONSIDERATION TO APPROVE THE BUDGET CALENDAR FOR FISCAL YEAR ENDING JUNE 30, 2015 (11):

Finance Director Wright explained The Administrator and staff propose an annual budget each year on behalf of the Board. They do so as required by Georgia law. Georgia Code § 36-81-3 provides for the establishment of fiscal year; requirement of annual balanced budget; adoption of budget ordinances or resolutions generally; budget amendments; uniform chart of accounts. Additionally Georgia code § 36-81 dictates the preparation of proposed budget; submission to governing authority; public review of proposed budget; notice and conduct of the budget hearing. Section § 36-81-6 of Georgia Code prescribes the manner in which the adoption of budget ordinance or resolution; form of budget is to be handled. To promote transparency and insure compliance this is typically done through a series of meetings with department heads, staff and the Board. A budget calendar is presented for approval to facilitate the process. This allows all participants and the public to know and understand the budget schedule and process. The only change from last year's calendar is an additional week has been added for discussion of personnel and to add a workshop the week prior to the Commission meeting date.

Commissioner Jones made a motion to approve the budget calendar for fiscal year ending June 30, 2015. Commissioner Kieffer seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE TO REALIGN BANKING PROTOCOL FOR THE SENIOR CITIZENS ACTIVITY FUND (12):

Finance Director Wright explained Effingham County currently has existing bank accounts to facilitate the daily operations of the senior activity fund. This account is used to segregate out the activities of the senior citizens program under the current service delivery agreement. Funds from the gift shop sales have been flowing through a separate bank account. This was originally done to self-fund the various senior activities from proceeds of the ceramic projects made by the seniors.

A recent review and discussion with various staff showed a need to adjust how these transactions are recorded and placed. While this account is under the Federal ID number for the county it has not been reported as a direct activity of the county. To provide direct board oversight of the activity under our current financial policies we are requesting the functions be moved into the existing County's BBT account sited for this fund and to close the account currently being used to facilitate the crafts portion of the operations.

There were a few questions from the Board regarding the necessity for establishing a new account and how the funds would be handled once the account is setup.

Commissioner Jones made a motion to approve to realign banking protocol for the Senior Citizen's activity fund. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE TO REALIGN BANKING PROTOCOL FOR THE PRISON STAFFING QUALITY IMPROVEMENT ACCOUNT (13):

Finance Director Wright explained the issue with this account is the same as the previous item for the Senior Account.

Commissioner Jones made a motion to approve to realign banking protocol for the Prison Staffing Quality Improvement account. Commissioner Floyd seconded the motion. The motion carried unanimously.

CONSIDERATION TO APPROVE TO ENTER INTO AN AGREEMENT WITH THE CITY OF RINCON TO OPERATE RINCON FIRE STATION #4 TO BE LOCATED ON BLUE JAY ROAD (14):

Interim County Administrator Allen explained since the agenda material was sent out a few changes has been made. A review of the changes made in the contract was presented to the Board.

Mr Wesley Corbitt stated his beliefs of the benefits of the Fire Station in this location.

The Board discussed at length with Mr Corbitt cost savings, coverage area and ISO rating changes and what would be better for the citizens of the surrounding area.

County Attorney Pavlis explained there were some wording changes to be made to the agreement. Legal counsel on both sides would review the documents and make changes accordingly.

Commissioner Jones made a motion to approve the agreement pending changes to Item #9 and reference to state law on intergovernmental agreements and other changes made by attorneys. Commissioner Floyd seconded the motion. Commissioner Loper opposed the motion. The motion carried.

REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF

Interim County Administrator Allen discussed the following:

- 1. Board of Education Quarterly Public Officials Meeting**
 - Received an email on the Board of Education Quarterly Public Officials Meeting to be held on January 16, 2014 at 5:30 pm
- 2. GCIC Connectivity**
 - Per Jay Spinks, 911 Director, GCIC services can now be offered. Services were implemented on Monday, December 9, 2013 at 9:00 am.
- 3. City of Savannah, Water Rates**
 - City of Savannah sent notification the water rate will be changed effective April 1, 2014.

4. Twelfth District Day

- John Barrow's third annual "Twelfth District Day" conference in Washington, D.C., on Thursday, July 31, 2014.

5. HB 143 – Ethics in Government

- We received a letter by email from Gail Whitehead, Elections Supervisor, regarding House Bill 143 relating to ethics in government which becomes effective on January 1, 2014.

6. Building Inspection Forms

- Forms to be using by the Building Department for foam plastic insulation, notice to permit holders regarding spray foam insulation permit number requirement, inspection form requests

7. DCA, CIE adoption

- We received a letter from DCA dated December 6, 2013, acknowledging adoption of the annual Capital Improvement Element update.

8. GDOT Retirement Reception

- In honor of Hayden Rozier, a retirement reception will be held on Thursday, December 19, 2013, between 2:00 pm and 4:00 pm in Jesup.

County Engineer Liotta addressed the following:

9. 62 acre tract – water connectivity (Proposed 11 lot development)

- Asked for guidance from the Board on if the parcel should be served by County water. The property directly lies within the vicinity of county water lines. The property owner wishes not to tie in.

Commissioner Loper mentioned the following:

10. Gail Whitehead's retirement

Retiring on December 31, 2013; she is willing to assist on occasional basis.

Vice Chairman Mason mentioned the following:

11. Old Augusta Road striping.

EXECUTIVE SESSION

At 9:00 pm, Commissioner Kieffer made a motion to enter executive session to discuss personnel, property and pending litigation. Commissioner Loper seconded the motion. The motion carried unanimously.

RECONVENED

At 9:50 pm, the Board reconvened into regular session.

EXECUTIVE SESSION MINUTES

Commissioner Kieffer made a motion to approve the executive session minutes of December 3, 2013. Commissioner Jones seconded the motion. The motion carried unanimously.

PLANNING BOARD

SAMMIE A. SHAHAL (01): A public hearing was held on the application of Sammie A. Shahal to rezone 2 acres located at 677 Noel C. Conaway Road from AR-1 to AR-2 Map# 352 Parcel# 84 in the First District.

Zoning Administrator Shaw stated Planning Board and Staff recommendations approval of this rezoning.

No one was present in favor or against the request.

Commissioner Floyd made a motion to approve the request with the following Planning Board and Staff recommendations:

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.
5. The remaining acre must be combined with the adjacent parcel as it is too small for the AR-1 zoning district

Commissioner Jones seconded the motion. The motion carried unanimously.

JOE & CYNTHIA HARMON (02): A public hearing was held on the application of Joe & Cynthia Harmon to rezone 1 acre located at 192 Forest Road from AR-1 to AR-2 Map# 344 Parcel# 33 in the Third District.

Zoning Administrator Shaw stated Planning Board and Staff recommends approval of the request.

No one was present in favor or against the request.

Vice Chairman Mason made a motion to approve the request with the following Planning Board and Staff recommendations:

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 Kieffer seconded the motion. The motion carried unanimously.

ADJOURNMENT

At 9:51pm, Commissioner Loper made a motion to adjourn. Commissioner Jones seconded the motion. The motion carried unanimously.


WENDALL KESSLER, CHAIRMAN


STEPHANIE JOHNSON, COUNTY CLERK