

**EFFINGHAM COUNTY**  
**BOARD OF COMMISSIONERS MEETING**  
*November 3, 2015*

---

The Board of Commissioners of Effingham County, Georgia, Mr. Wendall Kessler, Chairman, Mrs. Vera Jones, Vice Chairperson, Mr. Forrest Floyd, Mr. Jamie Deloach, Mr. Reginald Loper and Mr. Phil Kieffer met in regular session 5:00 pm on Tuesday, November 3, 2015 in the Commissioners' Meeting Room at the Effingham County Administrative Complex.

**PERSONS ATTENDING THE MEETING**

Mr. Edward Newberry, County Attorney, Mr. Toss Allen - County Administrator, Mrs. Stephanie Johnson – County Clerk, Mrs. Joanna Wright – Finance Director, Mr. Clint Hodges – Fire Chief, Pastor Eddie Tomberlin, Mr. Tony Chiariello, Mr. Tim Matthews, Mr. Brad Green, Mr. Thomas E. Lonon Sr., Mr. Willie H. Wright Jr., Mr. Angela Grovenstein, Mr. B. Richard Godbee, Mr. Jesse Powell, Mr. Cheryl Powell, Mr. Carl Waterbrook, James C. Jones, Mr. Jack Garvin, Ms. Claudia Collier, Ms. Gg Rigsby

**CALL TO ORDER**

Chairman Kessler called the meeting to order.

**INVOCATION**

Rev. Eddie Tomberlin of the Grace Culture International Church gave the invocation.

**PLEDGE TO THE AMERICAN FLAG**

Chairman Kessler led the Pledge to the American Flag.

**AGENDA APPROVAL**

Chairman Kessler asked if there were any changes or corrections to the agenda. There being none, Commissioner Loper made a motion to approve the agenda as read. Commissioner Floyd seconded the motion. The motion carried unanimously.

**MINUTES**

Vice Chairperson Jones made a motion to approve the October 20, 2015 Commission meeting minutes as read. Commissioner Floyd seconded the motion. The motion carried unanimously.

**PUBLIC COMMENTS**

Chairman Kessler stated public comment should be limited to agenda items only.

**CORRESPONDENCE**

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

**APPEARANCE**

Rev. Lloyd Dees, Chairperson of the Aging Services Advisory Council, approached the Board to share details of the Elder's Abuse Act which was approved. Rev. Dees asked of the Board and law enforcement to aid in enforcing the rules of the Act.

Rev. Dees further discussed services in Effingham County for which the elderly are on a waiting list. Some documentation was provided for the Board's reading.

**CONSENT AGENDA**

**CONSIDERATION TO APPROVE AN ASSEMBLAGE PERMIT FOR ALBERT JACKSON FOR A TURKEY SHOOT LOCATED AT 187 CHURCH ROAD, SPRINGFIELD MAP# 366A PARCEL# 17 (01):**

Commissioner Kieffer made a motion to approve the Consent Agenda as presented. Vice Chairperson Jones seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**CONSIDERATION TO APPROVE A RESOLUTION OF SURPLUS (01):**

County Administrator Allen explained a list of surplus items has been provided and includes unused laboratory equipment; used cardiac monitors; (4) used vehicles; and a building. A parcel of land is also included in this list; however, Staff requests to remove this item. It will be brought back to the board at a later date.

There was a brief discussion among the Board and Staff about some of the items listed.

Vice Chairperson Jones made a motion to approve the list as presented with the exception of the removal of the last item of 3.94 acres; exhibit A. Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A REQUEST TO REFUND TAXES PAID BY ROBERT RAMMOSER FOR TAX YEARS 2013 AND 2014 FOR A PROPERTY LOCATED AT 3154 MIDLAND ROAD MAP# 374 PARCEL# 16(02):**

Tax Commissioner McDaniel explained a refund request was received by Mr. Rammoser. Paperwork was also received stating Mr. Rammoser was 100% disabled.

The paperwork from Veteran Affairs certifying his disability was dated July 2014. There was a discussion about the years for which a refund is to be considered.

County Attorney Newberry explained any refund considered would be a portion of the amount paid. The amount for 2014 would be \$ 1,881.36. If the exemption is granted, Mr. Rammoser would pay \$ 1,597.73 for 2015.

Mr. Tim Matthews expressed the rules require an individual to submit an application for an exemption prior to April 1<sup>st</sup> of each year.

County Attorney Newberry cited information from the State website which states a veteran has up to three (3) years from the date of payment to request a refund of taxes paid.

Chief Tax Appraiser Bevill explained the number of requests for disabled veteran exemption has increased over the past year; however, the deadline for submittal must still be enforced.

Mr. Brad Green explained the course for getting approval as a disabled veteran is a lengthy process, potentially could take years.

Commissioner Floyd made a motion to approve to grant a refund in the amount of \$1,881.36 for 2014 and an exemption of \$1,597.73 for 2015 with the based on the paperwork provided by the State certifying his disability and deny a refund for 2013 based on paperwork submitted. Commissioner Deloach seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A REQUEST TO WAIVE TAXES FOR TAX YEAR 2015 FOR EDEN MISSIONARY BAPTIST CHURCH MAP# 302 PARCEL# 122 & 126A (03):**

Commissioner Floyd explained he was approached by the Church about the taxes. The Tax Commissioner does not have the authority to remove taxes; therefore the request was brought to the Board for consideration.

There was a discussion about the sanitation and fire fees noted on the bill.

Mr. Kennedy confirmed the structure has been torn down. The two parcels of property will be combined into one plat.

Commissioner Floyd made a motion to approve a waiver of taxes in the amount of \$732.71 (the amount less the credit awarded at closing) for Eden Missionary Baptist Church. The Church is to pay \$120.58 to Effingham County. Vice Chairperson Jones seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE TO DISBURSE FUNDING TO EFFINGHAM HOSPITAL (04):**

Finance Director Wright explained as of 10/26/2015 there is \$280,000.00 in the segregated bank account which can be used to fund the payment. This leaves approximately \$620,000.00 the county will need to add to the funds collected in order to make the payment of \$859,541.53 to the hospital.

The Board and Staff discussed why the disbursement is brought before the Board when the MOU was previously approved. Staff stated bringing the request to the Board is in alignment with the financial policy.

Commissioner Deloach made a motion to approve the disbursement of \$859,541.53. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE TO PURCHASE TWO (2) FLASHING BEACONS TO BE INSTALLED AT THE INTERSECTION OF S.R. 17 AND MARLOW ROAD/SANDHILL ROAD (05):**

County Administrator Allen explained the Department of Transportation has completed a Traffic Engineering Study at the intersection of SR 17/Veterans Memorial Parkway @ Marlow Road/Sandhill Road and has determined that a "Flashing Beacon" should be installed on top of the stop signs.

Effingham County will have to fund the cost of installing the "flashing beacons" to the Department of Transportation's standards. Effingham County will be required to fund the full and entire costs of the electric energy; however, the "flashing beacons" will be solar powered so there will not be an electric bill.

On March 17, 2015 the Board authorized the Chairman to sign a Traffic Signal Permit Application. The "Flashing Beacon" permit application has been approved by the Georgia Department of Transportation.

Commissioner Loper made a motion to approve to direct Staff to purchase the two (2) flashing beacons. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE THE EFFINGHAM COUNTY FY 2016 LOCAL MAINTENANCE IMPROVEMENT GRANT (LMIG) (06):**

County Administrator Allen explained each year the Georgia General Assembly sets aside a percentage of the motor fuel tax collections to be distributed to Local Governments as a Local Maintenance Improvement Grant (LMIG). The Georgia Department of Transportation is responsible for overseeing the program.

In accordance with Georgia Code Section 48-8-244(d), a 30% match is required in order to obtain LMIG funds. We are requesting to spend the FY 16 LMIG money on one of the roads included in the current resurfacing contract (Old Dixie Highway).

The allocation is based on the total centerline road miles for Effingham County's road system and the total population of Effingham County as compared to the total statewide centerline road miles and total statewide population. For FY 2016, Effingham County's Formula amount is \$634,643.40.

Commissioner Floyd made a motion to approve the FY 2016 LMIG project list. Vice Chairperson Jones seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE TO APPROVE COMMISSIONER TRAVEL FOR THE ACCG LEADERSHIP INSTITUTE (07):**

County Clerk Johnson explained the conference will be held December 2 - 4, 2015 in Blairsville, Georgia. Commissioner Deloach is required to attend to complete his core certification training.

Commissioner Loper made a motion to approve Commissioner Travel. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE TWO (2) LETTERS OF ENGAGEMENT FOR ZIPPERER LORBERBAUM & BEAUVAIS FOR LEGAL SERVICES (08):**

County Attorney Newberry explained the letters of engagement are for the Blandford Crossing interpleader issue and the lawsuit for Delarae, Inc.

Commissioner Loper made a motion to approve to sign both engagement letters. Vice Chairperson Jones seconded the motion. The motion carried unanimously.

**CONSIDERATION THE APPROVE A LETTER OF ENGAGEMENT FOR OLIVER MANER LLP FOR LEGAL SERVICES (09):**

Chairman Kessler stated this engagement letter is for Delarae, Inc.

Commissioner Deloach made a motion to approve the Letter of Engagement. Commissioner Loper seconded the motion. The motion carried unanimously.

**REPORTS FROM COMMISSIONERS AND ADMINISTRATIVE STAFF**

County Administrator Allen discussed the following:

**1. Animal Shelter Report**

- A copy of the monthly animal shelter report has been presented to you for the month of October 2015.

**2. Georgia Transportation Summit**

- The American Council of Engineering Companies of Georgia, in partnership with ACCG and the Georgia Economic Developer's Association, will hold A Transportation Summit on November 10, 2015 from 7:00 am – 5:00 pm at the Georgia World Congress Center in Atlanta.
  - The summit will focus on projects in Georgia and attendees will hear from panelists on economic development, logistics and transportation technology.
- 3. ATLAS Sand Mine Geotechnical Exploration**
- The results of the additional geotechnical exploration of the Atlas Sand Mine that were commissioned by the Board is included.
- 4. Ribbon Cutting Ceremony for US 80 Bridge**
- The Georgia Department of Transportation will hold a ribbon cutting ceremony for the new bridge over the Ogeechee River on UD Highway 80 on Thursday, November 12, 2015 at 10:00 am.
- 5. Eggs and Issues**
- The Effingham Chamber of Commerce will host Eggs and Issues on December 2, 2015 at 7:30 am at the College and Career Academy.
- 6. Effingham County Recreation and Parks**
- The Effingham County Office of Recreation and Parks will hold a celebration honoring forty years of continued service on Tuesday, November 10, 2015 beginning at 5:40 pm.
- 7. Service Deliver – Stormwater Utility**
- The Stormwater Utility Study prepared by staff, minutes from the Commission Meeting at which it was presented, copies of letters sent to the Municipalities and excerpts from the approved Service Delivery Agreement is included.

### **EXECUTIVE SESSION**

At 7:19 pm, Commissioner Kieffer made a motion to enter executive session to discuss Personnel, Property and Pending Litigation. Commissioner Deloach seconded the motion. The motion carried unanimously.

### **EXECUTIVE SESSION MINUTES**

Commissioner Loper made a motion to approve the executive session minutes as written. Commissioner Floyd seconded the motion. The motion carried unanimously.

### **PLANNING BOARD**

**JAMES CURTIS JONES (01):** The Planning Board recommends approving an application by James Curtis Jones for a variance to build a driveway with access to Marlow Road over a non-access easement located at 126 Lee Village Drive Map# 323C Parcel# 8 in the First District

County Administrator Allen explained the driveway is being requested for storage of a work vehicle. The applicant has obtained a letter of support from the homeowner's association.

Mr. James C. Jones stated he drives a utility truck for Georgia Power. The driveway would be beneficial to aid in parking the vehicle.

Mr. Carl Waterbrook, Lee Village Homeowner's Association president stated the association being in support of the request in an effort to not destroy the roads within the subdivision.

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

1. The conditional use shall be granted for such time as the applicant has a need for off street parking.
2. The driveway shall be removed should the property transfer ownership.

The motion was seconded by Vice Chairperson Jones. The motion carried unanimously.

**JAMES CURTIS JONES – 2<sup>ND</sup> READING (02):** Consideration to approve the Second Reading of an application by James Curtis Jones for a variance to build a driveway with access to Marlow Road over a non-access easement located at 126 Lee Village Drive Map# 323C Parcel# 8 in the First District

Commissioner Floyd made a motion to approve the 2<sup>nd</sup> Reading. Commissioner Loper seconded the motion. The motion carried unanimously.

**BYRON R. & DAISY GODBEE (03):** The Planning Board recommends approving an application by Byron R. & Daisy Godbee for a conditional use for a ½ acre family cemetery located at 767 Zipperer Road Map# 395 Parcel# 767 Zipperer Road Map# 395 Parcel# 18 in the Second District.

County Administrator Allen explained the applicants would like a family cemetery on the property. The Godbee's are aware of the guidelines.

Mr. Byron Godbee stood in support of the request.

No one was present against the request.

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

1. No land for which a plat has not been recorded shall be used for any burials. The dead shall not be buried or placed closer than ten feet to any highway right-of-way, nor closer than ten feet to any other property line.

The motion was seconded by Commissioner Floyd. The motion carried unanimously.

**BYRON R. & DAISY GODBEE – 2<sup>ND</sup> READING (04):** Consideration to approve the Second Reading of an application by Byron R. & Daisy Godbee for a conditional use for a ½ acre family cemetery located at 767 Zipperer Road Map# 395 Parcel# 767 Zipperer Road Map# 395 Parcel# 18 in the Second District

Vice Chairperson Jones made a motion to approve the 2<sup>nd</sup> Reading with the following conditions:

1. No land for which a plat has not been recorded shall be used for any burials. The dead shall not be buried or placed closer than ten feet to any highway right-of-way, nor closer than ten feet to any other property line.

Commissioner Floyd seconded the motion. The motion carried unanimously.

**JESSE A. POWELL (05):** The Planning Board recommends approving an application by Jesse A. Powell to rezone 1 acre located at 2560 Old Louisville Road from AR-1 to AR-2 Map# 251 Parcel# 8 in the Third District

County Administrator Allen explained the request is to rezone to place a home on the property.

Mrs. Cheryl Powell stood in support of the request.

No one spoke against the request.

Commissioner Deloach made a motion to approve the request with the following Staff recommendations:

1. Lot meets the requirements of the AR-2 zoning district.
2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts permitted by USACE.
4. Subdivision plat must be approved by the Health Department and the Zoning Office.

The motion was seconded by Commissioner Loper. The motion carried unanimously.

**JESSE A. POWELL – 2<sup>nd</sup> READING (06):** Consideration to approve the Second Reading of an application by Jesse A. Powell to rezone 1 acre located at 2560 Old Louisville Road from AR-1 to AR-2 Map# 251 Parcel# 8 in the Third District

Commissioner Deloach made a motion to approve the 2<sup>nd</sup> Reading. Commissioner Kieffer seconded the motion. The motion carried unanimously.

**ANGELA GROVENSTEIN (07):** The Planning Board recommends approving an application by Angela Grovenstein to rezone 1 acre located at 3401 Courthouse Road from AR-1 to AR-2 Map# 348 Parcel# 21 in the Fourth District

County Administrator Allen explained the request is to subdivide for a home site for family. Planning Board and Staff recommends approval.

Ms. Angela Grovenstein stood in support of the request.

No one was present against the request.

Commissioner Loper made a motion to approve the request with the following 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 Stormwater Management Local Design Manual.
3. All wetland impacts shall be permitted by USACE.
4. Subdivision plat shall be approved by the Health Department and the Zoning Office.

The motion was seconded by Vice Chairperson Jones. The motion carried unanimously.

**ANGELA GROVENSTEIN – 2<sup>nd</sup> READING (08):** Consideration to approve the Second Reading of an application by Angela Grovenstein to rezone 1 acre located at 3401 Courthouse Road from AR-1 to AR-2 Map# 348 Parcel# 21 in the Fourth District

Commissioner Loper made a motion to approve the 2<sup>nd</sup> Reading with the following 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 Stormwater Management Local Design Manual.
3. All wetland impacts shall be permitted by USACE.
4. Subdivision plat shall be approved by the Health Department and the Zoning Office.

The motion was seconded by Vice Chairperson Jones. The motion carried unanimously.

**ANGELA GROVENSTEIN (09):** The Planning Board recommends approving an application by Angela Grovenstein for a variance to occupy a camper trailer during construction of a new home located at 3401 Courthouse Road Map# 348 Parcel# 21 in the Fourth District

County Administrator Allen explained the sale of the home is in process. The applicant's son will construct a new home after the home is sold. The Planning Board approved the request with the building permit being applied for within 30 days. The Board may want to consider revising the stipulation.

Commissioner Loper made a motion to approve the request with the following stipulation:

1. The applicant shall occupy the camper trailer during construction for no greater than 180 days from the issuance of the building permit.

The motion was seconded by Commissioner Kieffer. The motion carried unanimously.

**ANGELA GROVENSTEIN (10):** Consideration to approve the Second Reading of an application by Angela Grovenstein for a variance to occupy a camper

trailer during construction of a new home located at 3401 Courthouse Road Map# 348 Parcel# 21 in the Fourth District.

Commissioner Loper made a motion to approve the 2<sup>nd</sup> Reading. Commissioner Deloach seconded the motion. The motion carried unanimously.

**RECONVENE**

The Board reconvened from executive session at 7:53 pm.

**ADDITION TO AGENDA**

Vice Chairperson Jones made a motion to add as New Business# 10 – Consideration to approve a MOU between Effingham County and Atlantic Waste LLC. Commissioner Loper seconded the motion. The motion carried unanimously.

**CONSIDERATION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN EFFINGHAM COUNTY AND ATLANTIC WASTE LLC (10)**


Chairman Kessler stated the property was to be considered sale and a study be conducted for a potential landfill.

Vice Chairperson Jones stated this item is regarding a Memorandum of Understanding presented during a prior executive session for consideration of a sale to Atlantic Waste LLC.

Vice Chairperson Jones made a motion to deny the request. Commissioner Deloach seconded the motion. The motion carried unanimously.

**ADJOURNMENT**

There being no further business, at 7:55 pm, Commissioner Loper made a motion to adjourn the meeting. Commissioner Deloach seconded the motion. The motion carried unanimously.

  
WENDALL KESSLER, CHAIRMAN

  
STEPHANIE JOHNSON, COUNTY CLERK