

December 19, 2006
Statesboro, GA

The Board met at 8:30 a.m. in the Community Room of the North Main Annex.

Chairman Nevil welcomed the guests and called the meeting to order. Commissioner Roy Thompson gave the invocation and the pledge of allegiance.

Ms. Evelyn Wilson, Clerk of the Board, performed the roll call of commissioners and staff. The following commissioners and staff were present: Chairman Nevil, Commissioner Jackson, Commissioner Simmons, Commissioner Tankersley, Commissioner Gibson, Commissioner Thompson, Commissioner Smith, County Manager Tom Couch, Staff Attorney & Parliamentarian Jeff Akins and County Attorney Charles Brown.

Chairman Nevil said Mr. Bobby Smith, Bulloch County's representative on the Coastal Georgia Historic Preservation Committee, was to make a report on the committee activities. He asked if Mr. Smith was present. Mr. Smith was not in attendance and this report will be received later.

Mr. Couch said, at the request of Commissioner Gibson, we were hoping to introduce Ms. Stephanie Dittmer, who represents the Averitt Center as a development officer. He asked if Ms. Dittmer was present. Ms. Dittmer was not in attendance.

Chairman Nevil asked for changes or modifications before approval of the General Agenda. Mr. Akins requested one (1) change to add an Executive Session for pending litigation. Commissioner Jackson offered a motion to approve the General Agenda as amended. Commissioner Simmons seconded the motion and it carried unanimously.

The first order of business was the approval of the minutes of the regular meeting held on December 5, 2006. Commissioner Gibson offered a motion to approve the minutes of the regular meeting held on December 5, 2006. Commissioner Smith seconded the motion and it carried, unanimously.

The next item on the agenda was the County Manager's Executive Summary and Financial Report. Chairman Nevil asked for any comments or questions. Mr. Couch said that Commissioner Smith and Commissioner Jackson received their reports just prior to the meeting and asked if they would prefer a brief oral summary or to defer approval

until the first meeting in January. Commissioner Smith said he would agree to defer approval of the report until the next meeting. Commissioner Jackson agreed. Commissioner Tankersley offered a motion to defer approval of the County Manager's Executive Summary and Financial Report until the first meeting in January. Commissioner Jackson seconded the motion and it carried, unanimously.

Under the Consent Agenda were the following items for consideration: (1) Airport Lease Renewals for Pegasus Air, LLC and Georgia State Defense Force – see exhibit #2006-182, exhibit #2006-183; (2) 2007 Alcohol License Application for Tony Nesmith, Jr. for an off-premise license for T&D Stores. Commissioner Smith offered a motion to approve the Consent Agenda. Commissioner Tankersley seconded the motion and it carried, unanimously.

An item of Old Business was to reschedule the first meeting in February. Chairman Nevil said this meeting had previously been rescheduled to February 13th but this date conflicted with another event. He advised the date of Thursday, February 1st, has been proposed for the first meeting in February. Commissioner Gibson offered a motion to hold the first meeting in February on Thursday, February 1st. Commissioner Jackson seconded the motion and it carried unanimously.

The first item under New Business was a budget amendment for Geographic Information Systems Department. Chairman Nevil asked Mr. Couch to present this item. Mr. Couch advised this amendment was requested to make a current part-time position a full time to allow GIS to assume 911 addressing function as of January 1, 2007. He said the amount of the total amendment will be \$11,830 and transfer of revenue from 911 will somewhat offset this amount. He asked for comments from Public Safety Director Ted Wynn and Chief Tax Assessor John Scott. Mr. Wynn said this move fits the GIS function very well with their computer capabilities. Mr. Scott said this full time position will include the 911 addressing as well as other GIS functions. Commissioner Thompson offered a motion to approve the budget amendment of \$11,830 for GIS department. Mr. Simmons seconded the motion and it carried, unanimously.

The next item of New Business was a contract for the Agricultural Arena with Hussey, Gay, Bell and DeYoung. Chairman Nevil asked Mr. Couch to present this item. Mr. Couch said the request was to authorize him to execute a contract with Hussey, Gay,

Bell and DeYoung for architectural and engineering services for the Agricultural Arena. He said this is a standard AIA contract to enable Hussey, Gay, Bell and DeYoung to work with SMG Facilities Services on the preliminary design (not the final design) for the facility. Commissioner Jackson offered a motion to authorize the County Manager to execute a contract with Hussey, Gay, Bell and DeYoung. Commissioner Simmons seconded the motion and it carried, unanimously. See exhibit #2006-184

The next item of New Business was to authorize the County Manager to accept a proposal from SunTrust Leasing Corporation for preparation of a new equipment lease schedule. Chairman Nevil asked Mr. Couch to present this item. Mr. Couch advised that the Transportation Department has budgeted to acquire approximately \$900,000 in heavy equipment and the proposal is to purchase this equipment under the master lease agreement. The proceeds to make payments will be taken from the 2002 SPLOST funds and some 2007 SPLOST funds maybe expended under a four-year lease option. Commissioner Smith asked if the equipment being purchased was replacing current equipment to be liquidated. Road Superintendent Eddie Smith said there were four motorgraders being replaced under a buy-back arrangement. Commissioner Tankersley offered a motion to authorize the County Manager to accept a proposal from SunTrust Leasing Corporation for preparation of a new equipment lease schedule under the existing terms of the current Master Lease Agreement. Commissioner Simmons seconded the motion and it carried, unanimously. See exhibit #2006-185

The next item of New Business was to approve bids from Yancey Brothers for motorgraders at a cost of \$689,657. Chairman Nevil asked Mr. Couch to present this item. Mr. Couch advised bid invitations were sent to several equipment vendors and also advertised in the Statesboro Herald. The only bid received was from Yancey Brothers for one 165 HP motorgrader with sloper and three 145 HP motorgraders. He said if the bids are approved, they would be subject to the terms and conditions under the Master Lease Agreement. Commissioner Simmons offered a motion to approve the bid of \$689,657 from Yancey Brothers. Commissioner Tankersley seconded the motion and it carried, unanimously. See exhibit #2006-186

The next item of New Business was discussion and/ or action to authorize purchase of fire equipment. Chairman Nevil asked Mr. Couch to present this item. Mr.

Couch said the bids for Public Safety Department and fire personnel evaluated the bids for this equipment. Bids were received from nine bidders and the request is to authorize a split award to various vendors at the lowest and most responsible bid. Total amount of the bid is \$302,752.50 which will be funded by the recent Assistance to Firefighters Grant with a 10% match from SPLOST proceeds. Commissioner Tankersley offered a motion to approve the bids for fire equipment purchase. Commissioner Simmons seconded the motion and it carried, unanimously. See exhibit #2006-187

The next item of New Business was discussion of adult entertainment establishments by County Attorney Brown. Mr. Brown said this discussion was for the purpose of providing information to the Board. He said the County has an Adult Entertainment Ordinance which requires the licensing of such an establishment. This ordinance was carefully drafted in consideration of constitutional rights. He presented a letter from an individual proposing to operate an adult oriented novelty store at 17067 Hwy 67. The question is does this proposal fall under the definition of an adult entertainment establishment and, if so, it must be licensed. He said he and Mr. Akins are of the opinion that it does and he has come to explain that opinion to the Board. Mr. Brown referred to the list attached to the letter of items expected to be sold in the store and said, based on this list, he and Mr. Akins formed the opinion that this does constitute an adult entertainment establishment. He advised that first the operator must obtain a license and secondly, as these establishments are permitted as a conditional use in highway commercial and general commercial districts, he will also have to seek a conditional use from the Planning and Zoning Committee before proceeding. Mr. Akins has given this information to the individual. Mr. Brown pointed out the general area in which the establishment would be located as west of Highway 67 South just northwest of the Fair Grounds. Mr. Brown asked for questions or comments. Commissioner Jackson referred to the list of items to be sold and said this could lead to very deviant behavior. Chairman Nevil asked where was the Board legally. Mr. Brown advised that, legally, an outright prohibition was unconstitutional. Mr. Brown said they were uncertain if this individual would proceed with the process to operate this business. The property has not been leased at this time and it may not proceed any further.

Chairman Nevil advised that Mr. Ken Daniels had requested to appear before the Board on behalf of the Bulloch County 4H Shot Gun Team. Mr. Daniels said he is a coach for the Shot Gun Team and they were requesting permission to shoot over the pond at the Agribusiness Center on Langston Chapel Road. He said this year there were fifty-three kids in the program and the program is growing every year. The problem is that in the last four to five years it has gotten to be a southeast county program because of places they have permission to shoot. They need a more central location so all kids who are interested can participate in the program. He asked for questions. Commissioner Tankersley asked if the law enforcement shooting range had been considered. Mr. Daniels said he was not familiar with the shooting range but this had been discussed with Sheriff Lynn Anderson whose only concern was the lights. Mr. Daniels said noise would be a factor. They shoot from 2:00 p.m. to 4:00 p.m. on Sunday but there is no place to shoot that does not affect someone. Commissioner Jackson asked about liability. Mr. Daniels explained that each participant purchases insurance and waivers are also signed. Ms. Leanne Deal, 4H Program Director, added there is an insurance policy over the entire 4H program which includes coverage for the Shot Gun Team. Mr. Couch commented shooting at the Agribusiness Center may be a temporary fix because of the proposed Ag-Arena. He said he was also concerned with sufficient liability coverage once construction of the arena begins. Mr. Akins would need to review their policy to see if the liability coverage is adequate. Commissioner Thompson asked about initiating the shooting at the Agribusiness Center on a trial basis. Chairman Nevil said it might be premature to make a decision now because of concerns about beginning the Ag-arena. The law enforcement shooting range was discussed again. Mr. Couch and Mr. Akins will investigate the liability issues and the possible options.

Chairman Nevil asked for comments from the public. There were no comments from the public.

Chairman Nevil asked for comments from the Commissioners and staff. Commissioner Simmons commented this was Commissioner Smith's last meeting and said Commissioner Smith has always been an anchor for the Board. He added that Commissioner Smith stands up for what he believes in and he will be missed.

Commissioner Smith commented that he loved being on the Board of Commissioners and it had been a pleasure to serve the citizens of Bulloch County.

Commissioner Thompson asked that the minutes of the Employee Committee be included in the Commissioners' packets.

Chairman Nevil said that an Executive Session was needed to discuss pending litigation. Commissioner Gibson offered a motion to go into Executive Session to discuss pending litigation. Commissioner Jackson seconded the motion and it carried, unanimously. Commissioners Jackson, Simmons, Tankersley, Gibson, Thompson and Smith voted in favor of the motion. See exhibit #2006-188

The regular meeting was reconvened. Chairman Nevil asked for other business or comments. Commissioner Simmons offered a motion to adjourn the meeting. Commissioner Jackson seconded the motion and it carried, unanimously.