

November 21, 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 Jan Tankersley 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 asked for changes or modifications before approval of the General Agenda. Mr. Couch requested two (2) changes to the General Agenda: (1) move the Quitclaim Deed to Hospital Authority item from the consent agenda to item 3 under new business; (2) add item 4 to new business at the request of Planning & Zoning Department for discussion of water supply requirements and flood zone construction requirements. Mr. Brown requested that discussion of property acquisition be added to new business. Commissioner Smith requested that the Bailey property discussed in the last meeting be added to the agenda. Commissioner Tankersley offered a motion to approve the General Agenda as amended. Commissioner Gibson seconded the motion and it carried unanimously.

Chairman Nevil advised the first agenda item was the presentation of a proclamation by the Board to Mr. Charles Sikes. Mr. Couch read the proclamation recognizing Mr. Sikes' service to Bulloch County as Director of Bulloch County Probation Department. Mr. Sikes expressed his appreciation for the support he received during his tenure with the County.

The first order of business was the approval of the minutes of the regular meeting held on November 7, 2006 and the Executive Session held on November 7, 2006. Commissioner Gibson offered a motion to approve the minutes of the regular meeting on November 7, 2006 and the Executive Session on November 7, 2006. Commissioner Jackson 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. Commissioner Thompson asked Ted Wynn, Public Safety Director, if the ghost (dog) had been found. Mr. Wynn said no and explained they have been trying for about a month to catch this animal which has a collar imbedded in its neck. Commissioner Thompson asked if the irrigation problems at Mill Creek have been corrected. Mr. Couch said he was not aware of any problems but would check on the current status of the irrigation system. Commissioner Thompson referred to the concession expenses for the Aquatic Center compared to the budget and the pest control expenses for E911 compared to the budget. Mr. Couch said both of these accounts would be reviewed to see if expenses were being properly allocated. Commissioner Thompson offered a motion to approve the Executive Summary and Financial Report. Commissioner Smith seconded the motion and it carried, unanimously.

Under the Consent Agenda were the following items for consideration: (1) Resolution for the Recreational Trails Grant – see exhibit #2006-167; (2) Grant Award Agreement with One Georgia Authority – see exhibit #2006-168; (3) Contract with International Specialty Underwriters for the employee health plan – see exhibit #2006-169; (4) Contract with Mendola & Associates for tax audit services – see exhibit #2006-170; (5) Intergovernmental Agreement with the Bulloch County Board of Education for tax audit services – see exhibit #2006 – 171; (6) appointment for the Brooklet Park Design of Mr. Mike Rollins and Mr. Henry Esinhart. Commissioner Smith offered a motion to approve the Consent Agenda. Commissioner Gibson seconded the motion and it carried, unanimously.

First item under New Business was a second amendment to the Intergovernmental Agreement with the Development Authority of Bulloch County. Mr. Couch said the purpose of the amendment was to revise the allocation of rental income from the warehouse constructed by the Development Authority for the Wal-mart Distribution Center. He explained the original Intergovernmental Agreement called for the 50-50 split of the rental income after the debt of the facility was satisfied which is expected in early 2007. This amendment would allow the Development Authority to retain 100% of the

rental income, which is approximately \$100,000 per month in exchange for payment of monies due to the county for land and timber sales in an amount of \$163,000 along with any interest earned. This may allow the Development Authority to develop a stream of income and build equity capital. This may also relieve the county of future operational support for the Development Authority. Mr. Couch asked for any questions. Commissioner Tankersley asked if the Development Authority has a clear understanding that under this Agreement the county's contribution for operations could be reduced. Mr. Couch said they understand that is what he is suggesting but they may still ask for some form of operating support. Commissioner Smith said to allow the Development Authority to have a funding mechanism to promote commercial development was the original intent when the facility was built. Chairman Nevil added that having this income will show that the Development Authority has the ability to service any future debt for industrial park expansion. Commissioner Tankersley offered a motion to approve the amendment to the Intergovernmental Agreement with the Development Authority. Commissioner Gibson seconded the motion and it carried, unanimously. See exhibit #2006-172.

The next item of business was discussion and/or action to consider deeding the property from the county to the State of Georgia for the new State Patrol building and to authorize the Georgia State Patrol to transfer the old facility to the Department of Driver Services. Mr. Couch said if the property for the new State Patrol building were deeded to the State of Georgia, the State would assume responsibility for hazard insurance and major repairs. He said the County might want to consider some form of reversion on the property in the deed. Mr. Couch also advised that the Department of Driver Service had an interest in the old State Patrol facility. He said he had a concern that the Department of Driver Service probably wants the county to invest in improvements to this facility. He said the Georgia State Patrol has requested an authorization letter to proceed with the transfer to the Department of Driver Services since the county has the option to have the property transferred from the State back to the County. He commented he didn't think the county would have a useful purpose for this property. Commissioner Smith said if this property were transferred to the Department of Driver Services, he would like to see some stipulation that they would consider expansion of their services such as issuing

licenses for CDL, suspended licenses reinstated, etc. Mr. Couch said he had a strong feeling that if a higher level of service is requested, the county will be induced to make a higher level of investment in the building. He said there has been some limited conversation with two Legislators encouraging them to find State funds to improve the old GSP facility or build a new building. He commented he would prefer a lease purchase similar to the one used for the DFACS building if they want a significant investment. After further discussion it was decided to have a formal resolution and deed for the new GSP building at the next meeting and also have a resolution pertaining to the old GSP facility at the next meeting. Commissioner Jackson commented that he would abstain on any action concerning the GSP facilities because of a conflict of interest.

The next item was a Quitclaim Deed to the Bulloch County Hospital Authority. Mr. Charles Brown first acknowledged his conflict of interest because of his position of legal counsel for the Hospital Authority and the County. He reviewed the history of the property owned by the county and the Hospital Authority on Grady Street. He presented plats showing present ownership of property by the county and the Hospital Authority. He pointed out that all the property east of Granade Street had belonged to the Authority but after HMA finally located the new hospital facility, a deed was prepared from the Authority to the County that conveyed the parking lots, which included .781 acres east of Granade Street. He referenced a plat dated 2001 and said the deed to county was done in 2001 using that plat. However, the Authority retained other property east of the .781 acres and in 2003 the Hospital Authority sold that property to a Savannah medical group. Mr. Brown said he conveyed the property to the Savannah medical group using the 2001 plat. He said he has learned that during the negotiations for the sale the Hospital Authority obtained a new plat, which included part of the parking lot and represented to the purchaser that was the property he was purchasing. He said the Authority also sold another parcel to Mr. Burke along with part of the parking lot. He said the problem is that the deed to the Savannah medical group and Mr. Burke overlap about 25 feet into the parking lot. Mr. Brown explained that the County and the Savannah medical group and Mr. Burke own a strip of property of about 25 feet. He said the Quitclaim Deed conveys this 25 feet back to the Hospital Authority to correct this error. Commissioner Smith offered a motion to approve the Quitclaim Deed to the Hospital Authority.

Commissioner Thompson seconded the motion and it carried, unanimously. See exhibit #2006 – 173.

Mr. Brown asked for the opportunity to discuss the acquisition of property which had been properly discussed in a previous closed session. He referenced the four-point area of Pretoria Rushing Road and said the county has plans to utilize property in this area for a trailhead for the S&S Greenway to Brooklet and perhaps change the intersection. He pointed out the 25-foot strip of land owned by Mr. M.S. Brannen and lot 1 of the Old Field Subdivision owned by Jimmy Lanier. He said Mr. Brannen's property was appraised at \$500 and Mr. Brannen has agreed to accept the appraised value. An appraisal of Mr. Lanier's property (Lot 1 Old Field Subdivision) shows a value of \$31,000. Mr. Brown said there is no understanding with Mr. Lanier at this time but he thinks Mr. Lanier will accept this appraised value with the condition that 35 feet of the east portion of lot 1 be restricted to green space to protect lot 2 of Old Field Subdivision where a house is presently located. He said this property would probably be obtained by a friendly condemnation because of restrictions on lot 1. He asked the Board to consider a motion to proceed with the purchase of these two parcels of property. Commissioner Jackson offered a motion to authorize the purchase of the property of M.S. Brannen for the amount of \$500 and authorize the purchase of lot 1 of Old Field Subdivision owned by Mr. Lanier for the amount of \$31,000 through condemnation action. Commissioner Simmons seconded the motion and it carried, unanimously.

The next item of new business was discussion concerning building and zoning issues regarding water supply requirements in AG-5 subdivisions, the use of fill dirt for lots within flood zones and the enforcement issues regarding Mr. Bill Bailey on the Benjamin Eichholz property. Chairman Nevil asked Ms. Cheryl Tatum, Zoning Administrator to present these items.

Ms. Tatum said that at one time the Ordinance had required a community water system if ten lots or more were developed but the Ordinance was changed to allow for AG-5 development. The change provides that if all lots are 5 acres or larger, a water system is not required regardless of the number of lots. She said this opened up the flood gates for AG-5 development and asked if the Board wanted to pursue going back to requiring a community water system for more than 10 lots in an AG-5 development.

Requiring water systems in an AG-5 could curtail some development of agricultural lands. Mr. Couch asked the average lot size of AG-5 subdivisions and how many lots were usually in AG-5 subdivisions. Ms. Tatum advised that most lots were 5 acres but the biggest issue is that the subdivisions usually begin with 10 lots or less and then they use the flag lot provision to enlarge the development. Commissioner Smith said one thing to consider is adequate water flow and when you consider AG-5 it will be an average of 500 feet between properties. He said a water system in an AG-5 development would probably have problems. After more discussion of water systems in an AG-5 development it was decided not to change the Ordinance but to find an alternative solution to slow development of agricultural lands.

Ms. Tatum said another issue for the Board's consideration was fill dirt in flood zones. She advised the Ordinance previously stated that if fill dirt was required in a flood zone area, a building permit could not be issued. The reasoning for this provision was if fill dirt is brought into a flood zone, it changes the lay of the land and the way water flows. It was changed when the developers petitioned the Board of Health to lift this restriction and now there are flood zones where three feet of fill dirt is being used in order to get a septic tank system. She said the question is does the Board want to leave this provision as it is or maybe change it in some way such as allowing 12 inches of fill dirt. Mr. Couch asked if there were problems with these septic systems. Ms. Tatum said yes, there have been some problems but the biggest problem with 3 inches of fill is the effect on the adjacent property. Mr. Couch asked if the Board of Health was weighing in on this issue. Ms. Tatum stated they would probably prefer to leave it as is because of the developers. Chairman Nevil said development in flood zones leads to other problems and the county is blamed because of inadequate drainage. The county requirement concerning fill dirt in flood zones being more restrictive than the Health Department was discussed. Mr. Akins said it would probably be good to have the Health Department participate in any changes concerning fill. Commissioner Simmons who is on the Board of Health will further discuss this issue with Staff and the Board of Health.

Ms. Tatum asked Commissioner Smith if he wanted to discuss the Bill Bailey issue. Commissioner Smith said at the last meeting there was discussion about Mr. Bailey's location of campers being illegal and the violation of the county's ordinance by

dumping sewerage. These campers were to be removed from the property within one week but after two weeks the campers have not been removed. He said he would like the county to pursue necessary action to levy fees for his violations and to remove the campers. Mr. Akins responded that the county is in the process of issuing the citations. Mr. Couch added the county is prepared to take strict enforcement action.

Chairman Nevil asked if there were any comments from the public. There were no comments from the public.

Chairman Nevil asked for comments from the commissioners and staff. Mr. Couch gave two available dates for the Board tour with the Georgia Ports Authority, the week of December 4 – 8 or the week December 18 – 21. It was decided to give the date of December 20th as the first choice and December 18th as the second choice. He announced the volunteer fire fighters appreciation dinner was scheduled at 7:00 p.m. on Thursday, November 30th at the Gateway Pond House and the county employee reception will be from 4:00 p.m. to 8 p.m. on December 6th at the Honey Bowen Building.

Mr. Couch introduced the new Human Resource Director, Ms. Pamela Brinck..

Chairman Nevil stated that an Executive Session was needed to discuss personnel matters. Commissioner Simmons offered a motion to go into Executive Session to discuss personnel matters. 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 – 174.

The regular meeting was reconvened. Chairman Nevil asked for other business or comments. Commissioner Thompson referenced the financial reports and commented on the problem with the expenses versus revenue for EMS. There was some discussion of operations at EMS. Mr. Couch advised bids were being solicited for an EMS audit.

Commissioner Simmons offered a motion to adjourn the meeting. Commissioner Tankersley seconded the motion and it carried unanimously.