

August 17, 2010
Statesboro, GA

Regular Meeting

The Board of Commissioners met at 5:00 p.m. in the Community Room of the North Main Annex. Chairman Nevil welcomed guests and called the meeting to order. Chairman Nevil also gave the invocation and the pledge of allegiance.

Ms. Maggie Fitzgerald, Clerk of the Board, performed the roll call of the commissioners and staff. The following commissioners were present: Chairman Nevil, Vice Chairman Rushing, Commissioner Ethridge (arrived at 5:17 pm), Commissioner Simmons, Commissioner Mosley, Commissioner Thompson, and Commissioner Gibson. The following staff were present: County Manager Thomas Couch, Staff Attorney Jeff Akins, Chief Financial Officer Harry Starling, Development Services Director Andy Welch, Purchasing Director Kenneth Trapnell, Statesboro Bulloch County Parks and Recreation Director Mike Rollins, County Engineer Kirk Tatum, Public Safety Director Ted Wynn, Fire Chief Randy Walker, County Attorney Charles Brown, Chief Tax Assessor John Scott, and Tax Commissioner James Deal.

After Roll Call, the first item of business was the approval of the General Agenda. Chairman Nevil asked for amendments or modifications of the General Agenda. County Manager Thomas Couch asked to address the Board, and requested that the following amendments be made to the General Agenda: (1) to add as New Business Item #1 for the discussion and/or action to authorize the County Manager to issue an award and purchase order for a sole source procurement for used fire trucks and financing and (2) to add as New Business Item #2 for the discussion and/or action to authorize the execution of a Memorandum of Understanding between the Board of Commissioners, the Development Authority, the City of Statesboro, and Great Dane for economic incentives and other matters. Hearing no further amendments or modifications, Commissioner Simmons offered a motion to approve the General Agenda as amended. Commissioner Mosley seconded the motion, and it carried unanimously.

The next item of business was the approval of the Minutes for the Regular Meeting and Executive Session that were held on August 3, 2010. Chairman Nevil called for corrections or modifications to the Minutes. Without hearing any corrections or

modifications, Commissioner Gibson offered a motion to approve the minutes of the meetings as presented. Commissioner Rushing seconded the motion, and it carried unanimously.

Chairman Nevil asked for public comments from the audience at large or in writing. Clerk of the Board Maggie Fitzgerald and County Manager Thomas Couch both stated there were no formal requests or petitions received in writing. Hearing no comments from the public, Chairman Nevil moved forward to the next item on the Agenda.

The next item on the Agenda was to approve the Consent Agenda as follows: (1) to authorize the appointment of Mr. Bill Bolen and Mrs. Susan Nubern to the Statesboro Regional Library Board; (2) to authorize the re-appointment of Dr. Ron Shiffler to the Coastal Regional Commission; (3) to authorize the County Manager to issue an award and purchase order based on the Staff recommendation for a sole source procurement with Challenger Sports to offer the 2011 British Soccer Camp for the Parks and Recreation Department (See Exhibit #2010-148); (4) to authorize the County Manager to issue an award, purchase order, and term contract based on the Staff recommendation for the lowest and most responsible bid with Sports Section Photography to offer program participant pictures for the Parks and Recreation Department (See Exhibit #2010-149); (5) to authorize the County Manager to issue an award, purchase order, and short-term construction contract based on the Staff recommendation for the lowest and most responsible bid by Y-Delta for various building repairs at Mill Creek Park for the Parks and Recreation Department (See Exhibit #2010-150); (6) to authorize the County Manager to issue an award and purchase order based on the Staff recommendation for the lowest and most responsible bid by Ditch Witch of Georgia for a wood chipper to be used by the Roads and Bridges Department (See Exhibit #2010-151); (7) to authorize the County Manager to issue an award and purchase order based on the Staff recommendation for the lowest and most responsible bid for three motor graders from Industrial Tractor and one motor grader with a sloper attachment from Yancey Brothers to be used by the Roads and Bridges Department (See Exhibit #2010-152); (8) to authorize the County Manager to issue an award and purchase order based on the Staff recommendation for the lowest and most responsible bid by Yancey Brothers for a rotary

cutter to be used by the Roads and Bridges Department (See Exhibit #2010-153); and (9) to authorize the County Manager to issue an award and purchase order based on the Staff recommendation for the lowest and most responsible bid by Freightliner for four dump trucks to be used by the Roads and Bridges Department (See Exhibit #2010-154). Without discussion, Commissioner Thompson offered a motion to approve the Consent Agenda as presented. Commissioner Mosley seconded the motion, and it carried unanimously.

Without any Old or Unfinished Business, Chairman Nevil stated that the first item of New Business was the discussion and/or action to authorize the County Manager to issue an award and purchase order based on the Staff recommendation for the sole source procurement for one used fire engine from Brindlee Mountain Fire Apparatus of Union Grove, Alabama, for \$105,000.00 and one used tanker from M3 Fire Apparatus of Lawrenceburg, Tennessee, and the approval of lease financing with Leasing 2. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the engine would be housed at the Stilson fire station and that the tanker would be housed at the Clito fire station. Mr. Couch stated that the purchase of the engine and tanker would help the County to lower the ISO ratings in the more rural areas. Commissioner Thompson stated that the rural fire department has been doing a very good job. Without further discussion, Commissioner Thompson offered a motion to authorize the County Manager to issue an award and purchase order based on the Staff recommendation for the sole source procurement for one used fire engine from Brindlee Mountain Fire Apparatus of Union Grove, Alabama, for \$105,000.00 and one used tanker from M3 Fire Apparatus of Lawrenceburg, Tennessee, and the approval of lease financing with Leasing 2 (See Exhibit #2010-155). Commissioner Rushing seconded the motion, and it carried unanimously.

Chairman Nevil stated that the second item of New Business was the discussion and/or action to authorize the Chairman of the Board to execute a Memorandum of Understanding (MOU) between the Board of Commissioners, the Development Authority of Bulloch County, the City of Statesboro, and Great Dane for economic incentives and other matters. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the MOU articulates the

details associated with Great Danes relocation. Mr. Couch called on the Development Authority's Attorney, Mr. Stephen Rushing to further discuss the details of the MOU, and Mr. Rushing stated that the MOU lists the incentives that the County, the Development Authority, and the City are contributing towards the project. Mr. Rushing discussed the goals and capital contributions that must be accomplished in 10 years in order for Great Dane to keep the incentives. Mr. Rushing stated that, for tax purposes, the Development Authority will lease the property for a twenty year period. Mr. David Holland, Chairman of the Development Authority, thanked the Board for their support and dedication to economic development. After further discussion, Commissioner Ethridge offered a motion to authorize the Chairman of the Board to execute a Memorandum of Understanding (MOU) between the Board of Commissioners, the Development Authority of Bulloch County, the City of Statesboro, Great Dane Limited Partnership, and Pines Trailer Corporation (See Exhibit #2010-156). Commissioner Simmons seconded the motion, and it carried unanimously.

Chairman Nevil stated that the Board would take a ten minute recess before proceeding with the scheduled Workshop.

The meeting was reconvened after the recess for the Workshop, and Chairman Nevil called on the first presenter, County Attorney Charles Brown, to present his topic of Ethics. Mr. Brown stated that when it comes to ethical issues, perception can be more important than facts, and that perception can ruin an individual's reputation and/or career. Mr. Brown discussed the Georgia State Constitution in regards to what it means to be a trustee of the public good. Mr. Brown discussed how the Board is bound by the Georgia State Code of Ethics, and reviewed the section regarding conflicts of interest. Mr. Brown reviewed malpractice in office and how it is a criminal offense, doing business with the county and improper influence or bribery. Mr. Brown discussed the County Ordinance in regards to the Ethics Code, Impartiality, Conflicts of Interest, Interest and Contracts Involving Officers, Use of Prestige of Office, and the Solicitation or Acceptance of Gifts.

For the second presentation, Chairman Nevil called on Mr. George Rountree to discuss the Georgia Open Records Act. Mr. Rountree defined and gave examples of "public records", and stated that if a record has anything to do with County business then it is a public record and must be disclosed. Mr. Rountree reviewed the process and

procedures of how to handle open records requests. Mr. Rountree discussed the exceptions to the open records act, and the difference between when a disclosure of a record is prohibited and when disclosure of a record is discretionary. Mr. Rountree also discussed when public access to a record may be withheld temporarily. In conclusion, Mr. Rountree discussed the penalty for violating the Open Records Act.

For the last presentation, Chairman Nevil called on Staff Attorney Jeff Akins to discuss the Georgia Open Meetings Act. Mr. Akins stated that the courts have held that “the Open Meetings Act must be broadly construed to affect its purposes of protecting the public and individuals from closed-door meetings,” and that if it’s questionable whether there has been a violation of the Open Meetings Act, the courts would generally conclude that there has been a violation. Mr. Akins reviewed the definition of a meeting, the exceptions, and the requirements for a meeting. Mr. Akins discussed some exceptions that allowed for an Executive Session or closed meeting: (1) to discuss pending or potential litigation, (2) to discuss the future acquisition of real estate, (3) to discuss personnel matters, and (4) to discuss documents relating to security from terrorist attacks. In conclusion, Mr. Akins discussed the procedures for the Board to enter into an executive session legally.

After further discussion, Chairman Nevil called for comments or questions from the Board or Staff. Hearing none, Commissioner Gibson offered a motion to adjourn the meeting. Commissioner Simmons seconded the motion, and it carried unanimously.

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of the Board