

December 7, 2010
Statesboro, GA

Regular Meeting

The Board of Commissioners met at 5:30 p.m. in the Community Room of the North Main Annex. Chairman Nevil welcomed guests and called the meeting to order. Commissioner Anthony Simmons 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 Simmons, Commissioner Thompson, and Commissioner Gibson. The following staff were present: County Manager Thomas Couch, Staff Attorney Jeff Akins, Development Services Director Andy Welch, Chief Financial Officer Harry Starling, Tax Commissioner James Deal, Statesboro Bulloch County Parks and Recreation Director Mike Rollins, Deputy Clerk Christy Strickland, and Zoning Administrator Randy Newman.

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 amendment be made to the General Agenda: (1) To add Item #8 under the New Business Agenda for the discussion and/or action to dispense with the reading to adopt a Resolution to amend a lease-purchase agreement for the purchase of fire trucks and equipment and (2) to defer the Executive Session for potential real estate acquisition until the next meeting. Hearing no further amendments or modifications, Commissioner Simmons offered a motion to approve the General Agenda as amended. Commissioner Rushing seconded the motion, and it carried unanimously.

The next item of business was the approval of the Minutes for the Regular Meeting held on November 16, 2010, and the Special Called Meeting held on November 22, 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 as presented. Commissioner Simmons seconded the motion, and it carried unanimously.

Chairman Nevil stated that the next item on the Agenda was a Presentation petitioned by the Hospital Authority of Bulloch County to present Hospice with a deed for land. Chairman Nevil called on Anna Swicord from the Hospital Authority, and Mrs. Swicord presented the members of the Hospice Board with a deed for the land from the Hospital Authority. Mrs. Trish Tootle and Mrs. Nancy Bryant thanked the Board and Hospital Authority for the land that is needed to further expand the Hospice Facility. Chairman Nevil thanked the members of the Hospice Board and Mrs. Swicord for their presentation.

Chairman Nevil stated that the Board would conduct a Public Hearing to consider a petition for a proposed Special Tax District for Road and Drainage Improvements for properties fronting Sterling Court located in Countryside Subdivision in Unincorporated Bulloch County. The notice for the Public Hearing was duly advertised on Thursday, November 25, 2010, in the Statesboro Herald (See Exhibit #2010-193). Chairman Nevil called for a motion to open the Public Hearing for citizen input. Commissioner Simmons offered a motion to open the Public Hearing. Commissioner Gibson seconded the motion, and it carried unanimously. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the owners of lots with access on Sterling Court submitted a petition to create a special road tax district for the paving and improvements of Sterling Court. Mr. Couch stated that the petition was signed by at least 75%, but less than 100% of the lot owners in the proposed district. Mr. Couch stated that in accordance with the road tax district ordinance, a public hearing must be held on this issue since less than 100% of the lot owners signed the petition. After further discussion from Mr. Couch, Chairman Nevil opened the floor for public comment and Mr. Bruce Hope stated that he had been maintaining the road and trying to keep it up for a while, and asked that the Board approve the special tax district. Mr. Kim Parker also asked the Board to approve the special tax district. After further discussion, Chairman Nevil called for a motion to close the Public Hearing. Commissioner Gibson offered a motion to close the Public Hearing. Commissioner Rushing seconded the motion, and it carried unanimously.

Next, 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. Mr. W. Lester asked to address the Board, and asked for an update regarding the paving of Banks Creek Road. County Manager Thomas Couch stated that the County Engineer was working to secure all of the necessary signatures needed from the property owners. After further discussion and hearing no further comments from the public, Chairman Nevil moved forward to Consent Agenda.

The next item on the Agenda was to approve the Consent Agenda as follows: (1) To accept the Staff recommendation authorizing the County Manager to execute an agreement under a sole source procurement with the Doyle Baseball Academy to provide a program of baseball and softball instruction for the Parks and Recreation Department (See Exhibit #2010-194); (2) To accept the Staff recommendation authorizing the County Manager to execute a purchase order based on the lowest and most responsible and responsive bid with the Sport Supply Group to provide baseball and softball uniforms for the Parks and Recreation Department (See Exhibit #2010-195); and (3) To accept the Staff recommendation authorizing the County Manager to execute a lease-purchase agreement with BB&T Municipal Finance based on the most advantageous proposal for the financing of previously procured equipment (See Exhibit #2010-196). Without discussion, Commissioner Simmons offered a motion to approve the Consent Agenda as presented. Commissioner Rushing seconded the motion, and it carried unanimously.

Chairman Nevil stated that the only item of Old or Unfinished Business was the discussion and/or action to consider the lowest and most responsible bid for fencing installation for the Mill Creek Tennis Center Project. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that this item had been deferred from the Special Called Meeting held on November 22, 2010, in order for the Staff to further review the bidders. Mr. Couch called on Statesboro Bulloch County Parks and Recreation Director Mike Rollins for further information, and Mr. Rollins stated that Nationwide Fence Company was a very new company which does not have much commercial fencing experience and is not incorporated yet. Mr. Rollins stated that Central Fencing was a better choice due to 25 years of experience. Staff Attorney Jeff Akins stated that the Board has the flexibility to award the bid to the most responsible bidder. Without further discussion, Commissioner

Thompson offered a motion to approve a bid for \$76,318.00 to Central Fence of Swainsboro, Georgia, for the installation of fencing for the Mill Creek Tennis Center. Commissioner Gibson seconded the motion, and it carried unanimously.

With no further items of Old or Unfinished Business, Chairman Nevil stated that the first item of New Business was the discussion and/or action to dispense with the reading to adopt the resolution for the purpose of authorizing a Special Tax District for Road and Drainage Improvements for property owners fronting Sterling Court located in Countryside Subdivision in Unincorporated Bulloch County. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the adoption of the resolution would create the road tax district in accordance with the terms of the County's Ordinance. Without further discussion, Commissioner Thompson offered a motion to adopt the resolution for the purpose of authorizing a Special Tax District for Road and Drainage Improvements for property owners fronting Sterling Court located in Countryside Subdivision in Unincorporated Bulloch County (See Exhibit #2010-198). 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 dispense with the reading to adopt the resolution for the purpose of reaffirming the Ad Valorem Tax due date of December 1st. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that Tax Commissioner James Deal requested that the December 1 due date for taxes be reaffirmed based on a recommendation from the Department of Revenue (DOR) to eliminate any confusion caused by Senate Bill 346. After further discussion, Commissioner Simmons offered a motion to adopt the resolution for the purpose of reaffirming the Ad Valorem Tax due date of December 1st (See Exhibit #2010-199). Commissioner Gibson seconded the motion, and it carried unanimously.

Chairman Nevil stated that the third item of New Business was the discussion and/or action to dispense with the reading and adopt an amendment to Chapter 6.5 of the Bulloch County Code of Ordinances, which amendment adds a new Article IV to provide for governing standards for outdoor watering pursuant to O.C.G.A. 12-5-7. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the

matter, and Mr. Couch stated that at the last session, the General Assembly passed Senate Bill 370 which, among other things, amended O.C.G.A. §12-5-7 to require that counties and municipalities adopt ordinances governing outdoor watering no later than January 1, 2011. Mr. Couch stated that enforcing the ordinance will be difficult considering that the County does not offer water or other utilities, and expects that the privately owned water systems will manage water use by their consumers. Without further discussion, Commissioner Gibson offered a motion to adopt an amendment to Chapter 6.5 of the Bulloch County Code of Ordinances, which amendment adds a new Article IV to provide for governing standards for outdoor watering pursuant to O.C.G.A. 12-5-7 (See Exhibit #2010-200). Commissioner Simmons seconded the motion, and it carried unanimously.

Chairman Nevil stated that the fourth item of New Business was the discussion and/or action to grant an Alcoholic Beverage License for Package Retail Beer and Wine Sales to Yug's Food Mart located at 3180 Highway 25 North, Statesboro, Georgia, in Unincorporated Bulloch County. Chairman Nevil called on Clerk of the Board Maggie Fitzgerald to initiate the discussion regarding the matter, and Ms. Fitzgerald stated that there was no apparent reason to deny the applicant, and that approval of the license was recommended. Without further discussion, Commissioner Rushing offered a motion to approve an Alcoholic Beverage License for Package Retail Beer and Wine Sales for Hinal Patel at Yug's Food Mart located at 3180 Highway 25 North, Statesboro, Georgia, in Unincorporated Bulloch County. Commissioner Thompson seconded the motion, and it carried unanimously.

Chairman Nevil stated that the fifth item of New Business was the discussion and/or action to grant an Alcoholic Beverage License for Package Retail Beer and Wine Sales to Chevron Food Mart located at 9651 US Highway 301 South, Statesboro, Georgia, in Unincorporated Bulloch County. Chairman Nevil called on Clerk of the Board Maggie Fitzgerald to initiate the discussion regarding the matter, and Ms. Fitzgerald stated that there was no apparent reason to deny the applicant, and that approval of the license was recommended. Without further discussion, Commissioner Simmons offered a motion to grant an Alcoholic Beverage License for Package Retail Beer and Wine Sales to Samir Patel for Chevron Food Mart located at 9651 US Highway

301 South, Statesboro, Georgia, in Unincorporated Bulloch County. Commissioner Rushing seconded the motion, and it carried unanimously.

Chairman Nevil stated that the sixth item of New Business was the discussion and/or action to grant an Alcoholic Beverage License for Package Retail Beer and Wine Sales to Snack Barrel #17 located at 6862 Sinkhole Road, Statesboro, Georgia, in Unincorporated Bulloch County. Chairman Nevil called on Clerk of the Board Maggie Fitzgerald to initiate the discussion regarding the matter, and Ms. Fitzgerald stated that there was no apparent reason to deny the applicant, and that approval of the license was recommended. Without further discussion, Commissioner Rushing offered a motion to grant an Alcoholic Beverage License for Package Retail Beer and Wine Sales to Robert Scroggs at Snack Barrel #17 located at 6862 Sinkhole Road, Statesboro, Georgia, in Unincorporated Bulloch County. Commissioner Simmons seconded the motion, and it carried unanimously.

Chairman Nevil stated that the seventh item of New Business was the discussion and/or action to grant renewals of Alcoholic Beverage License for Package Retail Beer and Wine Sales, Retail Beer and Wine by the Drink, Pouring, and Farm Winery Sales to various establishments possessing a 2010 license in Unincorporated Bulloch County. Chairman Nevil called on Clerk of the Board Maggie Fitzgerald to initiate the discussion regarding the matter, and Ms. Fitzgerald stated that there was no apparent reason to deny the applicants for renewal, and that approval of the renewal licenses was recommended. Without further discussion, Commissioner Simmons offered a motion to grant renewals of Alcoholic Beverage License for Package Retail Beer and Wine Sales, Retail Beer and Wine by the Drink, Pouring, and Farm Winery Sales to various establishments possessing a 2010 license in Unincorporated Bulloch County (See Exhibit #2010-201). Commissioner Rushing seconded the motion, and it carried unanimously. Ms. Fitzgerald continued that Mr. Ankurkumar Patel of Sunfly #2 and #3 lied on both of his renewal applications regarding his arrest in May 2010 for Commercial Gambling, violation of the Georgia RICO Act, and for keeping a gambling place. Ms. Fitzgerald stated that all three charges are Felonies, but that Mr. Patel stated on his renewal applications that he had never been arrested. After further discussion, Commissioner Thompson offered a motion to deny the renewal of two alcoholic beverage

licenses for package retail beer and wine for Mr. Ankurkumar Patel for the stores Sunfly #2 and Sunfly #3. Commissioner Gibson seconded the motion, and it carried unanimously. Next, Ms. Fitzgerald stated that Mr. Luther Rogers, III, of A to Z Truck Stop also lied on his renewal applications regarding his arrests in 1992 and 1996. Ms. Fitzgerald stated that the charges were misdemeanors, and even if Mr. Rogers had been convicted, the charges would not have made him ineligible for an alcohol license. Ms. Fitzgerald also stated that Mr. Rogers has been a license holder for several years. After further discussion, Commissioner Rushing recused himself from voting because his nephew owns the property and building that houses the A to Z Truck Stop. Commissioner Simmons offered a motion to grant Mr. Rogers of A to Z Truck Stop a renewal for an Alcoholic Beverage License for Package Retail Beer and Wine Sales for 2011. Commissioner Thompson seconded the motion, and it carried unanimously. Commissioner Simmons, Commissioner Thompson, and Commissioner Gibson voted in favor of the motion. Commissioner Rushing did not vote.

Chairman Nevil stated that the eighth and final item of New Business was the discussion and/or action to dispense with the reading to adopt a resolution to amend the lease purchase agreement with Leasing 2 for the purchase of fire trucks and equipment. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the amendment authorizes the County as Lessee to hold title to the vehicles during the term of the Agreement, rather than having title vest in the Lessor as required by the original agreement. Without discussion, Commissioner Thompson offered a motion to approve a resolution to amend the lease purchase agreement with Leasing 2 for the purchase of fire trucks and equipment (See Exhibit #2010-202). Commissioner Gibson seconded the motion, and it carried unanimously.

County Manager Thomas Couch asked to address the Board, and Mr. Couch recommended removing the scheduled recess from the agenda, and proceeding with the Planning and Zoning Meeting due to time constraints. The Board agreed, and Chairman Nevil welcomed the guests and called the Zoning and Land Use meeting to order. Chairman Nevil asked Zoning Administrator Randy Newman to present the only item of business.

Zoning Administrator Randy Newman presented Item #1 which was an application submitted by Kevin Deal requesting a modification to conditions on a rezone that was approved by the Board of Commissioners on June 1, 2010, stating that if any of the uses of the property should change or expand, the applicant would be required to apply for a modification of the zoning conditions. Mr. Newman stated that Mr. Deal is requesting the modification in order to operate a bakery in the existing building. Mr. Newman stated that the property consists of 5 acres and is located on Highway 67, tax map #111 000011 000. The Planning and Zoning Commission and Staff voted to approve the request. Mr. Newman stated that this item was deferred at the November 2, 2010, meeting. Mr. Deal asked the Board to approve his request, so that the business could open on December 8, 2010, to start production for peanut butter pralines. Mr. Newman stated that no one signed up to speak in favor or against the request. Without further discussion, Commissioner Thompson offered a motion to approve Mr. Kevin Deal's request to operate a bakery in an existing building on the property (See Exhibit #2010-203). Commissioner Simmons seconded the motion, and it carried unanimously.

Sign-in sheets for Zoning Matters are shown in Exhibit #2010-204.

Chairman Nevil asked if there were any comments from the Commission or Staff. Chairman Nevil asked each Commissioner to take thirty seconds for any general comments or statements, beginning with Commissioner Simmons and then proceeding down the bench accordingly. Hearing no comments from the Board, Chairman Nevil asked for comments from the Staff, and Clerk of the Board Maggie Fitzgerald reminded the Board about the Employee Committee Christmas Breakfast and Campaign Ethics Memo from the Association of County Commissioners of Georgia.

Hearing no further comments from the Board or Staff, Chairman Nevil stated that there was no further business for the open session of the regular agenda, and the Board must close the meeting and enter into Executive Session to discuss Personnel Matters. Chairman Nevil stated that at the conclusion of the Executive Session, which was expected to last about ten minutes, the Board would reconvene to adjourn the meeting. Chairman Nevil called for a motion to adjourn into Executive Session in accordance with the provisions of O.C.G.A. 50-14-3 and other applicable laws, pursuant to the advice of the Chief Corporate Counsel, Jeff Akins, for the purposes of deliberating on personnel

matters. Without further discussion, Commissioner Rushing offered a motion to enter into Executive Session to discuss personnel matters (See Exhibit #2010-205). Commissioner Simmons seconded the motion, and it carried unanimously. Commissioner Simmons, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson voted in favor of the motion.

Chairman Nevil reconvened the Regular Meeting and asked if there were any further comments from the Commission or Staff. Hearing no further comments from the Board or Staff, Chairman Nevil asked for a motion to adjourn. Commissioner Thompson 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