

July 21, 2009
Statesboro, GA

Regular Meeting

The Board of Commissioners met at 8:30 a.m. in the Community Room of the North Main Annex. Chairman Nevil welcomed guests and called the meeting to order. Commissioner Robert Rushing 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, Commissioner Tankersley, Commissioner Jackson, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson. The following staff were present: County Manager Thomas Couch, Staff Attorney Jeff Akins, Chief Financial Officer Harry Starling, Purchasing Manager Kenneth Trapnell, Transportation Director Eddie Smith, County Engineer Kirk Tatum, Public Safety Director Ted Wynn, Human Resource Director Heather McNeal, Probate Judge Lee Deloach, Deputy Clerk Christy Strickland, and Planning and Zoning Development Director Andy Welch.

After Roll Call, the first item of business was the approval of the Minutes for the Regular Meeting held on July 7, 2009. Clerk of the Board Maggie Fitzgerald stated that Commissioner Rushing informed her of one correction in the last paragraph, and that the error had already been noted for correction. Without further discussion, Commissioner Tankersley offered a motion to approve the minutes of the meeting with one correction noted by Ms. Fitzgerald. Commissioner Gibson seconded the motion, and it carried unanimously.

The next 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 requested to amend the agenda by: (1) Modifying Item #2 under the Consent Agenda by withdrawing the re-appointment of Mr. Earl Dabbs to the Development Authority of Bulloch County at the appointee's request; (2) Adding as Item #7 to the Consent Agenda, a deferred item from a previous meeting concerning the approval of a bid for the construction of the Recycling Processing Center under a joint construction project with the City of Statesboro; and (3) Withdrawing Item #5, the discussion and/or action regarding the naming of an unnamed road that is proximate to

the Agribusiness Center, under New Business in order to have further consultation with the Chairman and Staff. Without hearing any further amendments or modifications, Commissioner Jackson offered a motion to approve the General Agenda with the three modifications as requested by the County Manager. Commissioner Tankersley 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 stated there were no formal requests or petitions received in writing. Mr. Jimmy Hayes, of Stilson, asked to address the Board, and stated that he is against City-County Consolidation because when government grows, the cost grows. Mr. Hayes continued by stating that he opposes spending \$20,000.00 for the Consolidation study. Mr. Hayes also discussed his dislike of the County paying a Veterinarian to euthanize the animals at the shelter, and stated that Carbon Monoxide was a much cheaper and humane method. In conclusion, Mr. Hayes discussed his idea to use incinerators, like the Scandinavian Countries use, to burn trash instead of expanding the County's Solid Waste and Recycling Centers. After further discussion from the Board and Mr. Hayes, Chairman Nevil asked if any other audience members would like to address the Board. Hearing no further Public Comments, Chairman Nevil moved forward to the scheduled Presentations.

Chairman Nevil stated that the first Presentation was petitioned by Mr. Ken Whitaker of Newell Recycling to discuss revenue opportunities for the County's Solid Waste recyclable products. Chairman Nevil called on Mr. Whitaker to come forward and proceed with his Presentation. Mr. Whitaker stated that Newell Recycling would like to work with the County by purchasing the County's scrap metal, instead of the County sending the scrap metal to the landfill in Jesup. Mr. Whitaker stated that the County would be a commercial customer, and would be paid fair market value for the scrap metal. Mr. Whitaker also informed the Board that the County would save money and generate revenue by selling the scrap metal to Newell Recycling and that with 100 tons of metal a month, the County could generate \$17,000.00 a month. Without further discussion, Chairman Nevil thanked Mr. Whitaker for his presentation, and moved forward to the next Presentation on the Agenda.

Chairman Nevil stated that the second Presentation was petitioned by Ms. Donna Whitt on behalf of the Bulloch County C.H.I.L.D. Coalition, which is a local partnership that has been formed to address the growing epidemic of childhood obesity and physical inactivity. Chairman Nevil called on Ms. Whitt to come forward and proceed with her Presentation. Ms. Whitt introduced her coalition members and partners as Dr. Barry Joiner, Chair of the Department of Health and Kinesiology at Georgia Southern University, and Ms. Cindy Hart, Lead Nurse at the Bulloch County Health Department. Dr. Barry Joiner presented the Board with a short video and Ms. Hart presented the Board with a slide show Presentation, which both gave an overview and information regarding why there is a need for the C.H.I.L.D. Coalition in Bulloch County. Ms. Whitt concluded by stating that she needed a Letter of Support from the Board in order to be approved for the free National Institute of Health's "We Can" Program. Ms. Whitt stated that she would send a template of the Letter of Support to Clerk of the Board Maggie Fitzgerald. After further discussion, Chairman Nevil stated that he looked forward to learning more about the C.H.I.L.D. Coalition and thanked the presenters for their information.

The next item on the Agenda was to approve the Consent Agenda as presented and amended: (1) To dispense with the reading and adopt a Resolution to amend the Employee Personnel Policies pertaining to Sick Leave as recommended by the Employee Committee and the Human Resource Director; (2) To authorize the appointment of Mr. David Holland, Mr. Bruce Yawn, and Mrs. Beth Matthews to the Development Authority of Bulloch County; (3) To authorize the County Manager to execute the acceptance of a contract renewal and blanket purchase order based on the Staff recommendation for the lowest and most advantageous bid for uniforms from Uniforms Unlimited of Athens, Georgia (See Exhibit #2009-95); (4) To authorize the County Manager and Chief Financial Officer to execute an agreement with BB&T Financial for a commercial credit card plan pursuant to the current full service banking proposal (See Exhibit #2009-96); (5) To authorize the County Manager to execute a blanket purchase order and fixed price agreement, based on the Staff recommendation, for the lowest and most advantageous bid for automotive and equipment filters from Mallard Auto Parts of Statesboro, Georgia (See Exhibit #2009-97); (6) To dispense with the reading and adopt a Resolution

authorizing the County Manager to execute a lease-purchase agreement with Bancorp South Equipment Finance for Schedule #4 pertaining to the acquisition of heavy equipment (See Exhibit #2009-98); and (7) To authorize the County Manager to approve the bid results from Pope Construction Company of Statesboro for the expansion of the Recycling Processing Center and Solid Waste Transfer Station. County Manager Thomas Couch asked to address the Board, and requested that Item #1 on the Consent Agenda, to dispense with the reading and adopt a Resolution to amend the Employee Personnel Policies pertaining to Sick Leave as recommended by the Employee Committee and the Human Resource Director, be moved to the last item under the New Business Agenda. Mr. Couch stated that Human Resource Director Heather McNeal informed him before the meeting that he failed to include the appropriate language concerning retroactivity for the amendment to the Sick Leave Policy. Without any further discussion from the Board, Commissioner Thompson offered a motion to approve the Consent Agenda as amended by moving the first item to the last item of New Business. Commissioner Gibson seconded the motion, and it carried unanimously.

With no 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 and authorize a resolution to transfer an amount not to exceed \$20,000.00 within the Fiscal Year 2010 General Fund Budget from the Fund Stabilization Account to the Board of Commissioners Account to pay for one half of the cost in an equal share with the City of Statesboro to conduct a City-County Consolidation Study by the Carl Vinson Institute of Government under a sole source procurement (See Exhibit #2009-99). Chairman Nevil informed the Board and the audience of the background regarding this item, and stated that the idea of Consolidation and a Consolidation Study has been brought up for the past three years at the Community Retreat. Chairman Nevil stated that the Board and the citizens need factual information before any decisions regarding Consolidation can be made, and continued that this study would provide that information. Chairman Nevil explained that our Representatives would have to get the Legislature to bring this issue to the ballot, and then the citizens of Bulloch County would have the opportunity to vote for or against City-County Consolidation. Chairman Nevil stated that he felt the need for the

study was valid, and that he suggested that someone make a motion to approve the funding for the study.

After further discussion, Commissioner Tankersley offered a motion to dispense with the reading and authorize a resolution to transfer an amount not to exceed \$20,000.00 within the Fiscal Year 2010 General Fund Budget from the Fund Stabilization Account to the Board of Commissioners Account to pay for one half of the cost in an equal share with the City of Statesboro to conduct a City-County Consolidation Study by the Carl Vinson Institute of Government under a sole source procurement. Commissioner Jackson seconded the motion. Commissioner Thompson stated that he supports the idea of the study, but that he is not sure whether it is wise to spend that much money. Commissioner Thompson further stated that he would like to have a joint meeting in Bulloch County to talk about the study with the City of Statesboro and the other cities in Bulloch County to make sure everyone is in agreement with moving forward with the study because if the City or the County votes against consolidation, it would become a dead issue. In response to Commissioner Thompson, County Manager Thomas Couch explained the voting process to the Board. After continued discussion between Commissioner Thompson, Chairman Nevil, Mr. Couch, and Staff Attorney Jeff Akins, Chairman Nevil stated that there is a motion and a second on the floor, and called for a vote regarding this matter. Without discussion, the Board voted to approve the motion, and the motion carried with a four to one vote. Commissioner Tankersley, Commissioner Jackson, Commissioner Rushing, and Commissioner Gibson voted in favor of the motion. Commissioner Thompson voted against the motion.

The second item of New Business was the discussion and/or action to authorize the Chairman of the Board to enter into an Intergovernmental Agreement with the City of Statesboro enabling Bulloch County to conduct the 2009 Municipal Election (See Exhibit #2009-100). Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that this action was petitioned by the City of Statesboro requesting that the County Elections Personnel conduct the City Election because of the absence of properly trained personnel in the City. When Mr. Couch concluded his discussion by stating that the Staff recommends approval, Chairman Nevil asked for questions or comments from the Board. Hearing none, Commissioner

Tankersley offered a motion to authorize the Chairman of the Board to enter into an Intergovernmental Agreement with the City of Statesboro enabling Bulloch County to conduct the 2009 Municipal Election. Commissioner Jackson seconded the motion, and it carried unanimously.

The third item of New Business was the discussion and/or action to dispense with the reading and authorize an amended Resolution for the re-allocation of 2002 SPLOST Funds (See Exhibit #2009-101). Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the Resolution had been approved at the July 7, 2009, meeting, but that on a secondary review of the Resolution, Staff Attorney Jeff Akins noted that funds for Program Administration, while a legal expenditure, should be represented proportionately in each project category of the Resolution to be consistent with the referendum language. Without discussion, Commissioner Thompson offered a motion to dispense with the reading and authorize an amended Resolution for the re-allocation of 2002 SPLOST Funds. Commissioner Rushing seconded the motion, and it carried unanimously.

The fourth item of New Business was the discussion and/or action to dispense with the reading and authorize a Resolution to establish Right-of-Way Encroachment Fees (See Exhibit #2009-102). Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that in 2008 the Board revised the Right-of-Way Ordinance and established administrative policies for roads and bridges. Mr. Couch stated that at that time the Staff advised that they would review the fee structures for permits and inspections which were enabled in the ordinance, and that the Board was given a recommended review schedule for the various types of encroachments. Without discussion from the Board, Commissioner Jackson offered a motion to dispense with the reading and authorize a Resolution to establish Right-of-Way Encroachment Fees. Commissioner Gibson seconded the motion, and it carried unanimously.

The fifth item of New Business was the discussion and/or action to dispense with the reading and authorize a Resolution to transfer an amount not to exceed \$20,000.00 within the Fiscal Year 2010 General Fund Budget from the Fund Stabilization Account to the Probate Court for the acquisition of fingerprinting equipment under sole source

procurement (See Exhibit #2009-103). Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that Judge Deloach has requested consideration for the procurement of a fingerprinting machine that will enable a one-stop location and that a \$5.00 fingerprinting fee per applicant would be assessed to aid in offsetting the cost of service. Without discussion from the Board, Commissioner Thompson offered a motion to dispense with the reading and authorize a Resolution to transfer an amount not to exceed \$20,000.00 within the Fiscal Year 2010 General Fund Budget from the Fund Stabilization Account to the Probate Court for the acquisition of fingerprinting equipment under sole source procurement. Commissioner Jackson seconded the motion, and it carried unanimously.

The sixth item of New Business was the discussion and/or action to grant an Alcoholic Beverage License for retail beer and wine sales. Chairman Nevil called on Clerk of the Board Maggie Fitzgerald to initiate the discussion regarding the matter, and Ms. Fitzgerald stated that she and Sheriff's Department Detective Jared Akins thoroughly reviewed Mr. Patrik Pandya's application and recommend approval by the Board. Without discussion from the Board, Commissioner Tankersley offered a motion to grant an Alcoholic Beverage License for retail beer and wine sales to Mr. Patrik Pandya of Jay's Food Mart #2. Commissioner Jackson seconded the motion, and it carried unanimously.

The seventh item of New Business was Item #1 from the Consent Agenda, which was the approval to dispense with the reading and adopt a Resolution to amend the Employee Personnel Policies pertaining to Sick Leave as recommended by the Employee Committee and the Human Resource Director (See Exhibit #2009-104). Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch asked that the Board approve the Resolution with a provision allowing Staff to add wording for a start date of September 1, 2009, and that there would be no retroactivity from 2006 until now. Without discussion from the Board, Commissioner Tankersley offered a motion to dispense with the reading and adopt a Resolution to amend the Employee Personnel Policies pertaining to Sick Leave as recommended by the Employee Committee and the Human Resource Director with a provision allowing Staff to add wording for a start date of September 1, 2009, and that there would be no

retroactivity from 2006 until now. Commissioner Jackson seconded the motion, and it carried unanimously.

Chairman Nevil asked if there were any comments from the staff or Board. Commissioner Rushing discussed the old Hospital Property and asked that the Board consider the possible needs of Ogeechee Hospice for future expansion before making any decisions regarding the property. Clerk of the Board Maggie Fitzgerald asked to address the Board, and stated that the deadline to register for the ACCG Fall Policy Conference would be on Friday. Chairman Nevil asked if any of the other Board members could take over two ribbon cuttings for him on Thursday. County Manager Thomas Couch asked to address the Board, and stated that the Board would have a Focus Workshop in August to discuss issues related to development in the County. Planning and Development Director Andy Welch asked to address the Board, and stated that the Comprehensive Plan and the Service Delivery Strategy were both approved by the State.

Chairman Nevil asked for additional comments from the Staff or Board. Hearing none, Chairman Nevil called for a motion to adjourn into Executive Session in accordance with the provisions of O.C.G.A. 50-14-2 and 50-14-3, and other applicable laws, pursuant to the advice of the Chief Corporate Counsel, Mr. Jeff Akins, for the purposes of deliberating on Pending Litigation after a five minute recess. Without further discussion, Commissioner Gibson offered a motion to enter into Executive Session to discuss Pending Litigation. Commissioner Rushing seconded the motion, and it carried unanimously (See Exhibit #2009-105). Commissioner Tankersley, Commissioner Jackson, Commissioner Rushing, Commissioner Gibson, and Commissioner Thompson voted in favor of the motion.

At the conclusion of the Executive Session, Commissioner Tankersley offered a motion to adjourn the Executive Session and come back to order for the Regular Meeting. Commissioner Jackson seconded the motion, and it carried unanimously.

After the Executive Session, Chairman Nevil asked for additional comments from the Staff or Board. Hearing none, Commissioner Gibson offered a motion to adjourn the meeting. Commissioner Rushing seconded the motion, and it carried unanimously.

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of the Board