

March 3, 2009  
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 Walter Gibson 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 Simmons, Commissioner Jackson, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson. The following staff were present: County Manager Thomas Couch, Staff Attorney Jeff Akins, County Attorney Charles Brown, Statesboro Bulloch County Parks and Recreation Director Mike Rollins, Chief Financial Officer Harry Starling, Statesboro Bulloch County Airport Manager Jeff Herrington, Public Safety Director Ted Wynn, Fire Chief Randy Walker, Planning and Zoning Development Director Andy Welch, and Zoning Technician Christy Strickland.

Chairman Nevil asked for changes or modifications of the General Agenda. County Manager Thomas Couch asked to address the Board and asked to amend the General Agenda by adding Item #1 to the New Business Agenda for the discussion and/or action regarding consideration of a sole source procurement and execution of an agreement with an internet based auction service. Without hearing any further changes or modifications, Commissioner Jackson offered a motion to approve the General Agenda with one modification as requested by the County Manager. Commissioner Simmons seconded the motion, and it carried unanimously.

The next item of business was the approval of the Minutes for the Regular Meeting and Workshop held on February 17, 2009. 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. There were no petitions received in writing. Mr. Hugh T. Nesmith, of Mag Davis Drive, asked to address the Board, and stated that he did not want to pay the \$50.00 fire

fee for a mobile home that is located on his property because is not used as a residence. Mr. Nesmith stated that for the past thirty years, the mobile home has been used as a storage building, and according to the County's Fire District Resolution the Fire Fee does not apply to storage buildings. County Manager Thomas Couch and Chairman Nevil agreed to review the Fire District Resolution, in order to possibly add a clause to give administrative power to either the Tax Commissioner or Tax Assessor to make decisions in matters such as Mr. Nesmith's issue. Staff Attorney Jeff Akins stated that according to the County's Zoning Ordinance, mobile homes are not allowed to be used as storage buildings and the Zoning Inspectors have fined people for violating the ordinance. After further discussion, Chairman Nevil agreed to review the Fire Fee Resolution and the Zoning Ordinance as quickly as possible in order to give Mr. Nesmith an answer about paying the Fire Fee before the May 1, 2009, deadline. With no further public comments, Chairman Nevil moved on to the next item on the Agenda.

The next item on the agenda was to approve the Consent Agenda as presented:

- (1) To authorize the County Manager to award a purchase order and execute a Public Works construction contract with Smith Steel Structures of Statesboro, Georgia, for the purpose of erecting two Fire Sub-Stations based on the Staff's recommendation for the lowest and most responsible bid in the amount of \$37,720.00, with proceeds to be obligated from the Rural Fire District Operating Fund;
- (2) To authorize the County Manager to award a purchase order with Municipal Emergency Services of Charlotte, North Carolina, for the purpose of acquiring eight thermal imaging cameras based on the Staff's recommendation for the lowest and most responsible bid in the amount of \$54,813.20, with 10% of the proceeds to be obligated from the Rural Fire District Operating Fund, and the remaining 90% from a Federal Homeland Security Grant;
- (3) To authorize the Chairman of the Board to execute the Lease Agreements on behalf of the Statesboro-Bulloch County Airport with the following parties: (1) Pegaus Air, LLC (See Exhibit #2009-19), (2) Mr. James C. Lanning (See Exhibit #2009-20), and (3) the Georgia State Defense Force (See Exhibit #2009-21); and
- (4) To authorize the County Manager to award a purchase order with National Outdoor Furniture for Riverhead, New York, for the purpose of acquiring 300 commercial outdoor chairs based on the Staff's recommendation for the lowest and most responsible bid in the amount of \$18,373.14,

with the proceeds to be obligated from the Aquatic Center Operating Fund. Without discussion, Commissioner Tankersley offered a motion to approve the Consent Agenda as presented. Commissioner Gibson seconded the motion, and it carried unanimously.

With no items of Old or Unfinished Business, Chairman Nevil stated that the only item of New Business was the discussion and/or action to authorize the Chairman of the Board to execute an agreement with Govdeals.com to provide Internet based Auction services (See Exhibit #2009-22). County Manager Thomas Couch stated that Govdeals.com could be used to help sell some of the Road Department's used equipment, and that Staff Attorney Jeff Akins had reviewed and approved the agreement. Mr. Couch further stated that there is a fee associated with using Govdeals.com, but that the fee is only assessed when an item is sold. After some discussion, Commissioner Simmons offered a motion to authorize the Chairman of the Board to execute an agreement with Govdeals.com to provide Internet based Auction services. Commissioner Tankersley seconded the motion, and it carried unanimously.

Chairman Nevil asked if there were any comments from the staff or Board. County Manager Thomas Couch asked to address the Board, and stated that pursuant to section 1.6 of the County Purchasing Policies, he is obligated to report that he intends to approve a purchase order based on a sole source solicitation from Georgia Power to install a secondary conductor from the existing transformer to the Flow Rider and Mat Racer Feature at Splash in the Boro (See Exhibit #2009-23). Mr. Couch explained that the option of assuming the upfront cost of \$55,907.45 for installation will result in utility savings of \$22,000.00 annually, compared to the other options. Mr. Couch further proposed that the County apply the installation cost into the expansion financing in order to preserve cash in the Aquatic Center Fund Reserve. Next, Mr. Couch reminded the Board that anyone not attending the Community Retreat on Friday, March 6<sup>th</sup>, is invited to be present in the Community Room at 11:45 am, for a Meeting the County is hosting with the Keynote Speaker being the Commissioner of the Georgia Department of Corrections, and the discussion will be in regards to the Development of Inmate Day Reporting Centers in this region of the state. Mr. Couch also mentioned that he is soliciting up to three Commissioners to accompany him to Dublin, Georgia, on Tuesday, March 10<sup>th</sup>, to tour the Laurens County Agricultural Arena at Southern Pines Regional

Park. Mr. Couch stated that he and the Commissioners will depart at 8:30 am and return no later than noon. Lastly, Mr. Couch informed the Board that the County is expecting some information back from ISO regarding the Community Rating in April, and that he will give the Board a full briefing once the information has arrived.

Commissioner Thompson stated the County should consider selling recyclables to local vendors. Mr. Thompson explained that Newell Recycling recently purchased Whitaker Motors, and they would like the opportunity to purchase our recyclables such as steel and copper, which are currently being sold to a company in Bryan County. Mr. Couch stated that he would contact Bob Smith regarding the request.

Chairman Nevil addressed the Board, and stated that there has been some informal discussion among the Board and Staff about the efforts of Mr. Ray Hendrix, who has advocated having the Veterans Administration locate a community-based Health Clinic in Statesboro. Chairman Nevil stated that it has been brought to his attention that Mr. Hendrix and some of the members of the Board are interested in promoting the use of the old State Patrol building for the Clinic. Chairman Nevil stated that the building is not owned by the County, but is owned by the State of Georgia. Chairman Nevil further informed the Board that there are defects and potential environmental issues in the building that will be costly to fix, and that he urges the Board to advise the County Manager to direct any future inquires about the building to the State Properties Commission. After some discussion, Commissioner Gibson stated that State Representative Butch Parrish will be looking into the matter of acquiring the building.

Chairman Nevil asked for additional comments from the Staff or Board. Hearing none, Chairman Nevil stated that the Board would adjourn the Regular meeting, enter into Executive Session, Recess, and then reconvene for the Zoning and Land Use meeting at 6:40 p.m. Without further discussion, Commissioner Thompson offered a motion to adjourn the Regular meeting, enter into Executive Session to discuss Pending Litigation and Real Estate Acquisition, Recess, and then reconvene to proceed with the Zoning agenda at 6:40 p.m. Commissioner Rushing seconded the motion, and it carried unanimously (See Exhibit #2009-24). Commissioner Tankersley, Commissioner Simmons, Commissioner Jackson, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson voted in favor of the motion.

The meeting was reconvened for the Public Hearings regarding Zoning and Land Use matters. Chairman Nevil asked for any modifications before the approval of the Zoning and Land Use Agenda. Hearing none, Commissioner Simmons offered a motion to approve the Zoning and Land Use Agenda as presented. Commissioner Jackson seconded the motion, and it carried unanimously. Chairman Nevil asked Zoning Technician Christy Strickland to present the one zoning item.

Zoning Technician Christy Strickland presented an application submitted by Timothy A. Rushing requesting a rezone from Ag-5 to MHP (Manufactured Home Park) to complete the manufactured home park which already exists on the property. The property consists of 12.23 acres and is located on Wolf Pen Lane, tax map #047 000033C 005. The Zoning Commission recommended the approval of the request with the following conditions: (1) All well structures shall have a visual landscape or wall/fence buffer equal to the height of the roof line; (2) To enhance access management, all approved residential lots and structures, except lot 25, shall access internally to the new private road built within the subdivision; (3) If the proposed internal roadway system is proffered by the applicant as being privately owned and maintained by a common interest element, any proposed future public dedication requires that the roads meet county standards at that time. No public funds shall be invested to correct any construction or condition deficiencies to meet such standards, unless a county special assessment tax improvement district is approved by affected property owners; and (4) Limit the density on the remaining acreage to a maximum of six (6) manufactured homes. Staff recommended approval of the request with conditions #1 through #3.

Acting as agent, Mr. Steve Rushing discussed the background of the property, and stated there was already an existing Manufactured Home Park that was grandfathered in when zoning was adopted on November 4, 1994. Mr. Rushing stated that at the time it was two different parcels, but the manufactured home park was on one plat and the well site was on another plat. Mr. Rushing submitted a plat that was approved by the Bulloch County Zoning Department on October 30, 2001, that combined the two parcels, which made the property 12.23 acres. Mr. Rushing explained that two-thirds of the property is already a manufactured home park, and that they are requesting to rezone the whole parcel without condition #4.

Mrs. Cathy Dixon was the only person signed up to speak in opposition of the request. Mrs. Dixon stated that she did not have a problem with the existing trailers, but did not agree with having more trailers located on the four acres than are already on the existing twelve acres. Further, Mrs. Dixon stated that she did not agree the density that would exist on the four acres. Mrs. Dixon handed out several pictures of the road, and stated that road is damaged from the current amount of traffic and floods when the rain is heavy. Also, Mrs. Dixon voiced her concerns regarding potential flooding in the area because of the wetlands located on the property and the two creeks that are located near the property.

Mr. Freddie Rushing was the only person signed up to speak in favor of the request. Mr. Rushing stated that he lives on the property and knows that Mr. Timothy Rushing maintains the property well. Mr. Rushing also stated that he will be responsible for the road, and will make sure the road is not damaged.

Chairman Nevil asked for further questions or comments from the Board or Staff. Commissioner Rushing asked to recuse himself from the discussion and stated that he would abstain from voting because Mr. Timothy Rushing and Mr. Freddie Rushing are his nephews. After further discussion, Commissioner Thompson offered a motion to approve the Rezone Request with Conditions 1, 2, and 3, and increase Condition #4 from six to nine manufactured homes. Commissioner Tankersley seconded the motion, and it carried with a vote of four to one. Commissioner Gibson, Commissioner Thompson, Commissioner Simmons, and Commissioner Tankersley voted in favor of the motion. Commissioner Jackson voted against the motion. Sign-in sheets for zoning matters are shown in Exhibit #2009-25.

Chairman Nevil asked if there were any further discussion or comments regarding the Zoning and Land Use Public Hearings. Hearing none, Commissioner Jackson offered a motion to close the Public Hearings and adjourn the Zoning and Land Use Meeting. Commissioner Simmons seconded the motion, and it carried unanimously.

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J. Garrett Nevil, Chairman

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Attest: Maggie Fitzgerald, Clerk of the Board