

May 4, 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, Commissioner Simmons, Commissioner Mosley, 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, Development Services Director Andy Welch, Statesboro Bulloch County Parks and Recreation Director Mike Rollins, Transportation Director Eddie Smith, Purchasing Director Kenneth Trapnell, Human Resource Director Heather McNeal, County Attorney Charles Brown, 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 amendments be made to the General Agenda: (1) To add Item #4 to the New Business Agenda for the Discussion and/or Action to consider a Resolution regarding additional terms and conditions pursuant to a pending loan application with GEFA; (2) To add a Personnel Item to the Executive Session Agenda pursuant to the Georgia Open Meetings Act; and (3) To add as Item #5 to the New Business Agenda for the Discussion and/or Action to consider an amendment to the Employee Health Insurance Plan. Hearing no further amendments, 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 the Executive Session that were held on April 20, 2010. Chairman Nevil asked for corrections or modifications. Without hearing corrections or modifications,

Commissioner Mosley offered a motion to approve the minutes of the meetings as presented. Commissioner Simmons seconded the motion, and it carried unanimously.

For the next item of business, Chairman Nevil stated that the Board would conduct a Public Hearing regarding a petition from the Development Authority of Bulloch County requesting the abandonment of a portion of J.C. Cannady Road, also known as County Road #675 that will be considered under New Business. Chairman Nevil stated that a Public Hearing is required according to County Policies and O.C.G.A. 32-7-3 before any action would be considered to aid in determining if this portion of J.C. Cannady Road has been ceased to be used by the Public to the extent that no substantial purpose is served by it. Chairman Nevil also stated that the notice for the Public Hearing was duly advertised on Thursday, April 22, and April 29, 2010, in the Statesboro Herald (See Exhibit #2010-66), and called for a motion to open the Public Hearing for citizen input. Commissioner Gibson offered a motion to open the Public Hearing. Commissioner Rushing 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 Development Authority is currently developing the property surrounding this portion of the road for Phase II of Gateway Industrial Park, and that there are no homes located on this portion of the road. Without further comment, Chairman Nevil called for comments and/or questions from the public. Hearing none, 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.

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 public comments, Chairman Nevil moved forward to the Consent Agenda.

The next item on the Agenda was to approve the Consent Agenda as follows: (1) to accept the staff recommendation authorizing the re-appointment of Ms. Kathy Newton to the Bulloch County Board of Tax Assessors; (2) to accept the staff recommendation to dispense with the reading and adopt a resolution declaring certain vehicles at the Sheriff's Department unserviceable and subject to sale pursuant to County Policies and other

applicable laws (See Exhibit #2010-67); (3) to accept the staff recommendation authorizing the County Manager to execute a contract renewal for the purchase of stone for the Transportation Department (See Exhibit #2010-68); (4) to authorize the Chairman of the Board to execute the renewal of an intergovernmental agreement with the City of Statesboro for Fire Suppression Services in the Statesboro Fire District under existing terms and conditions; and (5) to authorize the Transportation Department to replace drainage culverts in Hazelwood Subdivision under SPLOST CIP category #TR-10-2. Commissioner Thompson asked that the Consent Agenda be amended so that Item #4 would be placed as Item #6 under New Business for the discussion and/or action to execute the renewal of an intergovernmental agreement with the City of Statesboro for Fire Suppression Services in the Statesboro Fire District under existing terms and conditions. Without further discussion, Commissioner Gibson offered a motion to approve the Consent Agenda as amended. Commissioner Rushing 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 abandon a portion of J.C. Cannady Road pursuant to the petition of the Development Authority of Bulloch County, the process authorized under County Polices, and other applicable laws. Chairman Nevil stated that the item had been discussed during the Public Hearing, and called for questions or comments from the Board. Hearing none, Commissioner Thompson offered a motion to approve the resolution authorizing the abandonment of a portion of J.C. Cannady Road as presented. (See Exhibit #2010-69). Commissioner Gibson seconded the motion, and it carried unanimously.

The second item of New Business was the discussion and/or action to consider authorizing the County Manager to execute a professional services agreement with Lose and Associates for Phase Design and Development Services for the Mill Creek Tennis Center in the amount of \$65,000.00. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the Board of Education is in need of a Tennis Center and are willing to split the cost if the center can be located at Mill Creek Park. Mr. Couch stated that the County's initial cost to accomplish the schematic design phase would be 20% or \$13,000.00. After further

discussion, Commissioner Thompson offered a motion to authorize the County Manager to execute a professional services agreement with Lose and Associates for Phase Design and Development Services for the Mill Creek Tennis Center in the amount of \$65,000.00 (See Exhibit #2010-70). Commissioner Rushing seconded the motion, and it carried unanimously.

The third item of New Business was the discussion and/or action to authorize a sole source procurement for the installation of scoreboards at Mill Creek Regional Park. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the Recreation Department received a quote for the scoreboards last year, but the County did not have sufficient funds to pay for the scoreboards. Mr. Couch referred to SBCPR Director Mike Rollins for further discussion, and Mr. Rollins stated that in February 2009 the Board approved a sole source bid in the amount of \$53,262.00 for the purchase and installation of eleven scoreboards from Electro-Mech Scoreboard Company, but the scoreboards were not purchased due to issues with SPLOST calculation. Mr. Rollins stated that the SBCPR received a new quote from the same company for \$41,300.00 for the same eleven scoreboards for 22% savings from 2009. After further discussion, Commissioner Thompson offered a motion to authorize a sole source procurement for the installation of scoreboards at Mill Creek Regional Park (See Exhibit #2010-71). Commissioner Simmons 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 adopt a resolution to affirm additional provisions, terms and conditions subsequent to approval of a loan from the Georgia Environmental Facilities Authority (GEFA). Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that GEFA's loan underwriters have required two conditions prior to approving the loan: (1) to establish a debt service reserve account for the principal amount to be amortized in a declining amount over the life of the loan, which would be accomplished by designating a requisite amount of General Fund balance each year; and, (2) to transfer a minimum of \$1,400,000.00 annually from the General Fund to the Solid Waste Special Revenue Fund as a hedge should the proposed increase in net recycling revenues should occur. After further

discussion, Commissioner Thompson offered a motion to dispense with the reading and adopt a resolution to affirm additional provisions, terms and conditions subsequent to approval of a loan from the Georgia Environmental Facilities Authority (GEFA) as presented (See Exhibit #2010-72). Commissioner Rushing seconded the motion, and it carried unanimously.

The fifth item of New Business was the discussion and/or action to consider an amendment to the Employee Health Insurance Plan. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the County's third party administrator has requested the amendment to the health plan to comply with recent amendments to various laws governing certain health plan benefits. Mr. Couch referred to Staff Attorney Jeff Akins for further discussion, and Mr. Akins stated that the amendment would define a Dependent as an employee's adult unmarried children through age 26 only if the adult child is not eligible to enroll in another eligible employer plan. After further discussion, Commissioner Simmons offered a motion to approve an amendment to the Employee Health Insurance Plan (See Exhibit #2010-73). Commissioner Mosley seconded the motion, and it carried unanimously.

The sixth item of New Business, which was previously listed as Item #4 on the Consent Agenda, was the discussion and/or action to authorize the Chairman of the Board to execute the renewal of an intergovernmental agreement with the City of Statesboro for Fire Suppression Services in the Statesboro Fire District under existing terms and conditions. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that this item was moved from the Consent Agenda by request of Commissioner Thompson, and that the staff had not received any requests to re-negotiate. Mr. Couch referred to Commissioner Thompson for further discussion, and Commissioner Thompson stated that the Board should add a stipulation that the appropriate officials be designated to explore the possibility of drafting an Automatic Aid Agreement between Bulloch County Fire and the City of Statesboro Fire Departments. Commissioner Thompson stated that the goals of the Automatic Aid Agreement would eliminate the need to ask for assistance during a structure fire outside of the City of Statesboro, but within the Statesboro Fire District, and would enhance man power and water in this area. After further discussion,

Commissioner Thompson offered a motion to approve the Statesboro Fire District Agreement and to direct the County Manager to seek negotiations with the City of Statesboro to establish an automatic aid agreement between the City of Statesboro and the Bulloch County Fire Departments (See Exhibit #2010-74). Commissioner Mosley seconded the motion, and it carried unanimously.

With no further items of New Business, 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. Commissioner Simmons and Commissioner Mosley did not have any comments, so Chairman Nevil stated that he read the announcement in the Statesboro Herald regarding the lowering of the ISO ratings in some areas, and that the County will continue to work hard to see that more areas receive lower ISO ratings. Next, Commissioner Rushing discussed creating a proclamation for next year's "Donate Life" month in April. Commissioner Thompson discussed changing the sign ordinance, and holding a Workshop on May 18th to discuss a few possible amendments. Commissioner Gibson stated that he wanted the County to donate the use of a dumpster for the Boy Scout Jamboree, but that Mr. Couch never arranged for that to happen. Mr. Couch stated that donating the use of the dumpster would be considered a gratuity, and that is not allowed within the law. Without further comments from the Board, Chairman Nevil asked for comments from the Staff, and County Manager Thomas Couch asked to defer Staff comments until after the Planning and Zoning Meeting.

Chairman Nevil stated that there was no further business on the General Agenda, and called for a motion to recess with the expectation of reconvening at 6:30 p.m. to proceed with the Zoning Agenda. Without further discussion, Commissioner Rushing offered a motion to recess until 6:30 p.m. Commissioner Thompson seconded the motion, and it carried unanimously.

The meeting was reconvened for the Public Hearings regarding Zoning and Land Use matters, 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 two item of business.

Zoning Administrator Randy Newman presented Item #1 which was an application submitted by Richard Brown requesting a rezone from Agricultural 5 Acres (AG-5) to Light Industrial (LI) with the intent to use the property for light manufacturing of a steel company. The property consists of five acres and is located on W.C. Hodges Road, tax map #087 000027 00. The Planning and Zoning Commission and Staff recommended the approval of the request with conditions. Acting as agent, Tony Deal discussed removing the condition regarding the buffers except for the road frontage buffer, asked for clarification regarding the condition that no other business would be allowed on the property, and asked for removal of the condition that no additional buildings would be permitted on the property. Mr. Newman stated that no one signed up to speak in favor or in opposition of the request. After further discussion from the Board, Commissioner Rushing offered a motion to approve Mr. Richard Brown's request for a rezone from Agricultural 5 Acres (AG-5) to Light Industrial (LI) with the intent to use the property for light manufacturing of a steel company with the conditions set forth in Exhibit #2010-75. Commissioner Simmons seconded the motion, and it carried unanimously.

Mr. Newman called on Staff Attorney Jeff Akins to present the second item of business, and Mr. Akins stated that a text amendment is needed to revise the Principal Uses in Section 802 of Appendix C of the Code of Ordinances of Bulloch County. Mr. Akins stated that the amendment will be as follows: A single lot or parcel that is in commercial or industrial zoning district also may not be subdivided without obtaining a conditional use permit. Mr. Akins stated the exception will be as follows: Subdivision between family members or on property owned by a governmental entity or authority shall be exempt from this requirement to receive a conditional use permit prior to subdividing the property, and that for purposes of this provision, family has the same meaning as in Section 503(a)(15). Mr. Akins stated that the amendment is needed to close a loophole in the ordinance. Mr. Newman stated that one person had signed up to speak regarding the request. Mr. John Dotson stated that the amendment may add a burden to those property owners who do not deserve it, and that he would like to see more thought and discussion put forth regarding the amendment before a decision is made. After extensive discussion, Commissioner Simmons offered a motion to defer the

text amendment to the first meeting in June. Commissioner Mosley seconded the motion, and it carried unanimously.

Sign-in sheets for Zoning Matters are shown in Exhibit #2010-76.

Chairman Nevil called for further discussion or comments from the Board or Staff. County Manager Thomas Couch reminded the Board about the Georgia Environmental Facilities Association (GEFA) Board Meeting and dinner that would be held on May 10th and May 11th. Mr. Couch also discussed the possibility of allowing the Census workers to use the Community Room for a period of twenty eight days. Without any further comments from the Board or Staff, Chairman Nevil stated that there was no further business for the Planning and Zoning Meeting, and the Board must close the meeting to discuss a Personnel Item and Real Estate Acquisition in Executive Session. Chairman Nevil stated that at the conclusion of the Executive Session, which was expected to last fifteen to thirty minutes, the Board would reconvene in all likelihood to move for adjournment and may or may not take further action on the items discussed in Executive Session. Chairman Nevil called for a motion to adjourn into Executive Session in accordance with the provisions of O.C.G.A. 50-14-2, 50-14-3, and other applicable laws, pursuant to the advice of the County Staff Attorney Jeff Akins for the purposes of deliberating on a Personnel Item and Real Estate Acquisition (See Exhibit #2010-77). Without further discussion, Commissioner Simmons offered a motion to enter into Executive Session to discuss a Personnel Item and Real Estate Acquisition. Commissioner Mosley seconded the motion, and it carried unanimously. Commissioner Mosley, Commissioner Simmons, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson voted in favor of the motion.

After adjourning from Executive Session, Chairman Nevil asked for any further comments from the Commissioners or Staff. Commissioner Thompson offered a motion to appoint County Manager Thomas Couch and Chief Financial Officer Harry Starling to serve on the Land Bank Authority. Commissioner Gibson seconded the motion, and it carried unanimously. Hearing no further comments from the Board or Staff, Chairman Nevil asked for a motion to adjourn the Regular Meeting. Commissioner Rushing

offered a motion to adjourn the meeting. Commissioner Gibson seconded the motion, and it carried unanimously.

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of the Board