

October 19, 2010  
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. Vice Chairman 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, Vice Chairman Rushing, Commissioner Ethridge, Commissioner Mosley, 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, County Engineer Kirk Tatum, Purchasing Director Kenneth Trapnell, Statesboro Bulloch County Parks and Recreation Director Mike Rollins, and Deputy Clerk Christy Strickland.

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 Item #1 to the New Business Agenda to consider the discussion and/or action to approve a resolution concerning General Obligation Sales Tax Bonds for the Board of Education; (2) To add as Item #8 to the New Business Agenda to consider the discussion and/or action regarding authorization for the County Manager to proceed with the sole source negotiation and engagement of organizational and financial consultants for the Clerk of Superior Court; (3) To add as Item #9 to the New Business Agenda to consider the discussion and/or action to approve the lowest and most responsive bid for site work at the Mill Creek Tennis Center; and (4) To add a topic for Executive Session to consider potential real estate acquisition. Hearing no further amendments or modifications, Commissioner Ethridge 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 October 5, 2010. Chairman Nevil

called for corrections or modifications to the Minutes. Commissioner Thompson notified the Clerk of the Board of a mistake on the top of page three of the Regular Meeting minutes regarding a motion that was made by Commissioner Rushing, but the minutes stated that Commissioner Thompson offered the motion. Ms. Fitzgerald stated that she would correct the minutes. Without hearing any further corrections or modifications, Commissioner Gibson offered a motion to approve the Regular Meeting minutes as corrected and the Executive Session minutes as presented. Commissioner Ethridge 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 scheduled and added Presentations.

The first scheduled Presentation was petitioned by Judge Gary Mikell regarding the implementation of the new DUI Court program. Judge Mikell summarized how the court would work, and stated that the program would focus on DUI repeat offenders. Judge Mikell introduced the staff that would be involved in the program, and gave a financial overview of how much the program would cost to implement. After further discussion, Chairman Nevil thanked Judge Mikell and the Staff for their hard work.

The second scheduled Presentation was petitioned by Mr. Lance Taylor of Liberty National Insurance regarding Life Insurance for County Employees. Mr. Robert Flandeysz stated that Mr. Taylor was unavailable today, but that he would discuss the payroll deducted life insurance plans with the Board. Mr. Flandeysz explained the life insurance package that Liberty National was offering County Employees. Chairman Nevil stated that the Board would consider the offer, and thanked Mr. Flandeysz for his presentation.

The third scheduled Presentation was petitioned by Mr. Richard Tongate, of JU Williams Lane Road, regarding the placement of dirt. Mr. Tongate stated that he was officially petitioning the County to place dirt on, scrape, and maintain JU Williams Lane Road, even though the road is private and not owned by the County. Mr. Tongate stated that the residents would pay the County for the service. After further discussion,

Chairman Nevil stated that Staff Attorney Jeff Akins would research the legalities of the issue and then readdress the matter with Mr. Tongate.

Without any Old or Unfinished Business, Chairman Nevil stated that the first item of New Business was the discussion and/or action to consider a petition by the Board of Education to dispense with the reading and adopt a resolution to approve General Obligation Sales Tax Bonds. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the Board of Education has asked the Board of Commissioners to adopt a resolution to comply with Article IX, Section V, Paragraph VI of the Georgia Constitution, which requires that at or before the time of incurring bonded indebtedness, a provision must be made for the assessment and collection of an annual tax in an amount sufficient to pay the principal of and interest on said debt within 30 years. Mr. Couch deferred to Mr. Marc Bruce, representing the Board of Education, and Mr. Bruce stated that the bond would fund the new Mattie Lively school. Without further discussion, Commissioner Thompson offered a motion to adopt a resolution to approve General Obligation Sales Tax Bonds for the Board of Education (See Exhibit #2010-176). Commissioner Gibson seconded the motion, and it carried unanimously.

Chairman Nevil stated that the second item of New Business was the discussion and/or action to consider amendments to the Purchasing Policies. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the proposed amendments would better define what constitutes a local buyer and would make the appeals process more workable. After further discussion, Commissioner Gibson offered a motion to approve amendments to the Purchasing Policies (See Exhibit #2010-177). Commissioner Ethridge seconded the motion, and it carried unanimously.

Chairman Nevil stated that the third item of New Business was the discussion and/or action to consider a proposed loan to the Town of Portal. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that in the 2007 SPLOST Agreement with the Town of Portal, Bulloch County agreed to convey \$550,000.00 up front of several months of initial SPLOST disbursements to the town based on the premise that a subsequent agreement would be

entered into for terms and conditions of a 20 year payback at 1.00% amortized interest. Mr. Couch stated that Mayor Larry Motes has petitioned the County for an additional loan of \$50,000.00 to aid in completing the Town's water system, and Mayor Motes asked for additional relief in the form of allowing the Town to make periodic "balloon" payments with subsequent SPLOST referenda. After further discussion, Chairman Nevil requested that Mr. Couch meet with Mayor Motes to discuss the County's concerns, and then the Board would consider taking action regarding the loan. No action was taken for this matter.

Chairman Nevil stated that the fourth item of New Business was the discussion and/or action to consider a petition from Commissioner Gibson authorizing Change Order #2 to the contract with Ellis Wood Contracting to add Wimbledon Court to CIP Project #10-02, also known as the Neighborhoods First Program. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the change order would resurface 0.2 miles of two-lane paving for the subdivision, and would cost an additional \$9,400.00. Mr. Couch stated that the bid from Ellis Wood Contracting was lower than expected, so there was funding available for the change order for Joe Kennedy Boulevard and Wimbledon Court. After further discussion, Commissioner Thompson offered a motion to authorize Change Order #2 to the contract with Ellis Wood Contracting to add Wimbledon Court to CIP Project #10-02, also known as the Neighborhoods First Program. Commissioner Gibson seconded the motion, and it carried unanimously.

Chairman Nevil stated that the fifth item of New Business was the discussion and/or action to re-direct funds within the FY 2011 Local Maintenance and Improvement Grant Program (LMIG) sponsored by the Georgia Department of Transportation. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that Bulloch County is scheduled to receive \$750,000.00 in LMIG funds to use on resurfacing a portion of Lakeview Road. Mr. Couch stated that the funds could be used to help fund the base and paving for the Great Dane interior access road and to four-lane AJ Riggs Road, and that the resurfacing for Lakeview Road could be postponed. After further discussion, Commissioner Mosley offered a motion to re-direct funds to roads for the Great Dane project within the FY

2011 Local Maintenance and Improvement Grant Program (LMIG) sponsored by the Georgia Department of Transportation. Commissioner Simmons seconded the motion, and it carried unanimously.

Chairman Nevil stated that the sixth item of New Business was the discussion and/or action with regard to amending Article IV, Chapter 12, of the Code of Ordinances for Bulloch County regarding Special Tax Districts for the paving of private roads for conversion to public roads. Chairman Nevil called on Staff Attorney Jeff Akins to initiate the discussion regarding the matter, and Mr. Akins summarized the amendment, and reviewed the cost to the property owners and the administrative fees. Mr. Akins stated that the district would be created by resolution; the district is only applicable to private roads located in the county, and that at least 75% of the property owners must sign the petition in order for the petition to be considered by the Board of Commissioners. After further discussion, Commissioner Ethridge offered a motion to amend Article IV, Chapter 12, of the Code of Ordinances for Bulloch County regarding Special Tax Districts for the paving of private roads for conversion to public roads (See Exhibit #2010-178). Commissioner Thompson seconded the motion, and it carried unanimously.

Chairman Nevil called for a five minute recess.

The meeting was reconvened, and Chairman Nevil stated that the seventh item of New Business was the discussion and/or action to dispense with the reading and adopt a resolution declaring certain equipment and vehicles as surplus. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the Recreation Department has equipment and vehicles that should be deemed surplus and sent to auction. After further discussion, Commissioner Thompson offered a motion to adopt a resolution declaring certain equipment and vehicles from the Recreation Department as surplus (See Exhibit #2010-179). Commissioner Mosley seconded the motion, and it carried unanimously.

Chairman Nevil stated that the eighth item of New Business was the discussion and/or action to authorize the County Manager in collaboration with the Clerk of Superior Courts to appropriate and negotiate reasonable fees for the engagement of selected sole source consultants to conduct an organizational efficiency study and

financial accounting study to facilitate best management practices. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch recommended negotiating fees with the National Center for State Courts and Dabbs, Hickman, Hill, and Cannon in order to assist the Clerk of Courts with ground zero accounting, an audit, and organizational restructuring of the office. After further discussion, Commissioner Ethridge offered a motion to authorize the County Manager in collaboration with the Clerk of Superior Courts to appropriate and negotiate reasonable fees for the engagement of selected sole source consultants to conduct an organizational efficiency study and financial accounting study to facilitate best management practices. Commissioner Simmons seconded the motion, and it carried unanimously.

Chairman Nevil stated that the ninth item of New Business was the discussion and/or action to authorize the County Manager to execute a contract and purchase order based on the Staff recommendation to accept the lowest and most responsible bid for site work for CIP Project #PR-10-7, the Mill Creek Tennis Center. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the bid was for site work for the ten court tennis center with a structural facility that will be located across the street from Splash in the Boro. Statesboro Bulloch County Parks and Recreation Director Mike Rollins stated that to save construction costs, the projects will be broken up into six different bid packages. After further discussion, Commissioner Ethridge offered a motion to authorize the County Manager to execute a contract and purchase order based on the Staff recommendation to accept the lowest and most responsible bid for site work for CIP Project #PR-10-7, the Mill Creek Tennis Center (See Exhibit #2010-180). Commissioner Thompson 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 Ethridge and then proceeding down the bench accordingly. With no comments from Commissioner Ethridge, Commissioner Simmons, or Commissioner Mosley, Chairman Nevil stated that he needed a replacement for a ribbon cutting on Thursday, October 21st. Clerk of the Board Maggie Fitzgerald volunteered to attend the

ribbon cutting. Next, Commissioner Gibson stated that Georgia Department of Transportation Commissioner Vance Smith would meet with the Board on November 15<sup>th</sup> at 10:45 am in the Community Room. Commissioner Rushing and Commissioner Thompson did not have any comments.

Without further comments from the Board, Chairman Nevil asked for comments from the Staff. County Manager Thomas Couch and Clerk of the Board Maggie Fitzgerald discussed the deadline for Agenda Items and stressed the importance of turning in Agenda items on time.

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 potential real estate acquisition and personnel matters. Chairman Nevil stated that at the conclusion of the Executive Session, which was expected to last about fifteen minutes, the Board would reconvene and then most likely move for adjournment. Chairman Nevil called for a motion to adjourn into Executive Session in accordance with the provisions of O.C.G.A. 50-14-2, O.C.G.A. 50-14-3 and other applicable laws, pursuant to the advice of the County Attorney Charles Brown and the Chief Corporate Counsel Jeff Akins for the purposes of deliberating on potential real estate acquisition and personnel matters. Without further discussion, Commissioner Ethridge offered a motion to enter into Executive Session to discuss potential real estate acquisition and personnel matters (See Exhibit #2010-181). Commissioner Simmons seconded the motion, and it carried unanimously. Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson voted in favor of the motion.

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The meeting was reconvened, and Chairman Nevil called for a motion to open the Regular Meeting. Commissioner Ethridge offered a motion to move into open session of the Regular Meeting. Commissioner Simmons seconded the motion, and it carried unanimously.

Chairman Nevil stated that the Board needed to vote on an appointment to the Pineland Mental Retardation & Substance Abuse Services Board. Commissioner Mosley offered a motion to appoint Armenda Barnes to the Pineland Mental Retardation &

Substance Abuse Services Board. Commissioner Ethridge seconded the motion, and it carried unanimously.

Next, Chairman Nevil called for a motion for the item discussed in Executive Session regarding potential real estate acquisition. Commissioner Ethridge offered a motion to authorize the County's Real Estate Agent to make an offer on the property as discussed during the Executive Session. Commissioner Mosley 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 Gibson offered a motion to adjourn the meeting. Commissioner Rushing 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