

September 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 Ethridge, Commissioner Mosley, Commissioner Simmons, 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, County Engineer Kirk Tatum, Public Safety Director Ted Wynn, Fire Chief Randy Walker, County Attorney Charles Brown, Airport Manager Jeff Herrington, Elections Supervisor Pat Lanier Jones, 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 revise Item #2 of the New Business Agenda to include the discussion and/or action to consider moving the meeting date for the October 5th meeting; (2) To add Item #3 to the New Business Agenda for the discussion and/or action to consider a sole source proposal for Community Development Block Grant consulting services for the Great Dane Project; and (3) To add an Executive Session at the conclusion of the Zoning Agenda for the purpose of discussing potential litigation. Hearing no further amendments or modifications, 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 Special Called Meeting that were held on August 17, 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 of the

meetings 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. Mrs. Audrey Monroe asked to address the Board, and stated that 225 residents signed a petition to keep the Southern Links property a golf course. Mrs. Monroe stated that the residents of the Southern Links Golf Course community would like for the county to purchase the property to use as a County maintained public golf course. Chairman Nevil stated that the property would be auctioned off by the bank, but that the current owners were requesting that the Planning and Zoning Commission approve a sketch plan to divide the property into eight parcels. Mrs. Nancy Hutcheon asked if the County was required to advertise and notify the surrounding residents regarding the potential change. Staff Attorney Jeff Akins stated that Georgia laws and County Ordinances do not require the County to advertise for a potential sketch plan change. Mrs. Cindy Chance discussed creating a special tax district for the area surrounding the golf course that would enable the County to purchase and maintain the golf course. Mr. Steve Moss discussed access issues for some of the plats. Mr. Billy Lott discussed right-of-way widths for County roads. After further discussion, Chairman Nevil thanked the residents for coming to the meeting, and moved forward to the scheduled Presentations.

The first scheduled Presentation was petitioned by Mr. Matthew Shingler, a resident of Woodbridge subdivision, regarding nuisance abatement for a structure within the neighborhood. Mr. Shingler stated that a vacant house located adjacent to his property burned down on February 2, 2009, but has not been completely demolished and is creating an eyesore in the neighborhood. Code Enforcement Officer Sidney Alston reviewed the case against the property owner, Mr. Jenkins, and stated that Mr. Jenkins had been cited in Magistrate Court. After further discussion, County Staff Attorney Jeff Akins suggested that Mr. Alston file another nuisance complaint with the Magistrate Court, and then the Court can authorize the County to clean up the property and the County would then file a lien on the property. Mr. Shingler and Mr. Alston agreed with Mr. Akins suggestion, and Chairman Nevil moved forward to the next Presentation.

The second scheduled Presentation was petitioned by Mrs. Nancy Bryant on behalf of Ogeechee Area Hospice regarding the acquisition of land owned by the County. Mrs. Bryant stated that the County deeded some of the old Bulloch Memorial hospital land to Hospice which now houses the twelve bed in-patient care facility. Mrs. Bryant stated that Hospice needs more of the adjoining land to expand in order to create a thirteen bed residential unit. Mr. Richard Mallet, Vice Chairman of the Hospice Board of Directors, stated that Hospice would need at least 150 feet of additional land for the expansion and for additional parking. Mr. Mallet asked the Board to make a decision regarding the land as soon as possible. After further discussion, Chairman Nevil stated that as soon as the Board determines how much land may be needed by the County, then a decision would be reached about how much land would be deeded to Hospice.

The next item on the Agenda was to approve the Consent Agenda as follows: (1) To accept the Staff recommendation to approve the Summary Plan Description document for the County Employee Health Care Plan (See Exhibit #2010-157); (2) To accept the Staff recommendation to authorize the County Manager to execute the third amendment to an intergovernmental agreement with the Georgia Secretary of State regarding voting equipment (See Exhibit #2010-158); (3) To accept the Staff recommendation authorizing the Chairman of the Board to execute a grant contract with the Georgia Department of Transportation on behalf of the Statesboro-Bulloch County Airport (See Exhibit #2010-159); (4) To accept the Staff recommendation authorizing the County Manager to execute a Lease Agreement with Air-Evac EMS on behalf of the Statesboro-Bulloch County Airport (See Exhibit #2010-160); (5) To accept the Staff recommendation to authorize the County Manager to execute a lease-purchase agreement with Leasing 2, Inc., regarding used fire trucks and equipment for the County Fire Department (See Exhibit #2010-161); (6) To accept the Georgia Department of Transportation recommendation to authorize a revision to the Speed Ordinance for Bulloch County for the purpose of justification for the use of speed detection devices for law enforcement agencies in Unincorporated Bulloch County (See Exhibit #2010-162); and (7) To accept the Staff recommendation to authorize the County Manager to execute a purchase order based on the lowest and most responsible bid with Blanchard Equipment in the amount of \$74,475.00 for a tractor with a boom mower attachment for the Transportation

Department. Without discussion, Commissioner Thompson offered a motion to approve the Consent Agenda as presented. Commissioner Simmons 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 consider the acceptance of the most advantageous proposal for master lease equipment financing for the Transportation Department. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that BB&T's LIBOR rate index tended to be less volatile than SunTrust's three year Treasury note. Mr. Couch recommended the approval of the financing for the equipment through BB&T, and stated that the LIBOR was locked in for 2.2% on a four year schedule. After further discussion, Commissioner Thompson offered a motion to approve the most advantageous proposal by BB&T for master lease equipment financing for the Transportation Department (See Exhibit #2010-163). Commissioner Simmons seconded the motion, and it carried unanimously.

Chairman Nevil stated that the second item of New Business was the discussion and/or action to appoint a voting delegate for the ACCG Legislative Conference in October, and to consider moving the October 5th meeting to October 6th. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch asked the Board to appoint a voting delegate for the conference. Commissioner Rushing offered a motion to appoint Commissioner Gibson as the voting delegate for the ACCG Legislative Conference. Commissioner Ethridge seconded the motion, and it carried unanimously. After further discussion, Commissioner Simmons offered a motion to keep the regular meeting scheduled for October 5th. Commissioner Thompson seconded the motion, and it carried unanimously.

Chairman Nevil stated that the third item of New Business was the discussion and/or action to authorize the County Manager to execute a sole source agreement with Associates in Local Government Assistance for services relating to the Community Development Block Grant application and administration. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that with the Memorandum of Understanding with Great Dane, the County

assumed responsibility of applying for a Community Development Block Grant under the Employee Incentive program for Great Dane and will be used for infrastructure that will be needed at the site. Mr. Couch stated that the Georgia Department of Community Affairs authorized the County to use sole source procurement and recommended Mrs. Sarah Davis with Associates in Local Government Assistance to prepare and administer the grant, and that Mrs. Davis would receive 6% compensation for administering the grant. After further discussion, Commissioner Simmons offered a motion to authorize the County Manager, after review by the Staff Attorney, to execute a sole source agreement with Associates in Local Government Assistance for services relating to the Community Development Block Grant application and administration. Commissioner Mosley seconded the motion, and it carried unanimously.

With no further items of New Business, Chairman Nevil stated that because of time constraints the Commissioner and Staff Comments needed to be deferred until after the Zoning Meeting. Commissioner Rushing offered a motion to defer the Commission and Staff Comments. Commissioner Gibson seconded the motion, and it carried unanimously. Chairman Nevil called for a motion to recess for five minutes. Commissioner Mosley offered a motion to recess for five minutes. Commissioner Rushing 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 for any modifications before the approval of the Zoning and Land Use Agenda. Hearing none, Commissioner Gibson offered a motion to approve the Zoning and Land Use Agenda as presented. Commissioner Ethridge seconded the motion, and it carried unanimously. Chairman Nevil asked Zoning Administrator Randy Newman to present the two items of business.

Zoning Administrator Randy Newman presented Item #1 which was an application submitted by Carol Rock-Bellinger requesting a conditional use in order to have a facility that will host private or public functions in an existing building. Mr. Newman stated that the property consists of 6.54 acres and is located on Club Road, tax map #120B 000004 000. The Planning and Zoning Commission voted to approve the request with conditions and the Staff recommended denial of the request. Acting as

Agent, Mr. George Bellinger stated the facility would be rented out to people in the neighborhood for social events and that the building would not be used as a club. Mr. Bellinger stated that people renting the facility would have to sign a rental lease and provide security for the events. Mr. Bellinger stated that the revenue earned from renting the facility would fund the construction of basketball and tennis courts and sports equipment for the youth in the area. After further discussion, Mr. Newman stated Mr. Robert Lee signed up to speak regarding the conditional use request. Mr. Lee stated that at a previous meeting he requested to have a part of Club Road closed, that he pays taxes on, in order to join his two fields. Mr. Newman stated that if that section of Club Road was closed, fire trucks would not be able to access the property where the facility is located. After further discussion, Commissioner Simmons offered a motion to table the request until the October 5th meeting in order for the Staff to research the road issues involved. Commissioner Mosley seconded the motion, and it carried unanimously.

Zoning Administrator Randy Newman presented Item #2 which was an application submitted by Betty E. White requesting a conditional use for a Cottage Industry to operate an auto recovery business. Mr. Newman stated that the property consists of 5.13 acres and is located on Old Groveland Road, tax map #099 000005 003. The Planning and Zoning Commission and Staff recommended the denial of the request. Acting as Agent, Mrs. Betty White stated the facility would hold ten to fifteen cars and that the property is fenced with locks and that the area has adequate lighting. Mr. Newman stated two people signed up to speak in opposition of the request. Mr. Robert Lanier stated that he did not want a junk yard located next to his property, and that the business is already loud enough twenty four hours a day and seven days a week. Mr. Dewayne Kicklighter stated that he owns a wrecker service, but leases property outside of residential areas because of the noise that is created during the day and night. After further discussion, Commissioner Gibson offered a motion to deny Mrs. White's conditional use request. Commissioner Mosley seconded the motion, and it carried unanimously.

Sign-in sheets for Zoning Matters are shown in Exhibit #2010-164.

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. However, there were no comments from the Board, so Chairman Nevil asked for comments from the Staff. County Manager Thomas Couch discussed three recommended Workshop blocks and the potential dates to hold the meetings. Clerk of the Board Maggie Fitzgerald discussed reservations for the ACCG Legislative Policy Conference, an upcoming ribbon cutting and open house, and an Economic Forum held by Georgia Southern University and Sea Island Bank, and informed the Board about being in Athens for three days for training.

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 or the Zoning agenda, and the Board must close the meeting to discuss potential litigation in Executive Session. Chairman Nevil stated that at the conclusion of the Executive Session, which was expected to last about fifteen minutes, the Board would call for a motion to adjourn. 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 County Staff Attorney Jeff Akins for the purposes of deliberating on potential litigation (See Exhibit #2010-). Without further discussion, Commissioner Ethridge offered a motion to enter into Executive Session to discuss potential litigation. 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.

The meeting was reconvened, and Chairman Nevil called for any additional comments from the Commissioner or Staff. Hearing none, Commissioner Gibson offered a motion to adjourn the meeting. Commissioner Ethridge seconded the motion, and it carried unanimously.

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of the Board