

June 9, 2009  
Statesboro, GA

### Special Called Meeting

The Board of Commissioners met at 6:00 p.m. in the Community Room of the North Main Annex. Chairman Nevil welcomed guests and called the meeting to order.

The following commissioners were present: Chairman Nevil, Commissioner Tankersley, Commissioner Simmons, Commissioner Jackson, Commissioner Rushing, and Commissioner Thompson. The following staff were present: County Manager Thomas Couch, Staff Attorney Jeff Akins, County Attorney Charles Brown, Clerk of the Board Maggie Fitzgerald, Chief Financial Officer Harry Starling, Planning and Zoning Development Director Andy Welch, and Chief Building Inspector Herman Butler.

Chairman Nevil stated that the Board needed to enter into Executive Session to discuss Potential Litigation. Without further discussion, Commissioner Tankersley offered a motion to enter into Executive Session to discuss Potential Litigation. Commissioner Simmons seconded the motion, and it carried unanimously (See Exhibit #2009-67). Commissioner Tankersley, Commissioner Jackson, Commissioner Simmons, Commissioner Rushing, and Commissioner Thompson, voted in favor of the motion.

---

In conclusion of the Executive Session, Chairman Nevil resumed the Special Called Meeting by calling on County Attorney Charles Brown to address the Board. Mr. Brown stated that he was formally requesting the Commission to authorize himself and the County Staff Attorney to file a suit against Mr. Michael Henderson and Mrs. Mary Foreman for two events. Mr. Brown explained that the first event is in the area lying between Cypress Lake Road and Old Riggs Mill Road, where Mr. Henderson has placed an immense amount of fill dirt without a permit. Mr. Brown stated that as a result of the fill dirt, a portion of which was placed in a ditch formerly installed by the County, the ditch has been completely obstructed and has resulted in the backing up of water and flooding of at least one residence to the west of the location. Mr. Brown stated that there has also been substantial erosion in the area, the silt and sedimentation has reached the streams in the area because the soil has not been stabilized, and because a drainage system installed by the County, which worked effectively for many years, has been

interdicted by Mr. Henderson. Mr. Brown summarized that the fill dirt has been placed on lots variously owned by Mr. Henderson and Mrs. Foreman, so they must be respondents in this matter.

Mr. Brown discussed the second event, and explained that the issue has been long standing and involves the Pine Forest Subdivision located along Evergreen Drive. Mr. Brown stated that Mr. Henderson, as a general partner in a company owned by Mr. Henderson and Mrs. Foreman, has continued the construction of a residence there, and not withstanding repeated attempts by the County Code Enforcement Officers to have him stabilize the soils, he has steadfastly refused to comply. Mr. Brown stated that the soils have been left open on Lot 5 for many months and now has resulted in further erosion and silting. Mr. Brown stated that he plans to go to Superior Court, where he expects to present evidence to support the claim for an injunction to direct Mr. Henderson to cease all activity at both locations, and then to remediate the erosion and sedimentation that Mr. Henderson has caused.

Without discussion, Commissioner Simmons offered a motion to authorize suit against Mr. Michael Henderson and Mrs. Mary Foreman to achieve the purposes stated by County Attorney Charles Brown. Commissioner Jackson seconded the motion, and it carried unanimously.

Chairman Nevil asked for any further comments from the staff or Board. Hearing none, Chairman Nevil called for a five minute recess before the Public Hearing for the proposed Fiscal Year 2010 General Appropriations Budget scheduled for 6:30 p.m.

---

J. Garrett Nevil, Chairman

---

Attest: Maggie Fitzgerald, Clerk of the Board