

February 2, 2006  
Statesboro, GA

The Board met at 5:30 p.m. in the Community Room of the North Main Annex.

Chairman Nevil welcomed the guests and called the meeting to order. Commissioner Gibson gave the invocation and the pledge of allegiance.

Ms. Evelyn Wilson, Clerk of the Board, performed the roll call of commissioners and staff. The following commissioners and staff were present: Chairman Nevil, Commissioner Gibson, Commissioner Jackson, Commissioner Simmons, Commissioner Tankersley, Commissioner Thompson, County Manager Tom Couch, Parliamentarian and Staff Attorney Jeff Akins, Deputy Clerk Regina Smith, Zoning Administrator Cheryl Tatum, and County Attorney Charles Brown. Commissioner Smith was absent.

Judge Lee Deloach addressed the Board concerning election matters. He stated that he understood why a Board of Elections could not be established at this time but he asked that the Board consider allowing him to hire another full time employee. The workload is heavy between doing probate duties and elections. Currently, they are in the process of realigning precincts to 4 equal sizes. He gave a rundown of everything that must be done to prepare for an election year, including the non-election years. Mr. Couch stated that a budget amendment would have to be prepared to accommodate the employee. After a few minutes of discussion, Commissioner Simmons offered a motion to approve the budget amendment to allow an additional employee. Commissioner Tankersley seconded the motion and it carried unanimously.

Commissioner Gibson offered a motion to go into recess for a few minutes to give citizens time to sign up to speak on zoning items. Commissioner Simmons seconded the motion and it carried unanimously.

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Chairman Nevil asked for a motion to approve the General Agenda. Mr. Couch stated that one item needed to be added to the agenda. An Executive Session for land acquisition and pending and potential litigation needed to be added to the agenda. Chairman Nevil asked for a motion to approve the General Agenda with the one change. Commissioner Simmons offered a motion to approve the General Agenda with the one change. Commissioner Jackson seconded the motion and it carried unanimously.

The first order of business was the approval of the regular minutes of January 3, 2006, executive session minutes of January 3, 2006 and regular minutes of January 17, 2006. Commissioner Tankersley offered a motion to approve the regular minutes of January 3, 2006, executive session minutes of January 3, 2006 and regular minutes of January 17, 2006. Commissioner Simmons seconded the motion and it carried unanimously.

The second order of business was the approval of the December monthly reports. Commissioner Simmons offered a motion to approve the monthly reports. Commissioner Jackson seconded the motion and it carried unanimously.

Next item on the agenda was the Public Hearing for zoning matters. Chairman Nevil asked Ms. Cheryl Tatum, Zoning Administrator, to present the zoning items.

Ms. Tatum stated Manuel Balcarcel, as agent for Robbie Ward, has filed an application requesting a conditional use permit to allow a collision repair center to be operated on the property. The property consists of 3.99 acres and is located on Highway 301 South. The Planning and Zoning Commission unanimously recommended approval of the conditional use request with the following conditions: (1) prior to submitting for a Certificate of Occupancy: (a) billboard sign needs to be rehabilitated with lighting on sign needing to be restored to code standards or removed; (b) any freestanding sign allowed pursuant to the Bulloch County Sign Ordinance shall have a landscaped base and be located at least ten (10) feet from the right-of-way to avoid obstructing sight distance; (c) all access ways, driveways, parking and internal circulation areas from the front of the building line to the entrance ways shall be paved with asphalt or concrete and meet parking area standards in the Bulloch County Zoning Ordinance. No joint internal parcel access with the truck stop is allowed; (d) all vehicle storage areas shall be screened according to Section 407 of the Bulloch County Zoning Ordinance; (e) if compactors or dumpsters are used for trash containment they shall be placed on a concrete pad and shall be screened or not visible from the street; (f) any outdoor lighting for parking or security shall be shielded and directed to avoid illuminating adjacent properties; (2) landscaping shall be provided as follows: (a) street trees shall be provided on 100 foot spacing. Non-ornamental canopy type tree with 4" calipers required; and (b) shall provide and continually maintain either existing or new trees measuring in the aggregate the following

caliper inches per acre: 75” for commercial. No one signed up to speak in opposition to the request. Mr. Balcarcel was present to make the presentation. He stated that he agreed to the conditions that were stated. Commissioner Simmons offered a motion to approve the conditional use permit. Commissioner Gibson seconded the motion and it carried unanimously.

Ms. Tatum stated that Danny and Connie Lewis, as agent for Truck & Industrial, have filed an application with the Bulloch County Zoning department requesting a conditional use permit to allow multiple uses on one parcel of land. They would like to lease an area for truck sales. They are also requesting a variance to the parking and paving requirements. The Planning and Zoning Commission unanimously recommended approval of the conditional use permit with the following conditions: (1) no more than 15 display trucks may be located on the designated sales lot provided for in the application at any given time; (2) all display trucks on the sales lot must be kept clean, undamaged and in good repair and in operable condition. No vehicles defined as a junk vehicle according to the Bulloch County Code of Ordinances will be allowed on the designed sales lot; (3) one (1) freestanding sign for advertising for both businesses will be allowed pursuant to the Bulloch County Sign Ordinance and shall have a landscaped base and be setback at least ten (10) feet from the right-of-way; (4) any outdoor lighting for parking or security shall be shielded and directed to avoid illuminating adjacent properties; (5) the addition of any new structures other than provided for under these conditions will invalidate this conditional use permit and require the property owner and/or agent to re-apply for a new conditional use permit; and a variance with the condition that no trucks will be allowed to park or be stored on Ibo Anderson Road. The Planning and Zoning Commission has granted the variance. No one signed up to speak in opposition to the request. Ms. Lewis was present to make the presentation. Commissioner Thompson offered a motion to approve the conditional use permit. Commissioner Gibson seconded the motion and it carried unanimously.

Ms. Tatum stated Rachel Edwards, as agent for Robert McGrath, has filed the application with the Bulloch County Zoning Department requesting a rezone from AG-5 (Agricultural-5 acres) to R-40 (Residential-40,000 square foot lots) on 4.38 acres. The intent of this rezone is to divide the property into two separate parcels. The property is

located on Highway 67. The Planning and Zoning Commission unanimously recommended approval of the request to R-80. Ms. Tatum stated that the applicant thought the property had to be rezoned to R-40 in order to divide the property but the Planning and Zoning Commission agreed that the property could be rezoned to R-80 and the applicant could still divide the property as he wished. No one signed up to speak in opposition to the request. Ms. Edwards was present to make the presentation.

Ms. Edwards stated that Mr. McGrath wanted to divide the property into 2 parcels in order to sell the property to the current tenant. Also, he needed to clear up an encroachment on the back of the property and deed it to the tenant.

Commissioner Tankersley offered a motion to approve the rezone request. Commissioner Thompson seconded the motion and it carried unanimously.

Sign-in sheets for zoning issues are shown as Exhibit #2005 – 13.

Under the Consent Agenda were the following items for consideration: (1) a contract with the DOT for the replacement of the bridge at Lower Black Creek on Brooklet-Denmark Road – see exhibit #2006 -14; (2) a contract with the DOT for the replacement of the bridge at Watering Hole Branch on Cypress Lake Road – see exhibit #2006 - 15; (3) a contract with the DOT for the replacement of the bridge at Big Branch and Lotts Creek on Portal Highway – see exhibit #2006 - 16; (4) a local government project agreement with the DOT for the replacement of the bridge at Big Branch and Lotts Creek on Portal Highway – see exhibit #2006 - 17; (5) an amendment to the 2002 SPLOST intergovernmental agreement with the Town of Register to reallocate a portion of its 2002 SPLOST funds by increasing the maximum appropriation for its public safety facility to \$35,000 and reducing the maximum appropriation for its cultural, recreational, or historic facility to \$25,000 – see exhibit #2006 - 18; (6) an amendment to the 2002 SPLOST intergovernmental agreement with the City of Brooklet to reallocate a portion of its 2002 SPLOST funds by increasing the maximum appropriation for its administrative building to \$420,000 and reducing the maximum appropriation for its cultural facility to \$5,000 – see exhibit #2006 - 19; and (7) a resolution authorizing the Chairman to execute an agreement with the GA Dept of Community Affairs to accept \$50,000 in grant proceeds from Local Development Fund to renovate a field within the softball complex into a regulation high school baseball field – see exhibit #2006 -20; (8) a resolution

authorizing sale and conveyance of property to George Ann Thigpen – see exhibit #2006 -21; (9) a resolution to allow the County Manager to request a warrant study from DOT for a traffic signal at Cypress Lake Road and Veterans Memorial Parkway – see exhibit #2006 -22; (10) a resolution to implement revised county administrative policies for vehicle use and new county administrative policies for computers and telecommunications use – see exhibit #2006 -23; (11) approve the bids from Imagistics International of Savannah for the purchase of four copiers and to authorize the County Manager to negotiate a lease agreement with Imagistics International – see exhibit #2006 – 28; (12) a resolution to approve a lease purchase agreement with Yancey Brothers for a caterpillar motor grader for \$166,062.00 – see exhibit #2006 -24; and (13) approval of board appointments – Ms. Janelle Chester to the Dept of Family & Children Services Board. Commissioner Simmons offered a motion to approve the Consent Agenda. Commissioner Jackson seconded the motion and it carried unanimously.

There were no items under Old Business.

First item under New Business was approval of an assignment of agreement for audit services. Richard Deal left the firm of Franklin, Mikell, & Deal, LLP and joined the firm of Thigpen, Lanier, Westerfield & Deal. The assignment assigns the audit contract to the new firm, Thigpen, Lanier, Westerfield & Deal, and binds the new firm to all terms and conditions of the contract. It also clarifies the amount of outstanding bills owed to Franklin, Mikell & Deal, LLP as of the effective date of the assignment and the amount remaining for the audit of the County's 2005 financial statements. Commissioner Simmons offered a motion to approve the assignment of agreement for audit services to Thigpen, Lanier, Westerfield & Deal. Commissioner Tankersley seconded the motion and it carried unanimously. See exhibit #2006 -25.

Last item under New Business was a discussion of an Occupational Tax Ordinance for business licensing. The County needs a way of knowing what types of businesses are being established within the County. Currently, the zoning office writes a letter on behalf of the business owner stating that a business license is not required by Bulloch County. There are three methods of taxing a business: flat tax, employee method, and gross receipts. Mr. Couch stated there may be a problem using the flat tax because mom-and-pop stores may pay \$50 while big corporations get away with paying

\$50. A combination of the methods could be used. Commissioner Thompson stated that being a small business man himself, he would rather the County not use gross receipts. Mr. Couch stated he would spend more time seeing which method would best fit the County. Using the gross receipts would entail an employee or audit firm going out to the businesses to check the gross receipts which is expensive to perform. Commissioner Tankersley agreed that a business license was needed in order to keep track of businesses within the County.

Chairman Nevil asked for any public comments or staff comments.

Ms. Christian Lemon spoke about the animal shelter. She stated the shelter is over 30 years old. There is an average of 3,000 animals that come through the shelter annually. She asked that the Board please consider putting a new animal shelter on the SPLOST referendum coming up.

Ms. Deborah Sabia, a volunteer with the Humane Society, reiterated that a new shelter was needed in Bulloch County. More space was needed, a cleaner environment was desired, and a new and improved ventilation system and quarantine area was needed to decrease the chance of having to do a mass depopulation. She presented a petition to the Board with over 1,500 signatures from citizens that supported a new animal shelter. Seen exhibit #2006 – 26.

Mr. David Bacon, a pigeon fancier, presented the Board with a few federal documents and agricultural documents that supported his hobby along with a documentary of pigeon fanciers.

Commissioner Thompson stated that he has received several calls from surveyors about FEMA and flood elevations. He asked Ms. Tatum to explain this situation to everyone for informational purposes. Ms. Tatum stated the concern is about whether the surveyor has to establish base flood elevation even if the building and floodplain are located on opposite sides of the property. Her interpretation of the definition of subdivision in our ordinance and FEMA's definition are contradicting. She spoke to a representative of FEMA and was told that any property with any portion in a flood zone that was divided had to have the base flood elevation established, regardless of whether the flood zone included the subdivided property. There were 2 or 3 exceptions to the rule. Currently, the County only has one area, Zone AE, which has base flood elevation

established. The other area, Zone A, does not. The southern part of Bulloch County has a significant amount of flood zones. Currently, the surveyors and developers are not establishing to base flood elevation unless it is in a "subdivision" according to our ordinance. FEMA stated that the County might be able to piggyback with of other counties that are going through the process of having LIDAR done and contours every tow (2) feet. The cost would be approximately \$360,000 - \$400,000. If the County does not piggyback with the other counties, then the cost will be significantly higher. If the County does not require base flood elevations to be established, then the County could be suspended from the program. If the County does not participate in the FEMA program, then houses being built in flood zones would not be able to obtain flood insurance. Also, the bank could call in the mortgage for existing structures in a flood area. So the County must make a decision: either piggyback with the other counties to decrease the cost of flying LIDAR, contract to fly LIDAR separately from other counties and pay a significantly higher price, or require individual developers to bear the cost of establishing base flood elevations. Mr. Couch thanked Ms. Tatum for the information.

Mr. Couch asked the ladies who discussed the animal shelter if they could come up with estimates for the new animal shelter as soon as possible. Also, he mentioned to Mr. Bacon that he was still researching the ordinance for hobby animals thoroughly.

Chairman Nevil stated an executive session was needed to discuss land acquisition and pending and potential litigation. Commissioner Gibson offered a motion to go into Executive Session to discuss land acquisition and pending and potential litigation. Commissioner Jackson seconded the motion and it carried unanimously. Commissioners Gibson, Jackson, Simmons, Tankersley and Thompson voted in favor of the motion. See exhibit #2006 -27.

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Chairman Nevil asked for other business or comments. Commissioner Simmons offered a motion to adjourn the meeting. Commissioner Jackson seconded the motion and it carried unanimously.