

April 6, 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 Roy Thompson 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 Tankersley, 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, Zoning Administrator Randy Newman, Deputy Clerk Christy Strickland, Public Safety Director Ted Wynn, Purchasing Director Kenneth Trapnell, SBCPRD Operations Division Manager Chad Avret, Public Facilities and Environmental Management Director Bob Smith, Airport Manager Jeff Herrington, and Planning and Zoning Development Director Andy Welch.

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. Hearing none, Commissioner Tankersley offered a motion to approve the General Agenda as presented. Commissioner Simmons seconded the motion, and it carried unanimously.

The next item of business was the approval of the Minutes for the Regular Meeting that was held on March 16, 2010. Chairman Nevil asked for corrections or modifications. Without hearing corrections or modifications, Commissioner Simmons offered a motion to approve the minutes of the meeting as presented. 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. Mr. Kevin Deal addressed the Board and asked for an agricultural exemption to the satellite tower requirements listed under the Zoning Ordinance. After further discussion regarding agricultural GPS towers, Chairman Nevil stated that the Staff would review the satellite

tower ordinances for other counties, and then visit the idea of creating a possible exemption for agricultural towers. Next, Ms. Latrecia Harden requested that the county pave Banks Creek Church Road, and stated that all but one property owner had signed the petition necessary to start the paving process. Last, Mr. D.J. Wilson requested that the county survey and inspect the intersection of Westside Road and Highpoint Road, in order to find a way to fix the multiple blind spots located at the intersection. After further discussion, Chairman Nevil stated that the County Engineer would be asked to survey the intersection. Hearing no further public comments, Chairman Nevil moved forward to the next item on the Agenda.

The next item on the Agenda was to approve the Consent Agenda as presented: (1) to authorize and forward three nominations (Bill Stubbs, Gary Edwards, and Roy Rountree) to the Hospital Authority of Bulloch County for an appointment to the seat that is expiring on September 30, 2010; (2) to authorize the appointment of Mr. Schubert Lane to the County Planning and Zoning Commission; (3) to authorize the County Manager to execute a purchase order based on the Staff recommendations for the lowest and most advantageous bid with Freightliner of Savannah, Georgia, for SPLOST CIP Project #SW-11 for the acquisition of a rear loading solid waste truck (See Exhibit #2010-49); (4) to authorize the County Manager to execute property lease agreements on behalf of the Statesboro Bulloch County Airport with Pegasus Air, LLC (See Exhibit #2010-50); (5) to authorize the County Manager to execute property lease agreements on behalf of the Statesboro Bulloch County Airport with Dr. William Dailey for one half of the Corporate Hangar (See Exhibit #2010-51); (6) to authorize the County Manager to execute a fixed price agreement renewal with Hanson Pipe and Concrete for concrete pipe for the Transportation Department (See Exhibit #2010-52); (7) to authorize the County Manager to execute a purchase order and fixed price agreement based on the Staff recommendation for the lowest and most advantageous bid with Darby Cleaning of Metter, Georgia, for the Splash in the Boro (See Exhibit #2010-53); (8) to authorize the County Manager to execute a purchase order and fixed price agreement based on the Staff recommendation for the lowest and most advantageous bid with the American Law Enforcement Network, in order to conduct criminal background checks for inmates at the Correctional Institute (See Exhibit #2010-54); and (9) to dispense with the reading and

authorize a resolution to reaffirm the loan agreement executed in calendar year 1994 with the Georgia Environmental Facilities Authority (See Exhibit #2010-55). Without discussion, Commissioner Thompson offered a motion to amend the Consent Agenda by moving Items #3, #7, and #8 to the New Business Agenda for further discussion. Commissioner Rushing seconded the motion, and it carried unanimously. Commissioner Simmons offered a motion to approve the Consent Agenda as amended. Commissioner Gibson seconded the motion, and it carried unanimously.

Chairman Nevil stated that the first item of New Business was the discussion and/or action to consider amendments to Chapter 4 of the County Code of Ordinances pertaining to building and building regulations. Chairman Nevil called on Mr. Couch to initiate discussion, and Mr. Couch deferred to Planning and Development Director Andy Welch. Mr. Welch stated the minor changes to Chapter 4 will amend the definition of Industrialized Building to require the use of the structure to be consistent with the Georgia Department of the Community Affairs application for the building, and will correct a reference in the Road Naming and Property Numbering section. After further discussion, Commissioner Thompson offered a motion to approve the amendments to Chapter 4 of the County Code of Ordinances pertaining to building and building regulations (See Exhibit #2010-56). Commissioner Simmons seconded the motion, and it carried unanimously.

The second item of New Business was the discussion and/or action to grant an alcoholic beverage license for package retail beer and wine sales to Ankur Patel at Sunfly Food #3 which is located at 898 Lakeview Road, Statesboro, Georgia, in Unincorporated Bulloch County. Chairman Nevil called on Clerk of the Board Maggie Fitzgerald to initiate the discussion regarding the matter, and Ms. Fitzgerald stated that Mr. Patel is a current alcoholic beverage license holder and recommended approval of the license. Without further discussion, Commissioner Tankersley offered a motion to grant an alcoholic beverage license for package retail beer and wine sales to Ankur Patel at Sunfly Food #3 which is located at 898 Lakeview Road, Statesboro, Georgia, in Unincorporated Bulloch County. Commissioner Rushing seconded the motion, and it carried unanimously.

The third item of New Business, as added, was the discussion and/or action to consider a bid with Freightliner of Savannah, Georgia, for SPLOST CIP Project #SW-11 for the acquisition of a rear loading Solid Waste Truck. Chairman Nevil called on Commissioner Thompson to initiate discussion regarding the matter, and Commissioner Thompson stated that he wanted a review of the bidding process for this vehicle because of noted pricing change on the bid report. Public Facilities and Environmental Management Director Bob Smith stated that the change of the price was due to a subtraction mistake by Freightliner on the bid sheet, but that the amounts listed on the bid sheet were correct. After further discussion, Commissioner Thompson offered a motion to authorize the County Manager to execute a purchase order based on the Staff recommendations for the lowest and most advantageous bid with Freightliner of Savannah, Georgia, for SPLOST CIP Project #SW-11 for the acquisition of a rear loading solid waste truck (See Exhibit #2010-49). Commissioner Gibson seconded the motion, and it carried unanimously.

The fourth item of New Business, as added, was the discussion and/or action to authorize the County Manager to execute a purchase order and fixed price agreement based on the Staff recommendation for the lowest and most advantageous bid with Darby Cleaning of Metter, Georgia, for the Splash in the Boro. Chairman Nevil called on Commissioner Thompson to initiate discussion regarding the matter, and Commissioner Thompson asked Purchasing Director Kenneth Trapnell for clarification of the amendment on the bid sheet in regard to Darby Cleaning. Mr. Trapnell stated that there was a mathematical error. Mr. Couch stated that a multiplication error was due to the bid specification with unit prices instead of a lump sum bid. After further discussion, Commissioner Rushing offered a motion to authorize the County Manager to execute a purchase order and fixed price agreement based on the Staff recommendation for the lowest and most advantageous bid with Darby Cleaning of Metter, Georgia, for the Splash in the Boro (See Exhibit #2010-53). Commissioner Thompson seconded the motion, and it carried unanimously.

The fifth item of New Business, as added, was the discussion and/or action to authorize the County Manager to execute a purchase order and fixed price agreement based on the Staff recommendation for the lowest and most advantageous bid with the

American Law Enforcement Network, in order to conduct criminal background checks for inmates at the Correctional Institute. Chairman Nevil called on Commissioner Thompson to initiate discussion regarding the matter, and Commissioner Thompson stated that Bulloch is misspelled nine times within the document, and that the spelling must be corrected before the agreement can be signed. After further discussion, Commissioner Thompson offered a motion to authorize the County Manager to execute a purchase order and fixed price agreement based on the Staff recommendation for the lowest and most advantageous bid with the American Law Enforcement Network, in order to conduct criminal background checks for inmates at the Correctional Institute (See Exhibit #2010-54). Commissioner Gibson 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 Mrs. Tankersley and then proceeding down the bench accordingly. Without hearing any comments from Commissioner Tankersley, Commissioner Simmons, Commissioner Mosley, and Commissioner Rushing, Commissioner Thompson thanked the Transportation Department for working so hard to get the dirt roads back in shape after all of the rain. Commissioner Gibson and Mr. Couch discussed some ditch and culvert issues in Hazelwood Subdivision. Chairman Nevil also stated that the County is making some progress with fixing the dirt roads, and asked that every one continue to be patient. Chairman Nevil asked for comments from the Staff, and Clerk of the Board Maggie Fitzgerald discussed the Development Authority's Bus Trip to Atlanta on April 13<sup>th</sup>. Without hearing any further comments from the Commission or Staff, Chairman Nevil moved forward to the next item on the Agenda.

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 6:45 p.m. to proceed with the Zoning Agenda. Without further discussion, Commissioner Gibson offered a motion to recess until 6:45 p.m. 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 modifications or amendments to the Zoning and Land Use Agenda. Hearing none, Commissioner Gibson offered a motion to approve the Zoning and Land Use Agenda as presented. Commissioner Simmons seconded the motion, and it carried unanimously. Chairman Nevil asked Zoning Administrator Randy Newman to present the one item of business.

Zoning Administrator Randy Newman presented Item #1 which was an application submitted by Mike Henderson and Mary Foreman requesting a conditional use to allow multiple uses/buildings on one parcel of land with the intent to allow a Gasoline Station with a Convenience Store, General Business, Mini Storage Warehouses, a Day Care Facility, and Used Merchandise on 3.73 acres of a 17.2 acre tract. The property is located at the intersection of Old Riggs Mill Road and Cypress Lake Road, tax map #047B 000019 000. The Planning and Zoning Commission and Staff recommended the denial of the conditional use request. Mr. Newman presented information regarding Conditional Uses in Bulloch County. Mr. Henderson and Ms. Foreman's attorney, Franklin Edenfield, asked for approval of the conditional use in order to allow the property owners to make full use of the property and that the uses they are asking for are appropriate and allowed uses under the zoning of the property. Mr. Newman stated that two people signed up to speak in opposition of the request. Mrs. Cathy Dixon, of Cypress Lake, stated that she was representing a group of Cypress Lake home owners and asked that the Board deny the request because it was incompatible with the residential area. Mrs. Dixon also stated that traffic and safety issues were two major concerns for the neighborhood. Mr. Clay Chandler, of Cypress Lake, asked the Board to deny the request for the following reasons: (1) Mr. Henderson does not follow the code and tries to beat the system; (2) Mr. Henderson has a history of not finishing projects; and (3) It costs the County too much to supervise Mr. Henderson's developments. Without further discussion, Commissioner Mosley offered a motion to deny Mike Henderson and Mary Foreman's request for a conditional use to allow multiple uses/buildings on one parcel of land with the intent to allow a Gasoline Station with a Convenience Store, General Business, Mini Storage Warehouses, a Day Care Facility,

and Used Merchandise on 3.73 acres of a 17.2 acre tract. Commissioner Rushing seconded the motion, and it carried unanimously.

Sign-in sheets for Zoning Matters are shown in Exhibit #2010-57.

Chairman Nevil called for further discussion or comments from the Board or Staff. Hearing none, Commissioner Gibson offered a motion to adjourn. Commissioner Rushing seconded the motion, and it carried unanimously.

---

J. Garrett Nevil, Chairman

---

Attest: Maggie Fitzgerald, Clerk of the Board