

August 3, 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 Walter Gibson 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 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, Deputy Clerk Christy Strickland, Public Safety Director Ted Wynn, Fire Chief Randy Walker, County Attorney Charles Brown, Chief Tax Assessor John Scott, Tax Commissioner James Deal, 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 stated that the two Presentations had been canceled due to rescheduling. Hearing no further amendments or modifications, Commissioner Mosley offered a motion to approve the General Agenda as amended. Commissioner Rushing 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 July 20, 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 meeting as presented. Commissioner Mosley seconded the motion, and it carried unanimously.

For the next item of business, Chairman Nevil stated that the Board would conduct a Public Hearing regarding a proposed Streetlight Tax District for the Pine Needle Hills Subdivision in unincorporated Bulloch County where notice to the public has been duly given according to County requirements (See Exhibit #2010-119), and called for a motion to open the Public Hearing for citizen input. Commissioner Mosley

offered a motion to open the Public Hearing. Commissioner Rushing seconded the motion, and it carried unanimously. Chairman Nevil called on Staff Attorney Jeff Akins to initiate the discussion regarding the matter, and Mr. Akins stated that the cost estimate for the first year, including capital and operating costs, would be \$320.00 per lot and would be added to the tax bills. Mr. Akins stated that after the first year, the operating cost per year would be approximately \$100.00 per lot. Without further comment, Chairman Nevil called for comments and/or questions from the public. Hearing none, Chairman Nevil called for a motion to close the Public Hearing. Commissioner Gibson offered a motion to close the Public Hearing. 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. Mr. Thomas Anderson asked to address the Board, and requested that the County pave Ephesus Church Road, located between Nevil Daisy Road and US Highway 301. Mr. Anderson stated that the remainder of the road that needs to be paved consists of less than a mile. Chairman Nevil stated that Mr. Anderson could pick up a right-of-way petition form from the County Engineer's Office, and begin obtaining the signatures from the property owners. After further discussion, Chairman Nevil asked for further public comments from the audience at large. Hearing none, Chairman Nevil moved forward to the next item on the Agenda.

Without any Consent Items or Unfinished Business, Chairman Nevil stated that the first item of New Business was the discussion and/or action to dispense with the reading and adopt a Resolution approving the proposed Tax Digest and Millage Rates for calendar year 2010. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the 2010 millage rates would be set as follows: (1) Bulloch County Board of Commissioners M&O would be 10.44 Mills; (2) Statesboro Special Fire Tax District M&O would be 1.80 Mills; (3) Bulloch County Board of Education M&O would be 9.95 Mills; and (4) Bulloch County Board of Education Bond would be 0.45 Mills. Without further discussion, Commissioner Mosley offered a motion to dispense with the reading and adopt a

Resolution approving the proposed Tax Digest and Millage Rates for calendar year 2010 (See Exhibit #2010-120). 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 authorize the Chairman of the Board to execute an Automatic Aid Agreement for fire services with the City of Statesboro. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the agreement would have a positive impact on the Statesboro Fire Department and the Bulloch County Fire Department by boosting manpower, water, equipment, and would enhance training between the two departments. Mr. Couch stated that “automatic aid” implies that the aid would be automatic when a structure fire occurs anywhere in the County to include rural and incorporated areas. After further discussion, Commissioner Thompson offered a motion to authorize the Chairman of the Board to execute an Automatic Aid Agreement for fire services with the City of Statesboro. (See Exhibit #2010-121). 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 dispense with the reading and adopt a resolution creating a Streetlight Tax District for Pine Needle Hills Subdivision in unincorporated Bulloch County. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that Staff Attorney Jeff Akins had discussed the matter during the Public Hearing. Without further discussion, Commissioner Gibson offered a motion to dispense with the reading and adopt a resolution creating a Streetlight Tax District for Pine Needle Hills Subdivision in unincorporated Bulloch County (See Exhibit #2010-122). Commissioner Mosley seconded the motion, and it carried unanimously.

Chairman Nevil stated that the fourth item of New Business was the discussion and/or action to grant an Alcoholic Beverage License to OSV, INC., doing business as Zip-N-Food at 2301 Old Register 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 the owner and licensee,

Suren Patel, operates several stores in Bulloch County and recommended approval of the license. Mr. Couch recommended that the Board add a condition to only allow the issuance of the license once the Certificate of Occupancy (C.O.) has been obtained. Ms. Fitzgerald stated that two months ago Mr. Patel was issued an Alcoholic Beverage License before he obtained a C.O. for another new store. After further discussion, Commissioner Ethridge stated that Mr. Patel was one of her clients at the bank, and stated that she would abstain from voting on the matter. Commissioner Mosley offered a motion to grant an Alcoholic Beverage License to OSV, INC., doing business as Zip-N-Food at 2301 Old Register Road, Statesboro, Georgia, in unincorporated Bulloch County with the condition that the license would not be issued until Mr. Patel obtains a Certificate of Occupancy for the store. Commissioner Rushing seconded the motion, and it carried with a vote of four to zero, with Commissioner Ethridge abstaining from the vote.

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. Commissioner Ethridge and Commissioner Mosley thanked the public for the support and thanked the staff for all of their hard work. Chairman Nevil informed the Board about the 2011 Wild Game Supper in Atlanta, and the Board agreed to participate in the event as a sponsor. Commissioner Rushing discussed the possible amendments to the Sign Ordinance. Commissioner Gibson discussed a silt fence that has been surrounding a piece of property in Evergreen for over a year.

Without further comments from the Board, Chairman Nevil asked for comments from the Staff. Zoning Administrator Randy Newman and Deputy Clerk Christy Strickland presented an update to the Board regarding the progress of the Occupational Tax Licenses. County Attorney Charles Brown discussed the possibility of the County selling the paved parking lot behind the old hospital site to a local doctor's office. County Manager Thomas Couch informed the Board about the GAZA conference he recently attended, and discussed a few road paving issues.

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 to discuss potential Real Estate Acquisition and Personnel Matters 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 recess and then reconvene to proceed with the Zoning Agenda. 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 Real Estate Acquisition and Personnel Matters (See Exhibit #2010-123). Without further discussion, Commissioner Thompson offered a motion to enter into Executive Session to discuss potential Real Estate Acquisition and Personnel Matters. Commissioner Rushing seconded the motion, and it carried unanimously. Commissioner Mosley, Commissioner Ethridge, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson voted in favor of the motion.

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 Ethridge offered a motion to approve the Zoning and Land Use Agenda as presented. Commissioner Mosley seconded the motion, and it carried unanimously.

Next, Chairman Nevil stated that he and Commissioner Rushing both own land adjacent to the properties on the Agenda, which would present a conflict of interest. Chairman Nevil stated that he and Commissioner Rushing would both abstain from participating in the discussion and action for the three zoning items. Abstaining from the meeting, Chairman Nevil asked the Board to appoint a commissioner to preside over the meeting. Commissioner Gibson offered a motion to appoint Commissioner Thompson to preside over the Zoning Meeting. Commissioner Ethridge seconded the motion, and it carried with a vote of three to zero. Commissioner Ethridge, Commissioner Mosley, and Commissioner Gibson voted in favor of the motion. Commissioner Thompson asked Zoning Administrator Randy Newman to present the three items of business.

Zoning Administrator Randy Newman stated that the three items would be presented together, and presented Item #1 which was an application submitted by Charles Ricky Nevil requesting a rezone of 137.42 acres out of a 148.53 acre tract from Agricultural 5 acres (AG-5) and Highway Commercial (HC) to Light Industrial (LI). Mr. Newman stated that the property is under contract and the ultimate user anticipates that the property will be used for Bulloch County's new industrial park. The property is located on Rocky Road and Kelly Road, tax map #050 000037 001. The Planning and Zoning Commission and Staff recommended approval of the request with conditions.

Zoning Administrator Randy Newman presented Item #2 which was an application submitted by MCB Services, LLC., requesting a rezone from Highway Commercial (HC) to Light Industrial (LI). Mr. Newman stated that the property is under contract and the ultimate user anticipates that the property will be used for Bulloch County's new industrial park. The property is located on Rocky Road, tax map #050 000032 006. The Planning and Zoning Commission and Staff recommended approval of the request with conditions.

Zoning Administrator Randy Newman presented Item #3 which was an application submitted by MCB Services, LLC., requesting a rezone from Agricultural 5 Acres (AG-5) to Light Industrial (LI). Mr. Newman stated that the property is under contract and the ultimate user anticipates that the property will be used for Bulloch County's new industrial park. The property is located on Rocky Road, tax map #050 000029 000. The Planning and Zoning Commission and Staff recommended approval of the request with conditions.

Acting as agent for the three requests, Stephen Rushing stated that the uses in the new industrial park would be light industry in nature. Mr. Rushing stated that multiple studies and experts all agree that the area is best suited for new light industry because the area is located next to the large interchange of I-16 and US Highway 301. Mr. Rushing summarized the eight rezone standards and discussed how each standard, when applied to the rezone requests, supports the approval of the rezone. After further discussion, Mr. Newman stated that five people signed up to speak in regards to the requests. Mrs. Peggy Chapman, Executive Director of the Chamber of Commerce and Development Authority, spoke in favor of the requests, and stated that the new industrial park will bring more jobs

to the community. Mr. David Holland, Chairman of the Development Authority, stated that he was present to answer any questions from the Board. Mr. Ricky Nevil and Joey Maxwell stated they were both in favor of the rezone requests. Mr. Clayton Anderson stated that he was in opposition of the request because the additional traffic at the interchange would create a more dangerous intersection, and that an industrial park would change the primarily agricultural area.

Commissioner Thompson asked for further discussion or comments from the Board. Without further discussion, Commissioner Ethridge offered a motion to approve, Zoning Item #1, Mr. Charles Ricky Nevil's request for a rezone of 137.42 acres out of a 148.53 acre tract from Agricultural 5 acres (AG-5) and Highway Commercial (HC) to Light Industrial (LI) with the conditions set forth in Exhibit #2010-124. Commissioner Gibson seconded the motion, and it carried with a vote of three to zero. Commissioner Ethridge, Commissioner Mosley, and Commissioner Gibson voted in favor of the motion. For Zoning Item #2, Commissioner Gibson offered a motion to approve MCB Services, LLC's, request for a rezone from Highway Commercial (HC) to Light Industrial (LI) with the conditions set forth in Exhibit #2010-125. Commissioner Mosley seconded the motion, and it carried with a vote of three to zero. Commissioner Ethridge, Commissioner Mosley, and Commissioner Gibson voted in favor of the motion. For Zoning Item #3, Commissioner Mosley offered a motion to approve MCB Services, LLC's, request for a rezone from Agricultural 5 Acres (AG-5) to Light Industrial (LI) with the conditions set forth in Exhibit #2010-126. Commissioner Gibson seconded the motion, and it carried with a vote of three to zero. Commissioner Ethridge, Commissioner Mosley, and Commissioner Gibson voted in favor of the motion.

Sign-in sheets for Zoning Matters are shown in Exhibit #2010-127.

Commissioner Thompson called for further discussion or comments from the Board or Staff. Mrs. Jeanne Anne Marsh, Chairman of the Planning and Zoning Commission, asked to address the Board and summarized three recommendations for better communication between the P&Z Commission, the Board of Commissioners, and the citizens that were made during the GAZA Conference. After further discussion from Mrs. Marsh, Commissioner Thompson called for additional comments or questions from

the Board or Staff. Hearing none, Commissioner Gibson offered a motion to adjourn the meeting. Commissioner Rushing seconded the motion, and it carried unanimously.

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of the Board