

December 1, 2009
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 Robert Rushing 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 Rushing, Commissioner Thompson, and Commissioner Gibson. The following staff were present: County Manager Thomas Couch, Staff Attorney Jeff Akins, Chief Financial Officer Harry Starling, Statesboro Bulloch County Parks and Recreation Director Mike Rollins, Zoning Administrator Randy Newman, Deputy Clerk Christy Strickland, 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 and Executive Session that were held on November 17, 2009. Chairman Nevil asked for corrections or modifications. Commissioner Tankersley stated that the word "cease" should be changed to "cause" in the second paragraph on the second page. Clerk of the Board Maggie Fitzgerald stated that the correction was noted and would be changed. Without hearing any further corrections or modifications, Commissioner Simmons offered a motion to approve the minutes of the meeting with one correction. 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. Hearing no public comments, Chairman Nevil moved forward to the scheduled Public Hearing.

The next item on the Agenda was the duly advertised Public Hearing for the proposed Streetlight Tax District in Phase II of Amberwood Subdivision, in which the Public Notice, as advertised in the County's Legal Organ, is shown as Exhibit #2009-148. Before asking for a motion to open the Public Hearing, Chairman Nevil yielded the floor to County Manager Thomas Couch to introduce the background information. Mr. Couch stated that the Amberwood Homeowners Association submitted a petition that was signed by at least 75% but less than 100% of the lot owners, to create a streetlight district for Phase II of Amberwood Subdivision. Mr. Couch yielded the floor, and Chairman Nevil called for a motion to open the Public Hearing. Commissioner Gibson offered a motion to open the Public Hearing to consider the proposed Streetlight Tax District in Phase II of Amberwood Subdivision, pursuant the County Code of Ordinances and petitioned by the Amberwood Homeowners Association. Commissioner Tankersley seconded the motion, and it carried unanimously. With the Public Hearing open, Chairman Nevil called for public comments from the audience concerning the proposed streetlight tax district. Without hearing any comments from the public, Chairman Nevil called for a motion to close the public hearing. Commissioner Rushing offered a motion to close the Public Hearing to consider the proposed Streetlight Tax District in Phase II of Amberwood Subdivision. Commissioner Gibson seconded and the motion and it carried unanimously.

The next item on the Agenda was to approve the Consent Agenda as presented: (1) To dispense with the reading and adopt a Resolution to fix the compensation for the Board of Elections and Registration (See Exhibit #2009-149); (2) To dispense with the reading and adopt a Resolution to discontinue the spousal surcharge in the Employee Health Insurance Plan (See Exhibit #2009-150); (3) To authorize the County Manager to execute an agreement based on accepting the recommendation for the lowest and most advantageous bid of \$12,870.00 a year, for janitorial services from Divine Clean Care for the Brooklet Community Building and the softball/baseball complexes at Mill Creek Park (See Exhibit #2009-151); and (4) To authorize the County Manager to execute an agreement based on accepting the recommendation for the lowest and most advantageous bid of \$5,317.20 a year, for carpet cleaning services from All-Star Carpet Care & Restoration for the Parks and Recreation Department Facilities (See Exhibit #2009-152). Without discussion from the Board, Commissioner Simmons offered a motion to approve

the Consent Agenda as presented. Commissioner Tankersley seconded the motion, and it carried unanimously.

Chairman Nevil stated that the only item of Old or Unfinished Business was the discussion and/or action to dispense with the reading and adopt a Resolution authorizing the conveyance of the Georgia State Patrol Property to the State of Georgia. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the Resolution authorizes conveyance of the new Georgia State Patrol Post property on Highway 301 South to the State of Georgia, and further authorizes the Chairman to execute a warranty deed and any other documents necessary to effectuate the conveyance. Mr. Couch stated that the consensus at the last Board Meeting was to proceed with these documents. Staff Attorney Jeff Akins stated that he has left a voicemail and sent an email to Mrs. Peppers of the Property Commission, but has not received a response. Commissioner Tankersley stated that in the future she would like the Staff to communicate with the State to encourage them to afford the County the same rights as the State has to include a reversion clause. After further discussion, Commissioner Simmons offered a motion to dispense with the reading and adopt a Resolution authorizing the conveyance of the Georgia State Patrol Property to the State of Georgia (See Exhibit #2009-153). Commissioner Tankersley seconded the motion, and it carried unanimously.

Without any further Old or Unfinished Business, Chairman Nevil stated that the first item of New Business was the discussion and/or action to grant an Alcoholic Beverage License for Mr. Paul Uelmen. Chairman Nevil called on Mr. Couch to initiate the discussion regarding the matter, and Mr. Couch stated that this item would grant Mr. Paul Uelmen, who owns Jay R Deep, Inc., doing business as Mill Creek Motor Mart, which is located at 1163 Highway 24 East, a new alcoholic beverage license for package retail beer and wine sales. Mr. Couch stated that there is no apparent reason to deny the application and approval of the license for 2010 is recommended. Clerk of the Board Maggie Fitzgerald stated that she had no comments regarding this issue. Without further discussion, Commissioner Rushing offered a motion to grant an Alcoholic Beverage License to Mr. Paul Uelmen for 2010. Commissioner Simmons seconded the motion, and it carried with a 4 to 1 vote. Commissioner Gibson was opposed to the motion and

voted against the motion. Commissioner Simmons, Commissioner Tankersley, Commissioner Rushing, and Commissioner Thompson all voted in favor of the motion.

The second item of New Business was the discussion and/or action to grant renewals for Alcoholic Beverage Licenses for calendar year 2010 pursuant to the schedule recommended by the County Clerk. Chairman Nevil called on Mr. Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the renewals cover licenses for package retail beer and wine, retail beer and wine by the drink, pouring, and farm winery sales. Mr. Couch stated that approval is recommended, but that approval with the condition to revoke the beer and wine package retail license if found guilty of felony charges would apply to Mr. Vikash Chitroda of the Quick Stop and Mr. Mitul Patel's license will be revoked if Mr. Jayeshkumar Patel, the owner of El Cheapo Food Mart is found guilty of his felony charges. Mr. Couch deferred to Ms. Fitzgerald for comments, and Ms. Fitzgerald stated that licensees were required to include ownership information this year with the renewal applications, and that Sheriff's Department Investigator Jared Akins has reviewed each application and agreed with the recommendation for approval for the listed licensees and approval with conditions for Mr. Chitroda and Mr. Jayeshkumar Patel. Ms. Fitzgerald said that the plan will be to check on Mr. Chitroda's and Mr. Patel's charges every two months. Without further discussion, Commissioner Tankersley offered a motion to grant renewals for Alcoholic Beverage Licenses for calendar year 2010 pursuant to the schedule recommended by the County Clerk with the condition to revoke the beer and wine package retail license if found guilty of felony charges would apply to Mr. Vikash Chitroda of the Quick Stop and Mr. Mitul Patel's license will be revoked if Mr. Jayeshkumar Patel, the owner of El Cheapo Food Mart is found guilty of his felony charges (See Exhibit #2009-154). Commissioner Rushing seconded the motion, and it carried unanimously.

The third item of New Business was the discussion and/or action to dispense with the reading and consider the adoption of a Resolution to create a County Streetlight Tax District for Phase II of Amberwood Subdivision in Unincorporated Bulloch County. Chairman Nevil called on Mr. Couch to initiate the discussion regarding the matter, and Mr. Couch stated that Staff recommends that the Board consider the adoption of the Resolution because of the lack of public comments during the Public Hearing. Without

further discussion, Commissioner Simmons offered a motion to adopt a Resolution to create a County Streetlight Tax District for Phase II of Amberwood Subdivision in Unincorporated Bulloch County (See Exhibit #2009-155). Commissioner Gibson seconded the motion, and it carried unanimously.

The fourth item of New Business was the discussion and/or action authorizing the County Manager to approve a purchase order and award for the lowest and most advantageous bid from Sheppard Well Company for the installation of a well and pump at Fred Fletcher Park at the cost of \$29,995.00. Chairman Nevil called on Mr. Couch to initiate the discussion regarding the matter, and Mr. Couch stated that two commissioners expressed concerns about the size of the well and pump for the Fletcher Park Pond, and he differed to Statesboro Bulloch County Parks and Recreation Director Mike Rollins. Mr. Rollins stated that the limited watershed of the pond created a need for a well and pump to keep the pond full, and that all of the Recreation ponds operate with a six inch well. Commissioner Rushing stated that a six inch well would be overkill to just keep a pond full, and then discussed his experience with using ponds for irrigation. Commissioner Rushing told Mr. Rollins to contact Mr. Thrift with NRCS who would be able to suggest the correct well and pump size for the Fletcher Park Pond. Mr. Couch stated that Mr. Rollins would need to get approval from the City for irrigation before the County purchases a well that would be large enough for irrigation, and asked Mr. Rollins to distribute a draft copy of the proposed Fletcher Park Master Plan to each Commissioner. After further discussion, the item was deferred to a later meeting in order to give Mr. Rollins more time to research the correct size for the well. No action was taken on this matter.

Chairman Nevil stated that there was no further business for the Open Session of the Regular Agenda, and that the Board would Recess with the expectation of reconvening at 6:30 P.M. to proceed with the Zoning agenda. Commissioner Simmons offered a motion to recess the Regular Meeting. 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. Mr. Couch addressed the Board, and asked that the Zoning Agenda be modified as follows: (1) To move Item #4 to be represented as Item 1 to consider a deferral of the application; and (2) Then continue to consider applications in consecutive order as presented in the original Zoning Agenda. Commissioner Gibson offered a motion to approve the Zoning and Land Use Agenda as modified. Commissioner Simmons seconded the motion, and it carried unanimously. Chairman Nevil asked Zoning Administrator Randy Newman to present the five items of business.

Zoning Administrator Randy Newman presented Item #4 which was an application submitted by Paul, George, and Ray Beasley requesting a rezone of 1.5 acres out of a 3.9 acre tract from R-40 (Residential 40,000 square feet) to NC (Neighborhood Commercial) to construct a Clyde's Convenience Store. The property is located at the intersection of Rushing Road and Burkhalter Road, tax map #107 000014 011. Mr. Newman stated that there had been a mix up during the application process and that the Beasley's should have also applied for a Conditional Use. Mr. Newman asked that this item be tabled until the January 5th meeting so that both requests could be presented to the Board at one time. Without discussion, Commissioner Tankersley offered a motion to table the rezone request submitted by Paul, George, and Ray Beasley until the January 5th meeting. Commissioner Gibson seconded the motion, and it carried unanimously.

Mr. Newman presented Item #1, an application submitted by Robert E. Stubbs requesting a rezone from R-25 (residential 25,000 Square Feet) to HC (Highway Commercial) in order to have a Recreational Vehicle Park. The rezone request is on 10.0 acres out of a 68.4 acre tract located on Highway 24, tax map #106 000016 00. The Planning and Zoning Commission and Staff recommended the denial of the rezone request. Acting as Agent, Mr. Don Marsh stated that the ten acres would be used for a Recreational Vehicle park and not a mobile home park, and that there would be 48 RV spaces that are larger than the spaces at Parkwood RV Park. Mr. Marsh stated that under the conditions, Mr. Stubbs would deed an additional 15 feet of frontage to the County for a sidewalk, but asked to defer the creation of the sidewalk. After further discussion from Mr. Marsh, Mr. Newman stated that six people signed up to speak in regards to the request. Mr. Curt Deal, of Pebblestone Trail, stated that he was opposed to the RV park

because of traffic issues on Highway 24 and the transient nature of the RV Park so close to a school and a Recreational Park. Mr. Wayne Collingsworth, of Pebblestone Trail, stated that he was opposed to the RV Park because the sewage management would fall under the EPD and not the Bulloch County Health Department, an RV Park as a development would not be a step forward for the growth of the area, and that Highway Commercial zoning could create the precedence that someone could locate a convenience store at the entrance of Pebblestone Subdivision. Ms. Alyssa Belcher, of East Mica Court, stated that she was opposed to the RV Park because camping has a transient and anonymous nature which will create safety concerns for the children of the area. Mr. Lee Moore, of Pebblestone Trail, stated that he was opposed to the RV Park because the residents will be transients and therefore unknown to the people of Pebblestone, which creates safety concerns for the children. Ms. Terri Grant, of Bobby Stubbs Road, stated that she is in favor of the RV Park because she will manage the Park and that she will ensure that the check-in process will not create traffic issues. Ms. Grant stated that the RV Park will be family and children friendly and will promote the use of Splash in the Boro and Mill Creek Park. Mr. John Hatcher, of Pebblestone Trail, stated that he was opposed to the RV Park because of safety concerns. Chairman Nevil asked for questions and/or discussion from the Board. Commissioner Thompson asked Mr. Newman if the Board approves the rezone, but EPD denies the sewage system, would the zoning allow for another business to be placed on the site. Mr. Newman stated that the conditions and the use are limited to only an RV Park. Without further discussion, Commissioner Gibson offered a motion to deny Mr. Robert E. Stubbs request for a rezone from R-25 (Residential 25,000 Square Feet) to HC (Highway Commercial) in order to have a Recreational Vehicle Park. Commissioner Simmons seconded the motion, and it carried unanimously.

Mr. Newman presented Item #2, an application submitted by Robert E. Stubbs requesting a rezone from R-25 (residential 25,000 Square Feet) to R-2 (Multi-Family Dwellings) in order to build multi-family dwellings. The request is to rezone 27.7 acres out of a 68.4 acre tract located on Highway 24, tax map #106 000016 000. The Planning and Zoning Commission and Staff recommended the denial of the rezone request. Acting as Agent, Mr. Don Marsh asked to withdraw the request. Without discussion,

Commissioner Thompson offered a motion to approve the withdrawal request for Robert E. Stubbs requesting a rezone from R-25 (residential 25,000 Square Feet) to R-2 (Multi-Family Dwellings) in order to build multi-family dwellings. Commissioner Rushing seconded the motion, and it carried unanimously.

Mr. Newman presented Item #3, an application submitted by KGB Investments requesting a rezone from R-80 (Residential 80,000 Square Feet) to R-40 (Residential 40,000 Square Feet) in order to construct approximately 78 single family residences. The property consists of two parcels totaling 107 acres and is located at the intersection of Zetwell Road and Five Chop Road, tax map #34 000009C 001. The Planning and Zoning Commission and Staff recommended the approval of the request with conditions. Acting as Agent, Mr. Lamar Reddick stated that he is aware of the concerns from the surrounding property owners, but the rezone request for Windmill Plantation will ensure that the development will have less lots and more square footage per house with only 78 lots and 107 acres for sale at a reduced rate for the property owners of Plantation Pointe. Mr. Reddick stated that the houses in Windmill Plantation will match the square footage of the Plantation Pointe houses. Mr. Reddick also stated that the County will be deeded the 40 foot right-of-way to pave Five Chop Road, a little over an acre to build a Fire/EMS site, and East Hampton residents will get a 100-foot buffer instead of the 30 feet required by the County.

After some further discussion, Mr. Newman stated that nine people signed up to speak in opposition of the request. Mr. Don Korty, of East Hampton Drive, stated that he was opposed to the rezone request because of the increase in traffic, increase in septic tanks, the ability of the schools to handle the increase of students, the potential negative impact on property values, and the Land Use Plan designates the area as either AG-5 or R-80. Ms. Jessica Keeley, of Plantation Pointe, stated that she was opposed to the rezone request because there are already 17 lots available and homes for sale in Plantation Pointe and on Zetwell Road, and there is more than enough real estate for sale in the area that no one is purchasing. Mr. Cody Ward, of East Hampton, stated that he was opposed to the rezone request because he does not believe that KGB Investments will have the ability to uphold their proposal to the Board as it has changed four times. Mr. Ronald Smith, of Plantation Pointe, stated that he was opposed to the rezone request because KGB

Investments has not maintained the property, and because the property owners before KGB were all denied by the Board for rezone requests to R-40. Mr. Terry Williams, of Old East Leigh Court, stated that he was opposed to the rezone request because the smaller lots will potentially create a negative impact on the property values of the surrounding subdivisions. Mr. Jim Johnson, of Plantation Pointe, stated that he was opposed to the rezone request because it will set a precedent in the area for other properties to be rezoned R-40 from AG-5. Mr. John Denmark, of Zetwell Road, stated that he was opposed to the rezone request because there will be too much impact on the other homes in the area, and he will not give up any of his 190 feet to the County for right-of-way. Mr. Jake Simons, of Burkhalter Road, stated that he was opposed to the rezone request because he moved from the City to get away from the increasing density of other homes. Mr. Johnny Owens, of Plantation Pointe, was the last person signed up to speak and stated that he was opposed to the rezone request because KGB Investment bought the piece of property aware of how it was zoned as an investment, and he believes they made a bad investment.

Chairman Nevil asked for questions and/or discussion from the Board. Commissioner Thompson read out the conditions for Windmill Plantation as zoned R-80 with stick built homes, and stated that there would be no way to protect their property by forcing the owner to build 1,800 square feet homes if it is zoned R-80. Commissioner Thompson offered a motion to approve the rezone request with conditions. Mr. Reddick read several of the revised conditions to the Board. Several members of the audience asked questions and debated the issues of the request. Mr. Couch read some of the architectural conditions, and answered a question from the audience. Chairman Nevil stated that he needed to get the Board's Parliamentary Procedures in order and that there was a motion on the floor to approve the request. Staff Attorney Jeff Akins stated that the motion had died due to a lack of a second within a reasonable amount of time due to the debate from the audience, and he recommended making the motion for a second time with a second and then discussion from the Board only. Chairman Nevil called for a motion, but Commissioner Thompson asked Mr. Reddick if more than 78 lots would be allowed. Mr. Reddick agreed to 78 lots. Commissioner Thompson offered a motion to approve the rezone request with conditions (See Exhibit #2009-156). Commissioner

Simmons seconded the motion, and it carried with a four to one vote. Commissioner Tankersley was opposed to the motion and voted against the motion. Commissioner Simmons, Commissioner Gibson, Commissioner Rushing, and Commissioner Thompson all voted in favor of the motion.

Mr. Newman presented Item #5, an application submitted by Bird Lane, LLC, requesting a rezone from PUD (Planned Unit Development) to R-3 (Multiple Family Residential) in order to allow the construction of 16 two bedroom townhomes or apartments. Mr. Newman stated that the applicant is also asking for an appeal for the decision that was voted on to deny the variance of the acreage in an R-3 zoning district. The property is located on Lanier Drive, tax map #MS64 000001 000. The Planning and Zoning Commission recommended the denial of the request and Staff recommended the approval of the request with conditions. Acting as Agent, Mr. Joey Maxwell stated that this item had been before the Board at a previous meeting and that the development will consist of thirty-two total beds with forty-three parking spaces. Mr. Maxwell clarified that after surveying the property, it was determined that the acreage was a little less than what was listed on the tax map. After further discussion from Mr. Maxwell, Mr. Newman stated that only one person had signed up to speak in regard to the request. Mr. Carl Bird, of Bird Road, stated that he was opposed to the rezone request because he feels that the rezone would create spot zoning in the area and should not be allowed. Mr. Bird also stated that he is concerned with traffic, noise, and crime in the area. After further discussion from Mr. Bird, Commissioner Thompson offered a motion to deny the rezone and variance requests. Commissioner Gibson seconded the motion, and it carried unanimously. Sign-in sheets for Zoning Matters are shown in Exhibit #2009-157.

Without further discussion, Commissioner Simmons offered a motion to adjourn from the Public Hearings for the Zoning and Land Use Meeting and reconvene the Regular Meeting. Commissioner Tankersley seconded the motion, and it carried unanimously.

Chairman Nevil asked if there were any comments from the staff or Board. Clerk of the Board Maggie Fitzgerald asked to address the Board, and reminded the Commissioners about the Employee Christmas Party, the Volunteer Firefighter's Dinner, and the Holiday Celebration Parade. County Manager Thomas Couch asked to address

the Board, and reminded the Commissioners about Dr and Mrs. Grube's retirement luncheon. Hearing no further comments from the Board, Chairman Nevil stated the Board would recess and then enter into Executive Session to discuss Personnel Matters and that upon conclusion of Executive Session the Board would reconvene in all likelihood to move for adjournment because the Board does not anticipate taking any further action. Chairman Nevil called for a motion to adjourn into Executive Session in accordance with the provisions of O.C.G.A. 50-14-2, and other applicable laws, pursuant to the advice of the Chief Corporate Counsel, Mr. Jeff Akins, for the purposes of deliberating on Personnel Matters (See Exhibit #2009-158). Without further discussion, Commissioner Simmons offered a motion to enter into Executive Session to discuss Personnel Matters. Commissioner Gibson seconded the motion, and it carried unanimously. Commissioner Simmons, Commissioner Rushing, Commissioner Gibson, Commissioner Tankersley, and Commissioner Thompson voted in favor of the motion.

After the Executive Session, Chairman Nevil asked for any further comments or questions from the Board or Staff. Hearing none, Commissioner Rushing offered a motion to adjourn. Commissioner Gibson seconded the motion, and it carried unanimously.

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of the Board