

February 2, 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 Rushing, Commissioner Thompson, and Commissioner Gibson. The following staff were present: County Manager Thomas Couch, Staff Attorney Jeff Akins, Statesboro Bulloch County Parks and Recreation Director Mike Rollins, Chief Financial Officer Harry Starling, Public Safety Director Ted Wynn, EMS Director Lee Eckles, and Zoning Administrator Randy Newman.

Chairman Nevil asked for changes or modifications of the General Agenda. County Manager Thomas Couch asked to address the Board and asked to amend the General Agenda by adding content to the proposed Executive Session to include Pending Litigation in addition to Personnel Matters. Without further changes or modifications, Commissioner Tankersley offered a motion to approve the General Agenda with one modification as requested by the County Manager. Commissioner Rushing seconded the motion, and it carried unanimously.

The next item of business was the approval of the minutes for the Regular Meeting and Workshop held on January 20, 2009. Commissioner Gibson offered a motion to approve the minutes of the meetings 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. There were no petitions received in writing and no comments from the public. With no public comments, Chairman Nevil moved on to the next item on the Agenda.

The next item on the agenda was to approve the Consent Agenda as presented: (1) To authorize the County Manager to execute an Agreement for offset printing based on the lowest and most responsible bid with Lewis Color Printing of Statesboro, Georgia, with proceeds from the agreement to be obligated from the Statesboro-Bulloch County

Recreation Department Operating Fund (See Exhibit #2009-8); and (2) To authorize the Chairman of the Board to execute an Intergovernmental Agreement with Candler County for the purpose of having a license granted to use their GIS Data for the benefit of Candler County, in exchange for services provided by the Bulloch County Public Safety Division (See Exhibit #2009-9). Without discussion, Commissioner Tankersley offered a motion to approve the Consent Agenda as presented. Commissioner Gibson seconded the motion, and it carried unanimously.

With no items of Old or Unfinished Business, Chairman Nevil stated that the first item of New Business was the discussion and/or action to adopt a Resolution requesting local legislation to be introduced to the current session of the Georgia General Assembly for the purpose of creating a Board of Elections and Registration for Bulloch County. County Attorney Jeff Akins stated that the Resolution had been changed slightly from the original that was presented to the Board. After some discussion, Commissioner Tankersley offered a motion to adopt Resolution #2009-03 requesting local legislation to be introduced to the current session of the Georgia General Assembly for the purpose of creating a Board of Elections and Registration for Bulloch County (See Exhibit #2009-10). Commissioner Thompson seconded the motion, and it carried unanimously.

The second item of New Business was the discussion and/or action to authorize appropriation of local match funds for a grant sponsored by the Georgia Office of Homeland Security to purchase two ambulances for Bulloch County EMS-Rescue. EMS Director Lee Eckles stated that grant is a 75/25 match grant from the Governor's Trauma Fund. After further discussion, Commissioner Thompson offered a motion to approve the appropriation of local match funds for a grant sponsored by the Georgia Office of Homeland Security to purchase two ambulances for Bulloch County EMS-Rescue. Commissioner Gibson seconded the motion, and it carried unanimously.

The third item of New Business was the discussion and/or action to authorize the appropriation of funds for sole source procurement for bad debt collection software for Bulloch County EMS-Rescue. County Manager Couch discussed the reasons for the purchase of the software and stated that Chief Financial Officer Harry Starling and the County's Auditor Richard Deal have been informed of this Business Strategy. EMS Director Lee Eckles stated that the software will not require additional staff. After

further discussion, Commissioner Thompson offered a motion to authorize the appropriation of funds for sole source procurement for bad debt collection software for Bulloch County EMS-Rescue. Commissioner Tankersley seconded the motion, and it carried unanimously.

The last item of New Business was the discussion and/or action to authorize the appropriation of funds for sole source procurement for SPLOST-CIP Project #PR-09-9, a Scoreboard at Mill Creek Park. Statesboro Bulloch County Parks and Recreation Director Mike Rollins stated that purchasing 11 scoreboards for Mill Creek from Electro-Mech Scoreboard Company was necessary because Electro-Mech will maintain the scoreboards and provide technical support. After further discussion, Commissioner Rushing offered a motion to authorize the appropriation of funds for sole source procurement for SPLOST-CIP Project #PR-09-9. Commissioner Thompson seconded the motion, and it carried unanimously.

Chairman Nevil asked if there were any comments from the staff or Board. Attorney Charles Brown asked to address the Board. Mr. Brown gave the Board information regarding gambling machines and alcohol licenses within the County, bond forfeitures, Biomass, and industrial development as related to ad valorem taxes. After discussing these issues with Mr. Brown, County Manager Couch stated that for the sake of time in relation to the Zoning and Land Use meeting, the Board should make a motion to adjourn the Regular meeting and enter into Executive Session and forego the recess. Without further discussion, Commissioner Thompson offered a motion to adjourn the Regular meeting, enter into Executive Session to discuss Personnel Matters and Pending Litigation, and reconvene at 6:30 pm for the Zoning and Land Use Meeting. Commissioner Rushing seconded the motion, and it carried unanimously (See Exhibit #2009-11). Commissioner Tankersley, 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. Chairman Nevil asked for any modifications before the approval of the Zoning and Land Use Agenda. Hearing none, Commissioner Tankersley offered a motion to approve the Zoning and Land Use Agenda as presented. Commissioner

Rushing seconded the motion, and it carried unanimously. Chairman Nevil asked Zoning Administrator Randy Newman to present the two zoning items.

Zoning Administrator Randy Newman presented an application submitted by Kenneth Feldman requesting a rezone from Ag-5 to R-40 (residential 40,000 square feet) to divide the property into 61 parcels for a residential subdivision. The property consists of 79.55 acres and is located on Highway 24 and Macedonia Road, tax map #133 000039 000. The Zoning Commission and Staff recommended the denial of the request, but the approval of an R-80 rezone with the following conditions: **Bonus Density can be granted for Amenities** (1) An additional 10% bonus density may be granted, provided at least one of the following amenities shall be installed by the applicant: (a) A pedestrian sidewalk system within the development. (b) An internal streetscape consisting of native, non-ornamental canopy trees (maple, dogwood, oak, etc.) with a minimum 4" caliper spaced 75' off center. The streetscape may optionally be integrated with amenities a) or c). (c) A county maintained street light district. (d) A common interest element maintained by a homeowners association or other conduit which may include, but not be limited to, a clubhouse, pool, tennis court(s), improved picnic area or playground, walking trail, or any combination thereof. (e) A common interest element maintained by a homeowners association or other conduit which may include, but not be limited to, a passive use recreation area (fishing, boating/dock, picnicking, etc.), conservation easement or greenspace area that is consistent with the goals and objectives of county or state land conservation or preservation programs. **Conditions to be met prior to issuance of Final Permitting as Determined by the Zoning Administrator** (1) **Construction Standards:** All dwelling units shall consist of traditional site built construction meeting state building codes. Manufactured housing shall be prohibited. (2) **Buffers and Landscaping:** A permanent vegetative screening buffer shall be established along the perimeters of the development consistent with Section 407 of the zoning ordinance to minimize impact on adjoining properties and insulate road noise or impacts along, US Highway 24 and the existing Willie Mae Easton property. All well structures shall have a visual landscape or wall/fence buffer equal to the height of the roof line. All subdivision entrances shall have landscaped islands. The buffers and landscaping plans shall be approved by the Zoning Administrator. (3) **Access Management and Lot**

Orientation: To enhance access management within the subdivision, all approved residential lots and structures shall access internally to new roads built within the subdivision, with no driveway access permitted on US Highway 24 or Macedonia Church Road. A second entrance shall be required if the rezoning decision results in a lot yield of over 50 dwelling units. (4) Public Road Dedication: If the proposed internal roadway system is proffered by the applicant as being privately owned and maintained by a common interest element, any proposed future public dedication requires that the roads meet county standards at that time. No public funds shall be invested to correct any construction or condition deficiencies to meet such standards, unless a county special assessment tax improvement district is approved by affected property owners. (5) Infrastructure: All water system lines shall be set on the back slope of the ditch where rural ditches are used; right-of-way encroachment permits will be required by the County Engineer for any water system installation work on Highway 24. (6) Traffic Impact Study and Access Evaluation: For any rezoning decision resulting in traffic generating 500 or more trips per day, **30 days prior to the submission of a sketch plan to the Planning and Zoning Commission**, the applicant, at their own expense, shall submit a Traffic Impact Study as required by the County Roads Highways and Bridges Administrative Policies (with sufficient narratives, maps and exhibits) which shall be performed by a certified by a qualified and registered professional engineer. Should a traffic study not be required, an access evaluation shall be required. Upon acceptance and approval by the County Engineer, the applicant shall bear the expense of installing any recommended improvements required by the study or the County Engineer. (7) Stormwater Management: If an R-40 zone is approved, **Along with submission of the preliminary plat**, the developer shall submit a sufficient hydrologic analysis and engineering plan to demonstrate that adequate storm water management practices or structures are adequate to control on-site and off-site stormwater run-off and sediment.

Acting as agent, Mr. Don Marsh stated that his client would be willing to accept the R-80 rezone. Mr. Marsh also stated that Mr. Feldman agreed to include an internal streetscape, street lighting, and greenspace for the homeowners. Mr. Neman stated that if the R-80 request was approved, it would be necessary to strike through the phrase “if an R-40 zone is approved” in Condition 7. Six people signed up to speak in regards to this

matter, with four against the rezone and two in favor of the rezone. After some discussion, Commissioner Thompson offered a motion to approve the R-80 rezone request, striking through the phrase “if an R-40 zone is approved” in Condition 7. Commissioner Rushing seconded the motion, and it carried with a vote of three to one. Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson voted in favor of the motion. Commissioner Tankersley voted against the motion.

Mr. Newman presented an application submitted by Earl Sluder requesting a Conditional Use to allow a recreational vehicle on the property during the construction of a single family residence. The property consists of 1.18 acres and is located on Fernwood Road in Eldora Farms, tax map #197A 000042 000. The Zoning Commission and Staff recommended the approval of the request. Without any discussion and/or questions, Commissioner Gibson offered a motion to approve the Conditional Use request. Commissioner Rushing seconded the motion, and it carried unanimously. Sign-in sheets for zoning matters are shown in Exhibit #2009-12.

Chairman Nevil asked if there were any further discussion or comments regarding the Zoning and Land Use Public Hearings. Hearing none, Commissioner Tankersley offered a motion to close the Public Hearings and Zoning and Land Use Meeting and resume the Executive Session to discuss Personnel Matters and Pending Litigation. Commissioner Rushing seconded the motion, and it carried unanimously (See Exhibit #2009-11). Commissioner Tankersley, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson voted in favor of the motion.

The Board reconvened and Chairman Nevil asked for further discussion or comments from the staff or the Board. Hearing none, Commissioner Tankersley offered a motion to adjourn the meeting. Commissioner Thompson seconded the motion, and it carried unanimously.

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of the Board