

February 3, 2011
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, Vice Chairman Mosley, Commissioner Ethridge, Commissioner Simmons, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson. The following staff were present: County Manager Thomas Couch, Parliamentarian George Rountree, Chief Financial Officer Harry Starling, Sheriff Lynn Anderson, Statesboro Bulloch County Parks and Recreation Director Mike Rollins, 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 requested that the following amendments be made to the General Agenda: (1) To add Item #2 to the Unfinished Business Agenda for the discussion and/or action to dispense with the reading and adopt a Resolution for Budget Amendment #1 of the FY 2011 General Appropriations Budget and (2) to add Item #5 to the Consent Agenda to consider the approval of two Alcoholic Beverage Licenses for Sweet T's Convenience Stores Locations 24 and 33. Hearing no further amendments or modifications, Commissioner Ethridge offered a motion to approve the General Agenda as amended. Commissioner Mosley seconded the motion, and it carried unanimously.

The next item of business was the approval of the Minutes for the Regular Meeting held on January 18, 2011. 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 as presented. Commissioner Rushing seconded the motion, and it carried unanimously.

Next, 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 comments from the public, Chairman Nevil moved forward to the next item on the Agenda.

The next item on the Agenda was to approve the Consent Agenda as follows: (1) To accept the Staff recommendation authorizing the Chairman of the Board to execute an Intergovernmental Agreement with the Bulloch County Board of Education regarding the proposed Mill Creek Tennis Center (See Exhibit #2011-6); (2) To accept the Staff recommendation to approve a sole source contract for fireworks displays for Swing into Spring (See Exhibit #2011-7); (3) To accept the Staff recommendation to approve a sole source contract for fireworks displays for the Fourth of July Firecracker Festival (See Exhibit #2011-8); (4) To accept the Staff recommendation to approve and authorize the County Manager to execute a contract to conduct a revenue audit for various sources as prescribed (See Exhibit #2011-9); and (5) To grant Alcoholic Beverage Licenses for Retail Beer and Wine Package Sales to Patricia Ann Kelly for Sweet T's Convenience Stores Number 24 located at 25317 Highway 301 North and Number 33 located at 7643 Highway 67, both in Unincorporated Bulloch County. Without discussion, Commissioner Gibson offered a motion to approve the Consent Agenda as presented. Commissioner Thompson seconded the motion, and it carried unanimously.

Chairman Nevil stated that the first item of Unfinished/Old Business was to consider an appeal for the denial of two alcoholic beverage licenses renewals for retail beer and wine sales for Mr. Ankurkumar Patel's two stores, Sunfly #2 and Sunfly #3. Chairman Nevil called on County Manager Thomas Couch to initiate discussion regarding the matter, and Mr. Couch presented a summary to the Board of what had been discussed during the appeal hearing at the previous meeting. Mr. Couch stated that the Board had requested a letter from Mr. Patel's attorney stating that Mr. Patel was advised to check "no" on the renewal applications regarding his arrests in May 2010. Clerk of the Board Ms. Maggie Fitzgerald stated that the letter from Mr. Patel's attorney did not address any legal advice that was given to Mr. Patel, but only addressed the current situation of Mr. Patel's court process for the arrest. After further discussion,

Commissioner Simmons offered a motion to deny the appeal request regarding denial of two alcoholic beverage licenses renewals for retail beer and wine sales for Mr. Ankurkumar Patel's two stores, Sunfly #2 and Sunfly #3. Commissioner Ethridge seconded the motion, and it carried unanimously.

Chairman Nevil stated that the second item of Unfinished/Old Business was discussion and/or action to dispense with the reading and adopt a Resolution for Budget Amendment #1 of the FY2011 General Appropriations Budget. Chairman Nevil called on County Manager Thomas Couch to initiate discussion regarding the matter, and Mr. Couch stated that at the previous Board Meeting, a presentation was made by Mike Rollins and Steve Brown requesting to employ a Maintenance Supervisor and Guest Services Coordinator for Splash in the Boro, necessitated by the expansion completed in 2009 which resulted in attendance growth and higher maintenance and oversight requirements. Mr. Couch stated that if approved, the Maintenance Supervisor would be recommended at a Grade 16 and the Guest Services Coordinator at a Grade 14. Mr. Couch stated that a \$2.00 per cap admissions increase is proposed for the summer season, which would exceed the cost of the personnel. After further discussion, Commissioner Thompson offered a motion to approve a Resolution for Budget Amendment #1 of the FY2011 General Appropriations Budget (See Exhibit #2011-10). Commissioner Ethridge 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 a motion for the Board of Commissioners to file an application with the Planning and Zoning Commission in order to revoke a Conditional Use Permit and then rezone the property owned by Ms. Carol Bellinger. Chairman Nevil called on County Manager Thomas Couch to initiate discussion regarding the matter, and Mr. Couch stated that Special Agent Ron Huckaby of the Georgia Department of Revenue's Alcohol and Tobacco Division and Sheriff Lynn Anderson would give a presentation regarding the raid that was conducted on the Bellinger property, and then the Board would consider a motion to change the zoning for the property. Special Agent Huckaby reviewed the Bellinger case, and stated that an undercover agent purchased alcohol three separate times at the clubhouse on the Bellinger property. Special Agent Huckaby stated that the club house did not have a State of Georgia Alcohol License, Bulloch County

Alcohol License, Occupational licenses, and was not paying taxes for the cover charges. Sheriff Anderson presented a slideshow of pictures of the advertisements used for the club, the four subjects that were arrested, and the alcohol that was seized during the raid. Sheriff Anderson asked the Board to revoke the Conditional Use and to rezone the property so that the club house would not be used in the future as a place to have parties. Zoning Administrator Randy Newman emphasized that the Conditional Use Permit for the Bellinger property strictly prohibited alcohol on the property, and it only allowed for special events such as birthdays, anniversaries, and recreational events. After further discussion, Commissioner Thompson stated that based on violations of the conditions related to conditional use application number CU2010-016 approved on October 5, 2010, for that certain property owned by Carol Bellinger, which property contains 6.54 acres and is designated as Parcel 4 on Map 102B in the records of the Bulloch County Tax Assessor's Office, I move that the Board of Commissioners file an application with the Bulloch County Zoning Administrator to revoke the conditional use approval and rezone the property from General Commercial to its previous zoning district of Ag-5. Commissioner Gibson seconded the motion, and it carried unanimously.

Chairman Nevil stated that the second item of New Business was the discussion regarding a proposed amendment to the County Administrative Manual to add Section 8 to the Financial Policies to include Investment Policies for Idle Funds. Chairman Nevil called on County Manager Thomas Couch to initiate discussion regarding the matter, and Mr. Couch stated as part of a plan that was presented during the Q1 Fiscal Review, the County has solicited RFP's for management and advisory services, seeking a better rate of return on idle cash. Mr. Couch stated that during due diligence, it has been determined that the county would benefit from having investment policies in place for the Chief Financial Officer and a prospective firm to use prior to finalizing selection. Mr. Couch stated that a sample policy from the Government Finance Officers Association was provided in the Agenda Packet. After further discussion, Chairman Nevil stated that no action would be necessary for this item of New Business.

Next, Chairman Nevil asked if there were any comments from the Commission, and 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, Commissioner Simmons, and Commissioner Mosley all thanked Sheriff Lynn Anderson, the Sheriff's Office, and Special Agent Ron Huckaby for the hard work and service provided during the Bellinger property alcohol raid. Chairman Nevil read a letter from Georgia Southern University President, Brooks Keel, which thanked the Bulloch County Emergency Management Department for the fast and thorough response provided when a suspicious white powder was found on campus. Commissioner Rushing discussed the possibility of naming the Agribusiness Center building after former Ag Agent Byron Dyer. Commissioner Thompson and Commissioner Gibson both thanked the Sheriff's Department and all employees for their hard work and dedication to making Bulloch County a wonderful place to live. Without further comments from the Board, Chairman Nevil asked for comments from the Staff. County Manager Thomas Couch stated that the Board would hold a workshop during the February 15th meeting regarding budget planning. Clerk of the Board Maggie Fitzgerald also thanked the Sheriff's Department and Special Agent Ron Huckaby for all of their help and support.

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 would recess for ten minutes and then the Board would reconvene to proceed with the Zoning Agenda.

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 Mosley offered a motion to approve the Zoning and Land Use Agenda as presented. Commissioner Ethridge seconded the motion, and it carried unanimously. Chairman Nevil asked Zoning Administrator Randy Newman to present the only item of business.

Zoning Administrator Randy Newman presented Item #1 which was an application submitted by Keith Boyett/Green Acres Place Farms, Inc., requesting a rezone from Residential 40,000 square feet (R-40) to Highway Commercial (HC). Mr. Newman stated that the property consists of two parcels totaling 2.4 acres and is located on Brairwood Road, tax map #MS87 000002 000. The Staff recommended and the

Planning and Zoning Commission voted to deny the rezone request for HC, but approve General Commercial (GC) with conditions. Acting as Agent, Mr. John Dotson stated that rezoning the property was the first step in the process to build a hotel on the property, but that annexation into the City of Statesboro would probably be in the future. Mr. Newman stated that no one signed up to speak in favor or against the request. Without further discussion, Commissioner Thompson offered a motion to approve a rezone from R-40 to General Commercial (GC) for Keith Boyett/Green Acres Place Farms, Inc., with the conditions as set forth in Exhibit #2011-11. Commissioner Rushing seconded the motion, and it carried unanimously.

Sign-in sheets for Zoning Matters are shown in Exhibit #2011-12.

Chairman Nevil asked if there were any further comments from the Commission or Staff. Hearing no further comments from the Board or Staff, Chairman Nevil asked for a motion to adjourn. Commissioner Rushing offered a motion to adjourn the meeting. Commissioner Simmons seconded the motion, and it carried unanimously.

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of the Board