

July 7, 2009
Statesboro, GA

Regular Meeting

The Board of Commissioners met at 4:30 p.m. in the Community Room of the North Main Annex. Vice Chairman Roy Thompson welcomed guests, and stated that the first order of business was to enter into Executive Session, which would be held in the Library. Vice Chairman Thompson called for a motion to adjourn into Executive Session in accordance with the provisions of O.C.G.A. 50-14-2 and 50-14-3, and other applicable laws, pursuant to the advice of the Chief Corporate Counsel, Mr. Jeff Akins, for the purpose of deliberating on Personnel Matters and Potential Litigation. Without discussion, Commissioner Tankersley offered a motion to enter into Executive Session to discuss Personnel Matters and Potential Litigation. Commissioner Jackson seconded the motion, and it carried unanimously (See Exhibit #2009-79). Commissioner Tankersley, Commissioner Jackson, Commissioner Rushing, and Commissioner Gibson voted in favor of the motion. Vice Chairman Thompson and the Commissioners adjourned to the Library.

In conclusion of the Executive Session, the Board of Commissioners reconvened at 5:30 p.m. in the Community Room of the North Main Annex for the Regular Meeting. Chairman Nevil welcomed guests and called the meeting to order. County Manager Thomas M. Couch 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 Jackson, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson. The following staff were present: County Manager Thomas Couch, Staff Attorney Jeff Akins, County Attorney Charles Brown, Deputy Clerk Christy Strickland, Chief Financial Officer Harry Starling, Transportation Director Eddie Smith, County Engineer Kirk Tatum, Bulloch County Correctional Institute Warden Billy Tompkins, Public Safety Director Ted Wynn, Planning and Zoning Development Director Andy Welch, and Zoning Administrator Randy Newman.

After Roll Call, the first item of business was the approval of the General Agenda. Chairman Nevil asked for changes or modifications of the General Agenda. County Manager Thomas Couch requested to amend the agenda by: (1) Deleting and deferring, to a subsequent meeting, Item #14 of the Consent Agenda regarding the acceptance of Beaver Creek Drive into the County Road System to allow the County Engineer additional time to address corrective measures; (2) Deleting and deferring, to a subsequent future meeting, Item #1 of the New Business Agenda regarding the bid for the Recycling Processing Center and Transfer Station; and (3) Substitute as Item #1 on the New Business Agenda for the discussion and/or action authorizing the application for Grant Funds designated for Capital Improvements and Equipment at the Statesboro-Bulloch County Airport. Without hearing any further changes or modifications, Commissioner Tankersley offered a motion to approve the General Agenda with the three modifications as requested by the County Manager. Commissioner Jackson seconded the motion, and it carried unanimously.

The next item of business was the approval of the Minutes for the two Special Called Meetings and Public Hearing held on June 9, 2009, and the Regular Meeting held on June 16, 2009. Without hearing any corrections or modifications, Commissioner Gibson offered a motion to approve the minutes of the meetings as presented. Commissioner Thompson seconded the motion, and it carried unanimously.

Chairman Nevil stated that Mr. David Hodges and Mrs. Linda Smith petitioned to appear before the Board for specific Public Comments pertaining to a proposed Landfill in the Nevils-Groveland area. Chairman Nevil asked if any petitions were received in writing. Clerk of the Board Maggie Fitzgerald and County Manager Thomas Couch stated there were no formal requests or petitions received in writing. Chairman Nevil asked Mr. Hodges to come forward and address the Board regarding his petition to discuss the proposed Landfill. Mr. Hodges stated his opposition of the proposed landfill, informed the Board of some potential concerns, such as increased traffic, litter, foul odors, toxic leaks due to the sandy soil, and he discussed other negative impacts that the proposed landfill could have on the Nevils-Groveland Community.

Next, Chairman Nevil called on Mrs. Linda Smith to come forward and address the Board regarding her petition to discuss the proposed Landfill. Mrs. Smith informed

the Board about how the proposed Landfill could negatively impact the Ogeechee and Canoochee rivers. Mrs. Smith also discussed how the proposed Landfill could increase the mercury levels in the fish in both of these rivers. After further discussion from Mrs. Smith, Chairman Nevil asked if any other audience members would like to address the Board. Hearing no further Public Comments, Chairman Nevil moved on to the next item on the Agenda.

Chairman Nevil stated that next item on the Agenda was a Presentation by Mr. Terry Reeves and Mr. Billy Hickman regarding a proposed petition on behalf of the Statesboro-Bulloch County Chamber of Commerce for a City-County Consolidation study by the University of Georgia's Carl Vinson Institute. Mr. Reeves addressed the Board, and stated that the City-County Consolidation study has been discussed for several years at the Community Retreat and that he and Mr. Hickman have been co-chairing a committee designed to research and implement the study. Mr. Reeves stated that the study could cost \$40,000.00, and the City of Statesboro formally committed to pay for half of the study at their morning Council Meeting. Mr. Reeves stated that he would like the County to commit to pay for half of the study, or up to \$20,000.00. County Manager Thomas Couch stated that agreeing to pay for half of the study would require a budget amendment, and that it was too premature for the Board to make a decision tonight because he would have to research which fund could pay the \$20,000.00. Mr. Couch asked Mr. Reeves to obtain a written proposal for the scope of work from the Carl Vinson Institute, and to turn it into the Clerk of the Board at least one week prior to the next Commission Meeting in order for the Board to vote on paying for half of the study. Without further discussion, Chairman Nevil thanked Mr. Reeves and Mr. Hickman for their Presentation, and moved on to the next item of business.

The next item on the Agenda was to approve the Consent Agenda as presented: (1) To approve a lease agreement with the Georgia State Properties Commission on behalf of the Department of Veterans Affairs (See Exhibit #2009-80); (2) To approve a lease agreement with the Georgia State Properties Commission on behalf of the Soil and Water Conservation Commission (See Exhibit #2009-81); (3) To approve an agreement with the Georgia Department of Corrections for State Inmate Capacity at the Correctional Institute (See Exhibit #2009-82); (4) To approve a Professional Services Agreement with

Martin and Rule Architects for design and construction of the Luetta Moore Community Center (See Exhibit #2009-83); (5) To approve the appointment of Alexander Smith and Wesley Powell to the Statesboro Regional Library Board; (6) To approve the appointment of Gene Murkison to the Ft. Stewart/Hunter Army Airfield Joint Land Use Study Committee; (7) To approve a renewal quote based on Plan Proposal Number Three (3) for Inmate Excess Loss Medical Insurance (See Exhibit #2009-84); (8) To approve a Resolution to enter into a Lease-Purchase Agreement with BanCorp South for Equipment Lease Schedule Number Three (3) (See Exhibit #2009-85); (9) To approve an Administrative Services Agreement with Fringe Management Benefits Corporation (See Exhibit #2009-86); (10) To approve a COBRA/HIPAA Administrative Agreement with Fringe Management Benefits Corporation (See Exhibit #2009-87); (11) To approve a Flexible Benefits Plan Administrative Agreement with Fringe Management Benefits Corporation (See Exhibit #2009-88); (12) To approve a Utilization Review Agreement with Hines and Associates (See Exhibit #2009-89); (13) To approve a Change Order Agreement with Sprint-Nextel for the Re-Configuration Project (See Exhibit #2009-90); (14) To approve a renewal of the 2008 Agreement with NAPA Auto Parts for batteries (See Exhibit #2009-91); and (15) To approve a Justice Assistance Grant (JAG) grant application in the amount of \$40,844.00, to be split equally between the Statesboro Police Department and the Bulloch County Sheriff's Department, for the Drug Enforcement Communications Upgrade Program (See Exhibit #2009-92). Without any discussion from the Board, Commissioner Jackson offered a motion to approve the Consent Agenda as presented. Commissioner Tankersley 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 authorize the application of grant funds for Capital Improvements at the Statesboro-Bulloch County Airport (See Exhibit #2009-93). Chairman Nevil called on County Manager Thomas Couch to initiate discussion on the matter. Mr. Couch stated that there are two separate applications for Federal Assistance, and the first application is for an AWOS replacement for a total cost of \$90,000.00, which the Federal share will pay \$85,000.00 with State matching of \$2,250.00 and the local (the County) matching of \$2,250.00, which will be paid for out of the Airport's Capital Improvements Proceeds. Mr. Couch stated that the second

application is for Terminal Area Pavement Rejuvenation for a total cost of \$100,000.00, which the Federal share will pay \$95,000.00 with State matching of \$2,500.00 and the local (the County) matching of \$2,500.00, which will be paid for out of the Airport's Capital Improvements Fund for Special Revenues. Mr. Couch stated that he was asking the Board to authorize the application to proceed so that the AWOS project could begin as soon as possible, and that the AWOS project would be complete before proceeding with the Pavement Rejuvenation project. Commissioner Thompson stated that these grants are the kind of deals that the Board looks forward to approving. Without further discussion, Commissioner Thompson offered a motion to authorize the application of grant funds for Capital Improvements at the Statesboro-Bulloch County Airport. 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 Board about contacting her for reservations for ACCG's Fall Policy Conference in Atlanta, which will be held in October. Commissioner Jan Tankersley thanked WTOC's Dal Cannady for his very positive story about Splash in the Boro. County Manager Thomas Couch asked to address the Board, and gave a brief report about an Interlocutory Injunction that County Attorney Charles Brown filed, in Superior Court, on behalf of the County regarding the County's ongoing case against M & M Investments. Mr. Couch also briefed the Board about the County's most recent break-in, which happened at the Magistrate Court, and stated that he planned to meet with Elected Officials and Department Heads to discuss potential future increased security measures.

Chairman Nevil asked for additional comments from the Staff or Board. Hearing none, Chairman Nevil stated that the Board would adjourn the Regular meeting and recess for fifteen minutes before starting the Zoning and Land Use Agenda. Without further discussion, Commissioner Jackson offered a motion to adjourn the Regular meeting and recess for fifteen minutes. 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. Hearing none, Commissioner Gibson offered a motion to approve the Zoning and Land Use Agenda as presented. Commissioner Jackson 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 an application submitted by R. L. Cribbs Jr., requesting a conditional use for a cottage industry to repair large trucks and a size variance for the accessory structure to be 4,800 square feet instead of the required 1,200 square feet to use an existing building. The property consists of 3 acres and is located on Highway 80 East, tax map #186 000010A 000. The Planning and Zoning Commission and Staff recommended the approval of the variance and the conditional use request with the following conditions: (1) A buffer will be erected with approval from the zoning administrator for the vehicles on the property; and (2) The applicant will have six months to clean up the property. If the property is not cleaned up within the six months a citation will be served by the Code Enforcement Officer. Acting as Agent, Mrs. Bonnie Deal stated that her husband and his brother both lost their jobs because of the downturn in the economy, so they have been using the shop to work on trucks as their primary form of employment. Mr. Newman stated that no one had signed up to speak in regards to the request. Chairman Nevil asked for questions and/or discussion from the Board. Hearing none, Commissioner Tankersley offered a motion to approve the conditional use request and size variance as presented. Commissioner Jackson seconded the motion. Commissioner Thompson stated that it had come to several of the Commissioner's attention that the Cribbs's neighbor, Mr. Davis, would like to change condition #1 from a buffer to a fence. Mrs. Deal stated that they would not have a problem with erecting a fence. Without further discussion, Commissioner Tankersley withdrew her original motion, and offered a motion to approve the size variance and the conditional use request with condition #1, to be modified to read a fence will be erected, and the original condition #2. Commissioner Jackson seconded the motion, and it carried unanimously.

For the second Zoning Item, Mr. Newman presented an application submitted by Donny and Neva Collins requesting a conditional use to operate a family personal care home. The property consists of 10.46 acres and is located on Josh Hagin Road, tax map #108 000031E 012. The Planning and Zoning Commission and Staff recommended the

approval of the conditional use request with the following conditions: (1) Within 30 days after receiving any of approval by the Board of Commissioners for said personal care home, a verification letter from the applicant by Bulloch County Board of Health shall be delivered to the Zoning Administrator showing that the home has adequate on-site sewerage facilities; (2) Within 60 days after receiving any approval by the Board of Commissioners for said personal care home, the applicant shall deliver proof of application for registration from the Georgia Department of Human Resources Day Care Licensing Unit for a personal care home consistent with the category applied for with regard to a conditional use in the AG-5 district; (3) Within 30 days after receiving any approval by the Georgia Department of Human Resources Day Care Licensing Unit for said personal care home, the applicant shall deliver to the Zoning Administrator proof of such approval; (4) No building permit for expansion of capacity for the said personal care home within the current principal structure shall be permitted without appropriate zoning approval pursuant to Sections 413 (conditional use procedures) and 503(b)(conditional uses allowed in AG-5 districts). A building permit for any accessory structure must meet the standards of the county zoning code; (5) Hours of operation for business related activities such as deliveries and pick-ups of services, materials and supplies by outside vendors, or for recreational activities that may create the potential for extraordinary noise, dust, smoke or glare, that does not constitute a nuisance shall be restricted to occur between 7:30 AM to 7:30 PM daily; (6) Any identification signage for said personal care home shall be in compliance with the Bulloch County Sign Ordinance and shall be subject to appropriate permitting; and (7) Any action by the applicant that results in the ceasing of permitted business activities related to the family personal care home for six consecutive months or more, whether reported on unreported, shall be cause for expiration of the conditional use permit.

Mr. Donny Collins stated that his wife has been taking care of elderly people for a long time, and that the Board would probably recognize many of the people she has cared for in her home. Mr. Collins stated that they had applied for the conditional use several years ago and were denied, but he feels that there is a need for personal care homes in the community. Mrs. Neva Collins informed the Board about a few people that she has kept in her home in the past, and stated that she enjoys helping people. Mrs. Collins stated

there is a need for a personal care home instead of staying in a nursing home, and that all she wanted to do was to keep six people out of a nursing home. Mr. Newman stated that six people had signed up to speak in favor of the Collins' request. Speaking first, Mr. Perry Creasy stated that a personal care home is needed, and that it would not cause any noise or any negative impact to the community. Mrs. Doris Strickland spoke next, and told the Board a story about how Mrs. Collins helped an elderly woman that was in a nursing home by letting her live in their home. Ms. Violeta Slone spoke next, and explained to the Board about her friendship with Mrs. Collins and told how Mrs. Collins helped improve the life of the man that was currently living in her home. Mr. Bernie Fordham spoke next, and said he had known Mr. and Mrs. Collins for a long time and that their personal care home would be good for the community. Mr. Jack Anderson spoke next, and stated that he has known Mr. and Mrs. Collins for 35 years and stated that they have the right talent to handle this type of business. Last to speak was Mr. William Tidwell, and stated that he supports what they are trying to do and it will benefit the community.

Without further discussion, Commissioner Rushing offered a motion to approve the conditional use request with the stated conditions. Commissioner Tankersley seconded the motion, and it carried unanimously.

For the third Zoning Item, Mr. Newman presented an application submitted by BVT-Akins, LP, requesting a rezone from PUD (Planned Unit Development) to PUD-3 (Planned Business Center Development) in order to approve a master development plan which includes existing facilities on the property, a previously approved par three golf course and a proposed Family Entertainment Center. The rezone request is for 64.03 acres from two parcels totaling 302 acres, the property is located at Hackers Golf Park on Old Register Road, tax map #076 000001 000 and #076 000000 002. The Planning and Zoning Commission and Staff recommended the approval of the rezone request with the following conditions: (1) A traffic impact study according to county policies shall be prepared at the developer's expense and shall be submitted to the County Engineer at least thirty (30) days prior to the application for a land disturbing activity permit. All costs for mitigation measures recommended by the study and approved by the county shall be borne by the developer. (2) To incorporate the prior developer's agreement that

was done in 2004. (3) A planted 25 foot buffer strip to be required along the open areas of the property lined between Langston Properties, LLP and BVT-Akins property with sufficient plantings of trees such as Leyland Cypress and Pine Trees to be approved by the Zoning Administrator. (4) To relocate and redirect four flood lights as agreed upon in 2004 (see agreement). Mr. Van Tassell presented a power point presentation of the proposed request which will be known as “The Clubhouse”. Mr. Van Tassell stated that the Clubhouse will be approximately 40,000 square feet and consist of bowling alleys, a restaurant, laser tag, and a private area for birthday parties. Mr. Van Tassell discussed the history and future of the property, and stated that the proposed use would add approximately 60 new jobs to the area. Mr. Van Tassell concluded his presentation by stating that there are different phases of the property and this is known as Phase IV of the development. Mr. Couch explained that the required traffic study had been completed between the Planning and Zoning Hearing and the Commissioners Hearing and there were some changes that were made to the conditions concerning the traffic study.

After further discussion, Commissioner Thompson offered a motion to approve the rezone request with the following conditions: (1) To incorporate the prior developer’s agreement that was done in 2004; (2) A planted 25 foot buffer strip to be required along the open areas of the property lined between Langston Properties, LLP and BVT-Akins property with sufficient plantings of trees such as Leyland Cypress and Pine Trees to be approved by the Zoning Administrator; (3) To relocate and redirect four flood lights as agreed upon in 2004 (see agreement); (4) Amend the conceptual site plan condition approved by the Planning and Zoning Commission by removing the requirement for a professional designer submission of the landscape sketch plan and to instead submit such a plan in sufficient detail that is acceptable to the Zoning Administrator; (5) Based on the results of the traffic study provided by the applicant as required by the Planning and Zoning Commission conceptual site plan condition, the applicant shall be required to install at their own expense the following public improvements to improve traffic safety, subject to final access determination by the County Engineer (a) A left turn lane section along Old Register Road with adequate signage and markings for the primary driveway. (b) A right-in/right out access with a raised channelization island and adequate signage and markings for the secondary driveway; and (6) To remove the conceptual site plan

condition approved by the Planning and Zoning Commission for additional right-of-way requirements and installation of a shared route bicycle and pedestrian lane. Commissioner Jackson seconded the motion, and it carried unanimously.

For the fourth Zoning Item, Mr. Newman presented an application submitted by Neal Clark requesting a conditional use for a cottage industry to operate a welding shop. The property consists of 1.07 acres and is located on Rocky Ford Road, tax map # 039 000039 000. The Planning and Zoning Commission and Staff recommended approval of the conditional use request. Mr. Clark explained that he did welding as a hobby, but had been laid off from the railroad and was doing a few jobs to make ends meet. No one signed up to speak for or against this matter. Without further discussion, Commissioner Thompson offered a motion to approve the conditional use. Commissioner Rushing seconded the motion, and it carried unanimously.

For the fifth Zoning Item, Mr. Newman presented an application submitted by Carolyn Gail Thompson requesting an appeal to the decision voted on by the Planning and Zoning Commission on May 14, 2009, to deny the variance request for a medical hardship. The intent was to have her son or family member move into the existing manufactured home to help assist in caring for her husband. The property consists of 5.05 acres and is located on Ponderosa Road, tax map #027 000017A 00. Mr. Matt Thompson stated his mother could not be present for the meeting, and that his father is in need of supervision from himself or his brother. Mr. Thompson stated that his father had a heart condition, and that they have submitted a letter from his doctor stating he felt it would be best for Mr. Thompson to have someone near him because of his failing heart. Mr. Thompson stated that his father was still active, but needed additional supervision.

Mrs. Toni Cook Stephens signed up to speak opposing the request, and submitted pictures and a letter to the Board concerning the condition of Mr. Thompson. Mrs. Stephens stated that Mr. Thompson takes care of his young grandchildren, does yard work, and works on vehicles in the heat of the summer. Mrs. Stephens informed the Board that Mrs. Thompson has stated that she works, but Mrs. Stephens stated that Mrs. Thompson is retired and is at home most of the time. Mrs. Stephens also stated that Mr. Thompson has two grown sons who also live with him. Mrs. Stephens continued that the

manufactured home was removed from the property on June 25, 2009, but the spot is now staked off for what she is assuming will be another mobile home. Mrs. Stephens asked the Commissioners to deny the request. Mr. Ronnie Stephens stated he was also opposed to the request. After further discussion, Commissioner Gibson offered a motion to uphold the decision of the Planning and Zoning Commission and deny the appeal request. Commissioner Rushing seconded and the motion carried unanimously. Commissioner Thompson abstained from voting due to his relation to the applicant.

Chairman Nevil asked for additional information and/or comments regarding the Zoning Meeting. Hearing none, Chairman Nevil called for a motion to adjourn the Zoning Meeting. Commissioner Jackson offered a motion to close the Zoning Meeting. Commissioner Gibson seconded the motion, and it carried unanimously. Sign-in sheets for Zoning Matters are shown in Exhibit #2009-94.

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of the Board