

June 1, 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. County Manager Thomas 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, Vice Chairman Robert Rushing, Commissioner Simmons, 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, Public Facilities and Environmental Management Director Bob Smith, Public Safety Director Ted Wynn, 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 amendment be made to the General Agenda: (1) To add Item #2 to the New Business Agenda for the discussion and/or action to consider the approval of a Contract and Change Orders No. 1 and 2 with Pope Construction Company for the Recycling Center Expansion. Hearing no further amendments, Commissioner Mosley offered a motion to approve the General Agenda as amended. Commissioner Simmons seconded the motion, and it carried unanimously.

The next item of business was the approval of the Minutes for the Regular Meeting held on May 18, 2010. Chairman Nevil asked for corrections or modifications. Without hearing corrections or modifications, Commissioner Simmons offered a motion to approve the minutes of the meetings as presented. Commissioner Mosley 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. Mr. Charles Mosley

addressed the Board to request that the County pave Banks Creek Church Road. Commissioner Mosley stated that he received the petition to pave the road and would make sure County Engineer Kirk Tatum received a copy. Chairman Nevil informed Mr. Mosley that after the petition was received, the County would need to survey the road before placing the road on the list of future paving projects. Hearing no further public comments, Chairman Nevil moved forward to the Consent Agenda.

The next item on the Agenda was to approve the Consent Agenda as follows: (1) to accept the Staff recommendation to authorize an Intergovernmental Agreement with the City of Statesboro to accept an award of federal funds for a Justice Assistance Grant in the amount of \$24,357.00 for equipment to support the Sheriff's Department (See Exhibit #2010-83); (2) to accept the Staff recommendation to authorize the County Manager to execute an agreement with the Georgia Department of Corrections for an inmate work detail (See Exhibit #2010-84); (3) to authorize an alcoholic beverage license for package retail beer and wines sales to Meenaben Patel at Zip N Food #12 located at 7098 Old River Road, Statesboro, Georgia, in unincorporated Bulloch County; and (4) to authorize an alcoholic beverage license for package retail beer and wines sales to Suren Patel at Zip N Food #17 located at 11012 Highway 301 South, Statesboro, Georgia, in unincorporated Bulloch County. Without discussion from the Board, Commissioner Simmons offered a motion to approve the Consent Agenda as presented. Commissioner Mosley seconded the motion, and it carried unanimously.

Without any Old or Unfinished Business, Chairman Nevil stated that the first item of New Business was the discussion concerning potential improvement to several county intersections by the Georgia Department of Transportation (GDOT) and Bulloch County. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that GDOT informed the County Engineer of a program that would provide funding to improve high risk rural roads throughout the state and that several of the County's off-system routes have deficiencies that meet the criteria for the program. Mr. Couch stated that the funding would improve the intersections at Harville Road and Langston Chapel Road, Cypress Lake Road, and Westside Road. County Engineer Kirk Tatum stated that GDOT does not have any preliminary designs for these intersections, but would like a commitment letter from the

County Manager that the county will acquire the right-of-ways for these future intersection projects. After further discussion, Commissioner Thompson offered a motion authorize the County Manager to send a letter of commitment to GDOT expressing that the County will secure the necessary right-of-ways for the program as long as the funds are available (See Exhibit #2010-85). Commissioner Gibson seconded the motion, and it carried unanimously.

The second item of New Business was the discussion and/or action to authorize the County Manager to execute a contract and change orders #1 and #2 with Pope Construction of Statesboro, Georgia, for the recycling process center. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the bid for the Transfer Station and Recycling Center Expansions were awarded to Pope Construction Company in July 2009, but that the project was delayed when the City of Statesboro decided not to participate. Mr. Couch stated that the County then decided to obtain Georgia Environmental Facilities Authority (GEFA) financing and move forward with the Recycling center portion of the project, and that contract and change orders are a necessary formality. Mr. Couch also explained that the change orders were necessary due to the increase in steel prices and utilities reductions. After further discussion, Commission Gibson offered a motion to authorize the County Manager to execute a contract and change orders #1 and #2 with Pope Construction of Statesboro, Georgia, for the recycling process center (See Exhibit #2010-86). Commissioner Rushing seconded the motion, and it carried unanimously.

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 Simmons and then proceeding down the bench accordingly. Commissioner Simmons and Commissioner Mosley did not have any comments, but Chairman Nevil discussed several upcoming events. Next, Commissioner Thompson thanked all the employees for their budget constraints, and Commissioner Gibson discussed several complaints regarding yard debris in the County right-of-ways in Grove Lakes and Country Club Road. Without further comments from the Board, Chairman Nevil asked for comments from the Staff. County Manager Thomas Couch reviewed the

schedule for the budget and stated that he would hold two Public Hearings on June 15th for public input regarding the FY 2011 budget.

Chairman Nevil asked for any further comments from the Board or Staff. Hearing no further comments from the Board or Staff, Chairman Nevil stated that there was no further business for the open meeting, and the Board must close the meeting to discuss potential Real Estate Acquisition 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 (See Exhibit #2010-87). Without further discussion, Commissioner Simmons offered a motion to enter into Executive Session to discuss potential Real Estate Acquisition. Commissioner Mosley seconded the motion, and it carried unanimously. Commissioner Mosley, Commissioner Simmons, 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 Zoning Administrator Randy Newman to present the two item of business.

Zoning Administrator Randy Newman presented Item #1 which was an application submitted by Walter Johnson requesting a rezone from R-2 (Multi-family) to R-25 (Residential 25,000 square feet) with the intent to place a manufactured home on the property which is not permitted in an R-2 District. The property consists of 0.59 acres and is located on Hodges Lane, tax map #MS18 000019 000. The Planning and Zoning Commission and Staff recommended the denial of the request, but to approve an R-40 rezone with a variance for lot size requirements. Mr. Newman stated that Mr. Johnson was not present, but that Mr. Johnson approved of the Planning and Zoning Commission and the Staff's recommendations. Mr. Newman stated that no one signed up to speak in favor or in opposition of the request. Without discussion from the Board, Commissioner Gibson offered a motion to approve Mr. Walter Johnson's request for a

rezone from R-2 (multi-family) to R-40 (residential 40,000 square feet) with a variance on the lot size on Hodges Lane with the conditions set forth in Exhibit #2010-88. Commissioner Thompson seconded the motion, and it carried unanimously.

Zoning Administrator Randy Newman presented Item #2 which was an application submitted by Kevin Deal requesting a rezone from AG-5 (Agricultural 5 acres) to HC (Highway Commercial) with the intent to combine the adjacent property that is zoned HC to create a development that will include the following uses: RV park/campground, day care facility, beauty shop, farm supply store, and a GPS services tower for agriculture. The property consists of 2 parcels totaling 3.52 acres and is located on Highway 67 South, tax maps #111 000010 001 and #111 000010 002. The Planning and Zoning Commission and Staff recommended the approval of the rezone request with conditions. Acting as Agent, Mr. John Dotson stated that Mr. Deal was not present, but that he approved all of the conditions except for condition #2 regarding a conceptual site plan. Mr. Dotson asked that a conceptual site plan not be necessary for the farm supply store and the GPS tower, but that the site plan be necessary for the other uses. After further discussion, Mr. Newman stated that no one signed up to speak in favor or in opposition of the request. Commissioner Thompson offered a motion to approve Mr. Kevin Deal's request for a rezone from AG-5 (Agricultural 5 acres) to HC (Highway Commercial) with the amended conditions set forth in Exhibit #2010-89. Commissioner Simmons seconded the motion, and it carried unanimously.

Zoning Administrator Randy Newman presented Item #3 which was an application submitted by Kevin Deal requesting a conditional use for the following multiple uses: RV park/campground, day care facility, beauty shop, farm supply store, and a GPS services tower for agriculture. The property consists of 2 parcels totaling 12 acres and is located on Highway 67 South, tax maps #111 000010 000, #111 000011 000, #111 000010 002, and #111 000010 001. The Planning and Zoning Commission and Staff recommended the approval of the conditional use request with conditions. Acting as Agent, Mr. John Dotson stated that Mr. Deal was not present, but that he approved all of the conditions except for condition #2 regarding a conceptual site plan. Mr. Dotson asked that a conceptual site plan not be necessary for the farm supply store and the GPS tower, but that the site plan be necessary for the other uses. After further discussion, Mr.

Newman stated that no one signed up to speak in favor or in opposition of the request. Commissioner Rushing offered a motion to approve Mr. Kevin Deal's request for a Conditional Use for multiple uses with the amended conditions set forth in Exhibit #2010-90. Commissioner Mosley seconded the motion, and it carried unanimously.

Zoning Administrator Randy Newman presented Item #4 which was an application submitted by Kevin Deal requesting a modification to the condition that was approved by the Board of Commissioners for a rezone on August 3, 2005, that stated, "All driveway apron, service areas, and primary parking shall be paved". Mr. Newman stated that the condition stated that the property consists of 2 parcels totaling 12 acres and is located on Highway 67 South, tax maps #111 000010 000 and #111 000011 00. The Planning and Zoning Commission recommended the approval of the request with a condition and the Staff recommended the denial of the variance request. Acting as Agent, Mr. John Dotson stated the Farm Supply Store driveway apron, service area, and parking area will not be able to withstand the weight of heavy machinery if paved. After further discussion, Mr. Newman stated that no one signed up to speak in favor or in opposition of the request. Commissioner Thompson offered a motion to approve Mr. Kevin Deal's request for a modification to the condition that was approved by the Board of Commissioners for a rezone on August 3, 2005, that stated, "All driveway apron, service areas, and primary parking shall be paved" with the amended condition set forth in Exhibit #2010-91. Commissioner Gibson seconded the motion, and it carried unanimously.

For Item #5, Mr. Newman stated that a text amendment is needed to revise the Commercial and Industrial Principal Uses in Section 802 of Appendix C of the Code of Ordinances of Bulloch County, and that after researching the number of parcels regarding acreage that the majority of commercial and industrial parcels consist of less than twenty five (25) acres. County Attorney Jeff Akins stated that the amendment would be as follows: A single lot or parcel, less than 25 acres, that is in any commercial or industrial zoning district also may not be subdivided without obtaining a conditional use permit. Mr. Akins stated the exception will be as follows: Subdivision between family members or on property owned by a governmental entity or authority shall be exempt from this requirement to receive a conditional use permit prior to subdividing the property, and that

for purposes of this provision, family has the same meaning as in Section 503(a)(15). Mr. Akins stated that the amendment is needed to close a loophole in the ordinance. After further discussion, Commissioner Thompson offered a motion to approve a text amendment that is needed to revise the Commercial and Industrial Principal Uses in Section 802 of Appendix C of the Code of Ordinances of Bulloch County as set forth in Exhibit #2010-92. Commissioner Mosley seconded the motion, and it carried unanimously.

Sign-in sheets for Zoning Matters are shown in Exhibit #2010-93.

Chairman Nevil called for further discussion or comments from the Board or Staff. Hearing none, 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