

June 2, 2009
Statesboro, GA

Regular Meeting

The Board of Commissioners met at 8:30 a.m. in the Community Room of the North Main Annex. Chairman Nevil welcomed guests and called the meeting to order. Chairman Garrett Nevil 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 (arrived at 5:45 p.m.). The following staff were present: County Manager Thomas Couch, Staff Attorney Jeff Akins, Deputy Clerk Christy Strickland, Chief Financial Officer Harry Starling, Purchasing Manager Kenneth Trapnell, Transportation Director Eddie Smith, County Engineer Kirk Tatum, Fire Chief Randy Walker, 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 adding Item #2 to the New Business Agenda for the discussion and/or action to consider a Reinsurance Quote for the County Employee Health Insurance Plan for Fiscal Year 2010 and by adding Potential Litigation as a topic for discussion in the Executive Session. Without hearing any further changes or modifications, Commissioner Tankersley offered a motion to approve the General Agenda with two 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 Regular Meeting and Workshop held on May 19, 2009. Commissioner Tankersley stated that the Regular Meeting Minutes needed to be corrected by removing her name from a motion because she was absent from the May 19th meeting. Commissioner Thompson offered a motion to approve the minutes of the meetings 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 stated there were no formal requests or petitions received in writing. Commissioner Thompson stated that he would like to be heard during Public Comments, and would like to discuss the County's Best Management Practices. Commissioner Thompson stated that he received a complaint about a tent type structure that was being used as a portable toilet for the work crew at the Gateway Park project site. Commissioner Thompson stated that County Departments should be held to the same standards as the public, and that he would like County Inspectors to inspect each site and issue citations to County Departments if they are not adhering to the Ordinances and Policies of Bulloch County. Transportation Director Eddie Smith stated that the tent type structure was used to give inmates some privacy when using the restroom at the work sites. Mr. Smith also stated that the structure was approved by the Warden. After further discussion, Chairman Nevil stated that the Board would look into the matter to determine if the structure adheres to the County's and the Warden's codes. Hearing no further public comments, Chairman Nevil moved on to the scheduled Presentation.

Chairman Nevil introduced Mr. Allen Burns, Executive Director of the Coastal Georgia Regional Development Center, who in turn introduced Mr. Chris Chalmers, GIS/IT Director for the CGRDC. Mr. Chalmers discussed the Coastal Georgia Elevation Project (CGEP), explained the benefits of Light Detection and Ranging (LiDAR) for Counties and Cities. Mr. Chalmers discussed the funding for LiDAR and stated that in order to improve future flood mapping efforts, FEMA is contributing \$650,000.00, the CGRDC has secured \$330,000.00, and the Coastal Advisory Committee has voted to provide \$200,000.00 to match local funds raised for the CGEP. Mr. Couch stated that he would like to discuss, with the City of Statesboro, the possibility of jointly paying for the LiDAR flight for Bulloch County. After further discussion, Chairman Nevil thanked Mr. Burns and Mr. Chalmers for the LiDAR Presentation.

The next item on the Agenda was to approve the Consent Agenda as presented: (1) To authorize the County Manager to execute an agreement with the Georgia State Properties Commission for a lease agreement for the Georgia Department of Audits building (See Exhibit #2009-55); (2) To dispense with the reading and adopt Resolution

#2009-13 to declare surplus property as unserviceable and authorizing the sale of vehicles by the County Fire Department (See Exhibit #2009-56); (3) To authorize the County Manager to execute an amendment to the agreement for frequency reconfiguration with Southern Communications and Nextel (See Exhibit #2009-57); (4) To authorize the County Manager to execute an agreement with Ms. Annette Wilson for temporary storage facilities for Brooklet Park (See Exhibit #2009-58); and (5) To authorize the Chairman of the Board to execute an agreement with the City of Statesboro regarding the provision of services in the Statesboro Fire District (See Exhibit #2009-59). Without any discussion from the Board, 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 authorize the County Manager to execute a purchase order and award to the lowest and most advantageous bidder for a motograder for the Transportation Department. Chairman Nevil called on County Manager Thomas Couch to initiate discussion for the matter, and Mr. Couch asked Transportation Director Eddie Smith to address the Board regarding the motograder bid (See Exhibit #2009-60). Mr. Smith stated that the John Deere 672 G bid by International Tractor Company was not equivalent to the CAT 140 M. After further explanation about why the John Deere 672 G was not comparable to the CAT 140 M from Mr. Smith, Commissioner Thompson stated that the County is not paving that many roads right now because of the lack of funding and that the County should save \$46,000.00 by purchasing the John Deere. Mr. Smith stated that the two representatives that were responsible for the bid wanted to discuss their products and answer any questions from the Board. Mr. Mark Flanders from John Deere and Mr. Allen Arnsdorff from Yancey Brothers Caterpillar both expressed their views and explained the specifications regarding the equipment they bid. Commissioner Rushing asked Purchasing Manager Kenneth Trapnell several questions regarding the specifications for the two motorgraders.

After further discussion, Mr. Couch stated that in interest of time that the Board needed to defer this item until Tuesday's Special Called Meeting and table the rest of the Agenda until after the Zoning and Land Use Meeting. Commissioner Tankersley offered

a motion to defer this item until Tuesday's Special Called Meeting and table the rest of the Agenda until after the Zoning and Land Use Meeting. Commissioner Jackson seconded the motion, and it carried unanimously.

Before moving on the Zoning and Land Use Meeting, Commissioner Thompson offered a motion to recess for five 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 Rushing offered a motion to approve the Zoning and Land Use Agenda as presented. Commissioner Thompson seconded the motion, and it carried unanimously. Chairman Nevil asked Zoning Administrator Randy Newman to present the two items of business.

Zoning Administrator Randy Newman presented an application submitted by Christian Bennett requesting a rezone from AG-5 to R-80 (residential 80,000 square feet) in order to build three single family residences. The property consists of 6 acres and is located on Mill Creek Road, tax map #120 000016 002. The Planning and Zoning Commission and Staff recommended the denial of the request due to the fact that the three lots did not have enough useable land for septic systems and well per the Bulloch County Health Department. Acting as Agent, Mr. Don Marsh stated that he was aware there was a problem with not having enough usable land for the septic tank and the water system, but Mr. Bennett is willing to hire a soil scientist that is very expensive, to determine what type of soil exists on the property. Mr. Marsh asked that the Board approve the rezone request before Mr. Bennett spends the money to hire the soil scientist, and to make the requirements for usable land a condition. Terry Williams signed up to speak as opposed or undecided in this matter, but decided at the last minute not to speak.

After further discussion from the Board and Mr. Marsh, Commissioner Thompson offered a motion to deny the rezone request. Commissioner Gibson seconded the motion, and it carried unanimously.

For the last Zoning Item, Mr. Newman presented an application submitted by James A. and Deborah C. Cooper requesting a rezone from R-80 (residential 80,000

square feet) to GC (general commercial) in order to remove the existing residence and erect a gasoline station with a convenience store. The property consists of 1.06 acres and is located on the corner of Old Register Road and Langston Chapel Road, tax map #077 000022 000. The Staff recommended denial of the rezone request due to negative findings outlined in the analysis, but the Planning and Zoning Commission voted to approve the request with the following conditions: (1) **Architectural Requirements:** (a) The height and color of all buildings and shall be uniform in appearance. Earth tone colors complimentary to building design shall be required. (b) The site shall be designed so that no mechanical equipment (HVAC units, etc.) is visible from the adjoining properties or public right-of-way. (c) Building facades visible from the street or adjoining properties (except for trim, windows and doors) shall consist of primarily brick, decorative masonry or fibrous cement (Hardie-Plank) materials only. (d) No vending machines or merchandise for sale shall be allowed outside of the building. (2) **Signage:** (a) One (1) freestanding landscaped monument sign will be permitted with a height limit sixteen (16) feet from normal grade, and shall consist of materials consistent with the primary building façade identifying the property will be allowed along Langston Chapel Road. (b) All other signage must meet county code compliance. (c) No billboards will be permitted. (3) **Entrances:** All driveway entrances and parking islands shall be landscaped. (4) **Access:** (a) All access, driveway and parking areas serving the general public shall be paved. (b) All driveways curb-cuts must be a minimum of 100' from the intersection. (c) The driveway on Langston Chapel shall be required to include a raised right-out only channelizing median to prohibit left turns. (5) **Commercial Solid Waste:** Such receptacles permitted shall be placed on a concrete foundation and screened from view from the street and adjacent parcels by an opaque fence at a height that is no less than the height of the receptacle. (6) **Lighting:** (a) All security lighting fixtures must be downcast and shall not produce glare or a nuisance to drivers or the surrounding properties. (b) Canopy lighting must be recessed into its ceiling. (7) **Loading:** All loading spaces (except for gasoline pumps), should be at the side or rear of the buildings to enhance internal circulation. (8) **Stormwater Management:** *30 days prior to application for a land-disturbing activity permit*, submit a hydrology study and stormwater management plan submitted by a professional licensed engineer showing

necessary mitigation measures following the Georgia Stormwater Management Manual shall be submitted and approved by the County Engineer. (9) **Buffers and Landscaping:** (a) A 25-foot wide buffer and visual screening pursuant to Sections 405 and 407 of the zoning ordinance along the western and southern property boundary shall be required. Due to the size of the lot, a variance may be required. (b) There shall be a landscaped strip established on the perimeter frontage with low to medium height shrubbery to soften the visual effect of the parking and fuel pump areas. (c) A landscaping and buffer plan or sketch shall be approved by the Zoning Administrator and all landscaping shall be installed *prior to a certificate of occupancy being issued*. (10) **Traffic and Road Improvements:** (a) 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. (b) All costs for mitigation measures recommended by the study and approved by the county shall be borne by the developer. (c) Pending the results of the traffic study that would provide better alternatives, a right-turn only channelizing island and with a raised median and a yield sign should be installed for the current through-traffic lane at the southeast corner of the intersection of Langston Chapel and Old Register Road at the developer's expense. (d) The developer shall be required to restripe the crosswalks and directional turn arrows on the west side of the four-lane segment of Langston Chapel Road allowing the present left-turn lane to become and left-turn and through lane, and the current through and right-turn lane into a right-turn only lane. (e) The developer shall re-seal and re-stripe the yellow-striping on the east side of the intersection of Langston Chapel Road to accommodate the left-turn and through lane on the opposite side of the intersection for east-bound travelers. (f) The developer shall be required to install any signage according to the Manual on Uniform Traffic Control Devices. (11) **Sidewalks:** (a) The existing sidewalk from the corner of Langston Chapel and Old Register Roads shall be extended (except for driveway access) proceeding south along Old Register Road to the property line with Southside Communities LLC (Green Haven MHP). (b) All additional and disturbed sidewalks and raised islands in pedestrian ways shall have depressed curbs and be ADA compliant. (12) **Conceptual Site Plan:** A conceptual site plan will be required to be submitted to Planning and Zoning Commission for approval.

Acting as Agent, Mr. Don Marsh stated that the development of a Gas Station would not increase traffic flow on the Old Register and Langston, and that he 100% agrees with all of the conditions. Mr. Marsh stated that Mr. Cooper wants to build a country store, and continued to address all of the conditions listed in the planning review. Mr. Tim Freeman was the only person signed up to speak, and was listed as undecided. Mr. Freeman asked for more explanation about the lighting and the buffers that were mentioned in the conditions. Mr. Couch stated that the lights could be hooded to keep the light shining down and not in people's windows, and that the buffers required will keep people from walking in the neighbor's yards.

After further discussion, Commissioner Thompson offered a motion to approve the rezone request with the presented conditions. Commissioner Jackson seconded the motion, and it carried unanimously. Sign-in sheets for zoning matters are shown in Exhibit #2009-61.

Chairman Nevil asked for additional information and/or comments regarding the Zoning Meeting. Hearing none, Chairman Nevil called for a motion to close the Zoning Meeting and to resume the Regular Meeting. Commissioner Tankersley offered a motion to close the Zoning Meeting and to resume the Regular Meeting. Commissioner Jackson seconded the motion, and it carried unanimously.

To resume the Regular Meeting, the next item of business on the Agenda was the second item listed under New Business, which was the discussion and/or action to dispense with the reading and authorize Resolution #2009-14 authorizing the County Manager to approve an agreement for a re-insurance quote for the County Employee Health Insurance Plan (See Exhibit #2009-62). Chairman Nevil called on County Manager Thomas Couch to initiate discussion for the matter. Mr. Couch stated that he met with the County's third party administrator, Fringe Benefit Management Company, about the Employee Health Insurance Plan. Mr. Couch stated that they had been soliciting quotes for re-insurance, and that the quote we received is the most competitive and that it will meet our projected budget objectives, while providing the same level of benefits for the employees. After further discussion, Commissioner Jackson offered a motion to approve Resolution #2009-14 authorizing the County Manager to approve an

agreement for a re-insurance quote for the County Employee Health Insurance Plan. Commissioner Tankersley seconded the motion, and it carried unanimously.

Chairman Nevil asked if there were any comments from the staff or Board. County Manager Thomas Couch asked to address the Board, and read memo to the Board regarding dates and topics for a Workshop on June 9th, dates and times for Public Hearings for the Budget, and dates for several other events that would be of interest to the Board. Chairman Nevil informed the Board of the Tax Assessor's new webpage and presentation about the citizen's tax dollars at work. Chairman Nevil thanked the Tax Assessor John Scott for his hard work on the new webpage, and stated that it is very important for the Board to keep the tax payers informed about how we spend their tax dollars.

Chairman Nevil asked for additional comments from the Staff or Board. Hearing none, Chairman Nevil stated that the Board needed to enter into Executive Session to discuss Personnel Matters and Potential Litigation. Without further 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 #2009-63). Commissioner Tankersley, Commissioner Jackson, Commissioner Rushing, Commissioner Gibson, and Commissioner Thompson, voted in favor of the motion.

In conclusion of the Executive Session, Commissioner Tankersley offered a motion to close the Executive Session. Commissioner Gibson seconded the motion, and it carried unanimously.

Commissioner Tankersley offered a motion to open the Regular Meeting. Commissioner Jackson seconded the motion, and it carried unanimously.

Commissioner Gibson offered a motion to add a third item to the New Business Agenda, which was to consider the replacement of Elsie Blanton with the appointment of Henry Strickland until July 1, 2010, and the full term reappointment of Douglas Lambert to the Coastal Workforce Investment Board. Without discussion, Commissioner Rushing offered a motion to approve the replacement of Elsie Blanton with the appointment of Henry Strickland until July 1, 2010, and the full term reappointment of Douglas Lambert

to the Coastal Workforce Investment Board. Commissioner Tankersley seconded the motion, and it carried unanimously.

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

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of the Board