

May 5, 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 Walter Gibson 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 Simmons, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson. 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, Public Facilities and Environmental Management Director Bob Smith, Transportation Director Eddie Smith, Zoning Administrator Randy Newman, and Planning and Zoning Development Director Andy Welch.

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. Hearing none, Commissioner Tankersley offered a motion to approve the General Agenda as presented. Commissioner Simmons seconded the motion, and it carried unanimously.

The next item of business was the approval of the Minutes for the Regular Meeting and Executive Session regarding Real Estate Acquisition held on April 21, 2009. Commissioner Gibson offered a motion to approve the minutes of the meetings as presented with one modification to the Real Estate Acquisition Minutes. Commissioner Simmons 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. Hearing no public comments, Chairman Nevil moved on to the scheduled Public Hearing.

The next item of business was to hold a Public Hearing in regards to the proposed abandonment of an unnamed County road proximate to Old River Road North and Rocky Ford Road (See Exhibit #2009-44). Commissioner Simmons offered a motion to open

the Public Hearing. Commissioner Tankersley seconded the motion, and it carried unanimously. With the Public Hearing open, County Manager Thomas Couch stated that the county road is located approximately 0.6 miles north of the intersection of Old River Road North and Rocky Ford Road. Mr. Couch stated that the road traverses land of Jeffrey and Katherine Alsup, and that the legal standard for abandoning a county road is that the Commissioners must find that the road has ceased to be used by the public to the extent that no substantial public purpose is served by it. Mr. Couch opened up the floor for public comments. Hearing none, Staff Attorney Jeff Akins asked Transportation Director Eddie Smith to comment on the abandonment of the unnamed county road. Mr. Smith stated that there is only one house on the road, it is only one tenth or two tenths of a mile long, and no one accesses the road except for the one homeowner. Without any comments or questions from the public, the Board, or the Staff, Commissioner Tankersley offered a motion to close the Public Hearing. Commissioner Rushing seconded the motion, and it carried unanimously.

The next item on the Agenda was to approve the Consent Agenda as presented:

- (1) To authorize the County Manager to award a sole source proposal for a professional services agreement with Martin and Rule Architects of Statesboro, Georgia, for the purpose of delivering design related services for the Luetta Moore Community Center, subject to final approval by the Chief Legal Counsel, in an amount not to exceed \$32,500.00, with proceeds to be appropriated from 2002 SPLOST Funds and authorized under CIP-Project #CF-09-02 (See Exhibit #2009-45);
- (2) To dispense with the reading and adopt a Resolution for the creation of a Street Light Tax District at “The Cottages” located off of State Route 67 in unincorporated Bulloch County (See Exhibit #2009-46);
- (3) To dispense with the reading and adopt a Resolution for the creation of a Street Light Tax District at “The Hammocks” located off of State Route 67 in unincorporated Bulloch County (See Exhibit #2009-47);
- (4) To authorize the County Manager to award a purchase order with Tri-State Peterbilt of Albany, Georgia, for the purpose of acquiring one front loader refuse truck based on the Staff recommendation for the lowest and most responsible bid in the amount of \$188,441.00 with the proceeds to be appropriated from 2002 SPLOST Funds and authorized as CIP Project #SW-09-03;
- (5) To authorize the County Manager to award a purchase order with Allan Vigil Ford of Morrow, Georgia,

for the purpose of acquiring one cab-and-chassis with a service truck body based on the staff recommendation for the lowest and most responsible bid in the amount of \$20,065.00, with the proceeds to be appropriated from the Government Building and Grounds Operating Budget, and as authorized in the FY 2009 Minor Capital Outlays Schedule; and (6) To authorize the County Manager to award a purchase order with Material Handling Supply of Watkinsville, Georgia, for the purpose of acquiring one forklift based on the Staff recommendation for the lowest and most responsible bid in the amount of \$18,700.00, with the proceeds to be appropriated from 2002 SPLOST Funds and authorized as CIP Project #SW-09-01. Without any discussion from the Board, Commissioner Simmons 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 dispense with the reading and adopt a resolution to abandon the unnamed county road previously discussed during the Public Hearing (See Exhibit #2009-48). Without any discussion, Commissioner Simmons offered a motion to approve and adopt the resolution to abandon the unnamed county road. Commissioner Tankersley seconded the motion, and it carried unanimously.

The second item of New Business was the discussion and/or action regarding the nominations to the Hospital Authority of Bulloch County. Deputy Clerk Christy Strickland stated the Board needed to approve three possible nominees for each seat, for Seat 1-B, Seat 4-A, and Seat 4-B, and that she included a chart in her agenda packet that lists possible candidates for each seat. Mrs. Strickland stated these names must be turned into the Hospital Authority Board before their next meeting on May 15, 2009. Mr. Couch asked if the Board would like to table this item until after the Zoning and Land Use Meeting, in order to discuss the possible nominations in Executive Session. After some discussion, Commissioner Simmons offered a motion to table the nominations to the Hospital Authority Board until after the Zoning and Land Use Meeting. Commissioner Rushing seconded the motion, and it carried unanimously.

The third item of New Business was the discussion and/or action to dispense with the reading and adopt a resolution to enter into a Lease-Purchase Agreement regarding Equipment Schedule No.1, with Bancorp South Equipment Finance of Hattiesburg,

Mississippi (See Exhibit #2009-49). Mr. Couch stated that the lease-purchase agreement is to finance the purchase of two Caterpillar 12M Motor graders. Without discussion, Commissioner Thompson offered a motion to approve and adopt the resolution to enter into a Lease-Purchase Agreement regarding Equipment Schedule No.1, with Bancorp South Equipment Finance of Hattiesburg, Mississippi. Commissioner Rushing seconded the motion, and it carried unanimously.

The last item of New Business was the discussion and/or action to dispense with the reading and adopt a resolution to enter into a Lease-Purchase Agreement regarding Equipment Schedule No.2, with Bancorp South Equipment Finance of Hattiesburg, Mississippi (See Exhibit #2009-50). Mr. Couch stated that the lease-purchase agreement is to finance the purchase of one Caterpillar 320DL Excavator. Without discussion, Commissioner Thompson offered a motion to approve and adopt the resolution to enter into a Lease-Purchase Agreement regarding Equipment Schedule No.2, with Bancorp South Equipment Finance of Hattiesburg, Mississippi. Commissioner Rushing seconded the motion, and it carried unanimously.

Chairman Nevil asked if there were any comments from the staff or Board. County Manager Couch advised the Board about the progress concerning the FY 2010 General Appropriations Budget. Mr. Couch stated that a workshop or presentation would be held after the meeting on May 19<sup>th</sup> to discuss his recommendations for the General Fund and the other major funds. Commissioner Thompson stated that the County would not be increasing the millage rate this year, but that some citizens may see an increase on their tax bill due to the State's failure to fund the Home Owner's Tax Relief Grant.

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 Real Estate Acquisition. Without further discussion, Commissioner Simmons offered a motion to enter into Executive Session to discuss Personnel Matters and Real Estate Acquisition. Commissioner Tankersley seconded the motion, and it carried unanimously (See Exhibit #2009-51). Commissioner Tankersley, Commissioner Simmons, Commissioner Rushing, Commissioner Gibson, and Commissioner Thompson, voted in favor of the motion.

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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. County Manager Thomas Couch addressed the Board and stated that Item Number 3 had already been discussed and approved during the Regular Board Meeting and needed to be removed from the Zoning and Land Use Agenda, leaving three items of business instead of four. Commissioner Gibson offered a motion to approve the Zoning and Land Use Agenda as amended. Commissioner Simmons seconded the motion, and it carried unanimously. Chairman Nevil asked Zoning Administrator Randy Newman to present the three items of business.

Zoning Administrator Randy Newman presented an application submitted by Robert E. Stubbs requesting to rezone 12.3 acres out of a 68.4 acre tract from R-25 (residential 25,000 square feet) to HC (Highway Commercial) with the intent to open a restaurant. The property is located on Highway 24, tax map #106 000016 000. The Zoning Commission recommended the approval of the request as staff recommended on the 1.7 acre tract with several conditions and modification to the condition listed under architectural requirements. Acting as Agent, Mr. Don Marsh stated that Mr. Stubb's daughter, Terry Grant, would use the property to build a family entertainment center with a small restaurant inside, and that they plan on completing a traffic study for Highway 24 to determine if deceleration lanes would be necessary. Mr. Marsh also discussed several of the findings that the staff stated in their analysis of the property.

Terry Grant signed up to speak in favor of the rezone request, and discussed her plans for the 1.7 acre tract. Ms. Grant stated that she would like the Board to consider her request to rezone the entire 12.3 acres to HC. Debbie Bonner signed up to speak in favor of the rezone request, and informed the Board that in one hour she received 125 signatures supporting Mrs. Grant's plan to open a family entertainment center in Bulloch County. Curt Deal signed up to speak in opposition of the request, and stated that he lives in Pebblestone Subdivision, which is located about a mile from Mr. Stubbs property, and that Highway 24 could not handle the increased traffic created by a family entertainment center. Wayne Collingsworth signed up to speak in opposition of the request, and stated that there is no uniformity of the businesses already located in that

area and that rezoning the property to HC would increase the possibility that more random businesses would locate in the area.

After further discussion from the Board, Mr. Marsh, Ms. Grant, and Mr. Collingsworth, Commissioner Tankersley offered a motion to deny the rezone request based on the negative analysis determined by the Staff. Commissioner Simmons seconded the motion. Chairman Nevil asked for discussion from the Board. Commissioner Thompson stated that he would like to defer the request until a later time when the Board has been allowed more time to research and review the request. After some discussion, Commissioner Tankersley withdrew her motion to deny the rezone request. Ms. Grant stated that she formally requested to withdraw her application. Commissioner Thompson offered a motion to allow Ms. Grant to formally withdraw her rezone application. Commissioner Rushing seconded the motion, and it carried unanimously.

Zoning Administrator Randy Newman presented an application submitted by James A. Brannen requesting a rezone and conditional use. The rezone request is to change the zoning from A-5 (Agricultural 5 acres) to LI (Light Industrial). The conditional use request is for multiple uses on one lot, and the proposed uses include a food processing plant and the use of a manufactured building as a temporary office. The property is located on Clito Road, tax map #133 000021 000. The Zoning Commission recommended the approval of the requests with the following conditions: (1) The installation of a paved apron for each driveway for the depth of the right-of-way from the road edge shall be required to eliminate shoulder separation, and the installation of rock and/or crush and run for a length of no less than twenty (20) feet behind and parallel with the apron width shall be required to prevent sedimentation in the drainage ways. (2) All commercial solid waste containers shall be placed on a concrete pad and shielded from view with fencing or landscaping equal to the height of the container. (3) All lighting must be downcast and shall not produce glare or a nuisance to the surrounding properties. (4) Any signage shall be in compliance with county sign regulations.

Acting as agent, Rachel Edwards discussed the property and stated that the Michael Cuttler Company is leasing the property from Mr. Brannen in order to open a processing facility to process baby carrots from Mr. Gerrald's carrots. Chairman Nevil

asked for further questions or comments from the Board or Staff. Hearing none, Commissioner Thompson offered a motion to approve the rezone and conditional use request with Conditions 1, 2, 3, and 4. Commissioner Tankersley seconded the motion, and it carried unanimously.

Zoning Administrator Randy Newman presented the last item, an application submitted by Three O One LLC, requesting to have conditions modified from the conditional use that was approved by the Board of Commissioners on November 20, 2007. The property consists of 2.08 acres and is located on Morgan way, tax map #MS69 000003 001. The Zoning Commission recommended the approval of the requests with the following conditions and modifications: (1) Access and Internal Circulation: (a) Internal lane widths between storage structures for emergency purposes shall be determined by the County Public Safety Director. (b) Access codes for any mechanically operated gates shall be made available to County E-911 at all times. (2) Architectural Standards and Requirements: (a) The use of muted and earth tone colors as the predominant colors on the façade is required. Building trim and accent areas may feature brighter colors, including primary colors. (b) Barbed or razor wire toppings of any kind are prohibited. (3) Signage: Signage must meet the requirements of the Veterans Memorial Parkway standards of the sign ordinance. Billboards will be prohibited. (4) Outdoor Storage: Outside storage shall be limited to commercial vehicles, recreational vehicles or heavy equipment. (5) Lighting: Any outdoor lighting for parking or security shall be downcast, shielded and directed to avoid illuminating adjacent properties or from causing distraction to drivers on public roadways. (6) Solid Waste Management: The use of any commercial dumpster(s) shall be adequately concealed from primary view of any public street or parking area using walls, opaque fencing or landscaping equal to the height of the container. All dumpsters shall be placed on a concrete pad. (7) Final Development Plan: To expedite development permitting, upon any conceptual site plan and variances, the applicant-developer shall submit a final development plan, along with the following plans, reports and studies to the county development review committee for final approval in the following sequence: (a) *30 days prior to application for a land-disturbing activity permit*, submit a hydrology study and storm water management plan submitted by a professional licensed engineer showing necessary mitigation measures

following the Georgia Storm water Management Manual shall be submitted. (b) *30 days prior to application for a land disturbing activity permit*, submit engineering plans for any road access improvements. (c) *30 days prior to the application for a certificate of occupancy*, request a final landscaping compliance inspection. (d) A landscaping plan showing a streetscape facing Veterans Memorial Parkway with a series of native crepe myrtles or similar too, in which will be approved by the Zoning Administrator. (e) A sketch plan showing sufficient detail demonstrating the access and internal circulation standards based on proposed building orientation. (f) A signage plan with elevation drawings demonstrating conformance to signage standards in the Bulloch County Sign Ordinance.

Acting as agent, Tim Freeman stated that he will use the property for a self-storage facility and that the plans created for the previous owner did not allow trucks to go in and out of the facility. Mr. Freeman stated that his design for the storage facility will allow trucks to enter and exit with ease. Chairman Nevil asked for further questions or comments from the Board or Staff. Hearing none, Commissioner Tankersley offered a motion to approve the condition modification. Commissioner Thompson seconded the motion, and it carried unanimously. Sign-in sheets for zoning matters are shown in Exhibit #2009-52.

Chairman Nevil asked if there were any further discussion or comments regarding the Zoning and Land Use Public Hearings. Hearing none, Chairman Nevil stated that the Board needed to address the deferred second item of New Business, which was the discussion and/or action regarding the nominations to the Hospital Authority of Bulloch County. Commissioner Thompson offered a motion to nominate the following candidates: (Seat 1-B) Yolanda Tremble, Roy Rountree, and Billy Hickman; (Seat 4-A) Eyvonne Hart, Rachel Edwards, and Frank Fortune; and (Seat 4-B) Ray L. McKinney, Jr., Dr. Lisa Rogers, and Sean Phillip Davis. Commissioner Simmons seconded the motion, and it carried unanimously.

Chairman Nevil asked for comments or questions from the Board. County Manager Couch reminded the Board about the Budget Workshop after the May 19<sup>th</sup> meeting. Without further discussion, Commissioner Gibson offered a motion to adjourn the meeting. Commissioner Simmons seconded the motion, and it carried unanimously.

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J. Garrett Nevil, Chairman

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Attest: Maggie Fitzgerald, Clerk of the Board