

September 1, 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 Jackson, Commissioner Simmons, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson. The following staff were present: County Manager Thomas Couch, Staff Attorney Jeff Akins, Chief Financial Officer Harry Starling, Public Safety Director Ted Wynn, Statesboro Bulloch County Parks and Recreation Director Mike Rollins, Zoning Administrator Randy Newman, Deputy Clerk Christy Strickland, 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 amendments or modifications for the General Agenda. County Manager Thomas Couch requested to modify the agenda by: (1) Adding Item #1 under the New Business Agenda for the discussion and/or action to authorize a sole source solicitation and potential lease-purchase financing for ambulances and ancillary equipment for the EMS Department and (2) Adding Item #2 under the New Business Agenda for the discussion and/or action to authorize a Professional Services Agreement with the Ingram Parris Group of Valdosta, Georgia, for the design of the proposed Animal Shelter. Without hearing any further amendments or modifications, Commissioner Tankersley offered a motion to approve the General Agenda with the 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, the Workshop, and the Special Called Meeting held on August 18, 2009. Without hearing any corrections or modifications, Commissioner Gibson offered a

motion to approve the minutes of the meetings as presented. Commissioner Simmons seconded the motion, and it carried unanimously.

Chairman Nevil asked for public comments from the audience at large or in writing. Hearing no comments from the public, Chairman Nevil introduced Mr. Inman Davis who formally requested to speak to the Board. Mr. Davis discussed the history of Bulloch County's Time Capsule, and stated that he would like the Board to ensure that the history is not forgotten. Commissioner Simmons stated that he and Commissioner Tankersley both placed items in the time capsule. Chairman Nevil stated that the Board and Staff would research the creation of some possible informational pieces for the history of the time capsule. After Mr. Davis's presentation, Chairman Nevil asked if any other audience members would like to address the Board for Public Comments. Hearing no further Public Comments, Chairman Nevil moved on to the next item on the Agenda.

The next item on the Agenda was to approve the Consent Agenda as presented: (1) To approve the appointment of Terry Reeves to the Development Authority of Bulloch County and (2) To approve the appointments of Ms. Keisha Ward and Ms. Teresa Phillips to the Parks and Recreation Advisory Committee. Without discussion from the Board, Commissioner Thompson 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 County Manager to execute a purchase order for a sole source solicitation for ambulances and ancillary equipment from Peach State Ambulance for the EMS Department, subject to solicitation and approval for the lowest and most responsible proposals for short-term lease-purchase financing. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that based on the Board's direction from the last meeting, the staff has analyzed the cost-benefit of selecting a vendor and financing method for three new ambulances, each supplied with a power cot and reserve camera for a cumulative price of \$431,100.00. Mr. Couch stated that he plans to petition the Hospital Authority of Bulloch County for a grant of at least \$12,000.00. After further discussion from Mr. Couch and Public Safety Director Ted Wynn, Commissioner

Thompson offered a motion to authorize the County Manager to execute a purchase order for a sole source solicitation for ambulances and ancillary equipment from Peach State Ambulance for the EMS Department, subject to solicitation and approval for the lowest and most responsible proposals for short-term lease-purchase financing (See Exhibit #2009-119). Commissioner Simmons 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 purchase order for a Professional Services Agreement with the Ingram Parris Group (IPG) of Valdosta, Georgia, for architectural design for the proposed animal shelter, pursuant to the submitted proposal, and subject to final review and any amendments recommended by the Chief Legal Counsel. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the standard AIA agreement, if executed, would allow IPG to handle the design, bidding, and approval of contractor payments for the Animal Shelter. Mr. Couch stated that the proposal for compensation is a lump sum of \$72,000.00 based on an estimated construction cost of \$900,000.00, which will allow for additional energy efficient components and more durable fixtures that will lower the operating expenses of the facility. After further discussion, Commissioner Tankersley offered a motion to authorize the County Manager to execute a purchase order for a Professional Services Agreement with the Ingram Parris Group (IPG) of Valdosta, Georgia, for architectural design for the proposed animal shelter, pursuant to the submitted proposal, and subject to final review and any amendments recommended by the Chief Legal Counsel (See Exhibit #2009-120). Commissioner Simmons 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 stated that the Commission and Staff Comments needed to be deferred until after the Zoning Meeting. Chairman Nevil agreed to defer Commission and Staff Comments.

With the Commission and Staff Comments deferred, the next item on the Agenda was an Executive Session to discuss Personnel Matters. Chairman Nevil stated that with no further business on the Regular Agenda, the Board must close the meeting to discuss some Executive Session items that are pending and that upon conclusion of the Executive Session the Board will take a brief recess and then reconvene at approximately 6:30 p.m.

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. 50-14-2, and other applicable laws, pursuant to the advice of the Chief Corporate Counsel, Mr. Jeff Akins, for the purposes of deliberating on Personnel Matters. Without further discussion, Commissioner Gibson offered a motion to enter into Executive Session to discuss Personnel Matters. Commissioner Jackson seconded the motion, and it carried unanimously (See Exhibit #2009-121). Commissioner Tankersley, Commissioner Simmons, Commissioner Jackson, Commissioner Rushing, Commissioner Gibson, and Commissioner Thompson 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 for any modifications before the approval of the Zoning and Land Use Agenda. Hearing none, Commissioner Tankersley offered a motion to approve the Zoning and Land Use Agenda as presented. Commissioner Simmons seconded the motion, and it carried unanimously. Chairman Nevil asked Zoning Administrator Randy Newman to present the four items of business.

Zoning Administrator Randy Newman presented an application submitted by Henry A. Biff Thompson requesting a conditional use and a rezone of 5.5 acres out of a 35.84 acre tract from R-40 (residential 40,000 square feet) to GC (general commercial) in order to build a facility to host private or public functions. The property is located on Westside Road, tax map #MS30 000025 002. The Planning and Zoning Commission and Staff recommended the approval of the conditional use and the rezone request with the following conditions: (1) All solid waste receptacles shall be placed on concrete foundations 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; (2) All lighting must be downcast and shall not produce glare or a nuisance to the surrounding properties; (3) 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 facade identifying the property will be allowed along Westside Road. All other signage must meet county code compliance. No billboards will be permitted; (4) The existing natural plantings shall be maintained as a buffer around the property to minimize

the visual impact upon the adjacent property; (5) All access, driveway and parking areas serving the general public shall be paved; and (6) The applicant shall submit an encroachment permit application prior to development permitting to the County Engineer for review of access standards. Acting as Agent, Mr. John Dotson stated that Mr. Thompson's facility will be used to host private functions, such as wedding receptions. Mr. Dotson stated that property is well buffered, will be gated, and that the facility will not be visible from the road.

Mr. Newman stated that eleven people had signed up to speak in opposition to the request. Chairman Nevil stated that each side, the parties for and the parties against, will both have ten minutes for their discussion. First, Mr. Julius Tremble, of Quail Run Subdivision, stated that he opposed the new facility because it would increase noise and traffic in the area. Mr. Tremble presented a petitioned, with twenty five signatures, from the residents of Quail Run subdivision opposing the facility (See Exhibit #2009-122). Second, Mr. Kenneth Johnson, of Westridge Subdivision, stated that he opposed the rezone request because he believed it would be spot zoning at its very worst. Mr. Johnson also stated the rezone request would be incompatible with the Zoning Ordinance, and that the noise from the facility would decrease the quality of life in his subdivision. Third, Mr. George Joiner stated he was in opposition of Mr. Thompson's request. Fourth, Richard Roger, of Westridge Subdivision, stated that the rezone would decrease his property value, and that the area was meant for residential development and not for a party place. Fifth, Cathy Chappell, of Westridge Subdivision, stated that she and her husband, David Fowler, are in total agreement with Kenneth Johnson's opposing the request, and that her house is located right behind Georgia Power easement located between her house and Mr. Thompson's property. Mrs. Chappell also stated that she can already hear all of the noise from Bulloch Academy. Sixth, Ruth Ann Rogers, of Myrtle Crossing, stated that the Board must maintain the integrity of the Zoning Ordinance so that people who buy houses and build houses in the county will be able to trust that their property will be protected by the Zoning Ordinance. Seventh, Hayward Corbin asked to yield his time to another speaker. Eighth, Martha Joiner agreed with what everyone else had said. Ninth, Martha Schriver stated that she is in opposition of rezoning an area that is protected by a Zoning Ordinance and starting a new trend of zoning, instead of

protecting the established businesses, church, schools, and nice neighborhoods. Tenth, Leslie Fletcher, of Westridge Subdivision, stated that she agrees with her neighbors, and would like the Board to maintain the integrity of the Zoning Ordinance to eliminate spot zoning. Eleventh and last to speak in opposition of the request, Jean Johnson stated that she is concerned that if Mr. Thompson's venture fails, then the property can be sold to anyone as general commercial, and that no one would be able to control what business would be located there in the future.

Zoning Administrator Randy Newman clarified one issue in regards to where the businesses were located in terms of the approximate distance from the neighborhoods and the property in question. Without anyone signed up to speak in favor of the request, Mr. Biff Thompson asked to be heard in regards to his property and the rezone request. Mr. Thompson stated that he owns two hundred acres in the area and is well aware of how his new establishment would affect property values, and addressed the residents' concerns regarding the possibility of noise.

After further discussion from Mr. Thompson, Commissioner Jackson, and Commissioner Thompson, Chairman Nevil asked for questions and/or discussion from the Board. Hearing none, Chairman Nevil called for a motion regarding the request. Commissioner Simmons offered a motion to deny Henry A. Biff Thompson's request for a conditional use and a rezone of 5.5 acres out of a 35.84 acre tract from R-40 (residential 40,000 square feet) to GC (general commercial) in order to build a facility to host private or public functions. Commissioner Jackson seconded the motion. By a show of hands, Commissioner Simmons, Commissioner Jackson, and Commissioner Tankersley voted in favor of the motion, and Commissioner Rushing, Commissioner Gibson, and Commissioner Thompson voted in opposition of the motion creating a 3 to 3 tie. Chairman Nevil, acting as the tie-breaker, voted in opposition of the motion to deny Mr. Thompson's request.

With the motion denied, Chairman Nevil called for another motion regarding Mr. Thompson's request. Commissioner Thompson offered a motion to approve Henry A. Biff Thompson's request, with conditions as recommended by the Planning and Zoning Commission and Staff, for a conditional use and a rezone of 5.5 acres out of a 35.84 acre tract from R-40 (residential 40,000 square feet) to GC (general commercial) in order to

build a facility to host private or public functions. By a show of hands, Commissioner Rushing, Commissioner Gibson, and Commissioner Thompson voted in favor of the motion while Commissioner Simmons, Commissioner Jackson, and Commissioner Tankersley voted in opposition of the motion creating a 3 to 3 tie. Chairman Nevil, acting as the tie-breaker, voted in favor of the motion to approve Mr. Thompson's request with conditions as recommended by the Planning and Zoning Commission and Staff.

Next, Zoning Administrator Randy Newman presented an application submitted by Jerry Enterprises, Inc., requesting a rezone from AG-5 to GC (general commercial) in order to open a restaurant that will serve alcohol in the existing building. The property consists of 1.63 acres and is located on Kennedy Bridge Road in the New Hope Community, tax map #035A 000021 000. The Planning and Zoning Commission and Staff recommended the denial of the rezone request. Mr. Jerry Washington stated that he was not ready to present the request to the Board and would ask to defer his request for thirty days so that he could get more input from the community. Mr. Washington also stated that would not apply for alcohol license if the community is against it. After some discussion, Mr. Newman stated that one person had signed up to speak in opposition of the request. Mrs. Mary Roberson, of Kennedy Bridge Road, stated that she is not opposed to the restaurant, but she is opposed the possibility of allowing alcohol in the community. Chairman Nevil asked for questions and/or discussion from the Board. Hearing none, Commissioner Simmons offered a motion to grant Mr. Washington's request for a deferral until the October Zoning Hearings. Commissioner Rushing seconded the motion, and it carried unanimously.

For the third item, Zoning Administrator Randy Newman presented an application submitted by Bird Lane, LLC, requesting a rezone from PUD (Planned Unit Development) to R-3 (Multiple Family Residential) in order to allow the construction of 8 two bedroom townhomes or apartments. The property is located on Lanier Drive, tax map #MS64 000001 000. The Planning and Zoning Commission recommended the denial of the request, and Staff the approval of the request with the following conditions: (1) Access and Road Improvements: The left turn lane of Lanier Drive shall be extended to the proposed access driveway. A right-of-way encroachment permit shall be approved for any temporary or permanent changes by the County Engineer; (2) Buffer: A

landscape and buffer plan shall be submitted to the Zoning Administrator for approval. The side property line adjacent to the Bird property should have a minimum separation from the parking area to allow a landscaped buffer, berm or knee-high decorative fence. The rear fence proffered in the development plan shall be opaque and consist of compatible materials to that used by the adjacent Islands development; and (3) Architecture: The building should consist of four-sided brick facades and use similar trim materials and colors compatible with the adjacent Islands development. Acting as agent, John Dotson stated that the intent is to divide the 1.6 acres into two parcels, create 16 units on each parcel, and each lot will be served by an individual well.

Mr. Newman stated that four people had signed up to speak in regards to the request. First, Matt Phillips was signed up to speak in favor of the request, and stated that he was the General Contractor and that buildings would be Georgia brick with black shingles. Mr. Phillips also stated that the development will be an improvement compared to the mobile home parks that were created for student living. Next, Mr. Carl Bird was signed up to speak in opposition of the request, and stated that he was representing his family and his neighbor, Carol Jean Nesmith. Mr. Bird stated that he strongly opposed the request because of the potential for an increase in noise and traffic, and the lack of useable water and sewer. After further discussion from Mr. Bird, Ms. Sunshine Bird, who was signed up to speak in opposition of the request, stated that developers need to be policed because of changes they make after their plans have been approved. Ms. Bird gave an example of the location of a pool in the development next to her property. Ms. Bird also stated that she hopes the Board will support her by denying the request, and help prevent the encroachment of development around her property. Mr. Don Whaley was last to speak, and stated that he also opposed the request. After further discussion, Mr. Dotson stated that the developers would not consider scaling down the size of the development.

Chairman Nevil asked for questions and/or discussion from the Board. Hearing none, Commissioner Tankersley offered a motion to deny the request by Bird Lane, LLC, for a rezone from PUD (Planned Unit Development) to R-3 (Multiple Family Residential) in order to allow the construction of 8 two bedroom townhomes or apartments. Without hearing a second for the motion on the floor, the motion died for the lack of a second.

Commissioner Thompson offered a motion to approve the request with the Staff's recommended conditions, however amending Condition #2 to the following: (2) Buffer: A landscape and buffer plan shall be submitted to the Zoning Administrator for approval. The side property line adjacent to the Bird property should have a minimum separation from the parking area to allow a landscaped buffer, berm, and at least a six foot high opaque fence. The rear fence proffered in the development plan shall be opaque and consist of compatible materials to that used by the adjacent Islands development. Commissioner Jackson seconded the motion. After further discussion from the Board and Staff, the motion carried with a six to one vote. Commissioner Tankersley voted against the motion.

For the last item, Zoning Administrator Randy Newman presented an application submitted by Carol Hodges Yawn and Julian B. Hodges Jr., requesting a conditional use for a cottage industry in order to operate a concrete business from the existing building for manufacturing monuments and vaults. The property consists of 194.46 acres and is located on Maria Sorrell Road, tax map #088 000022 000. The Planning and Zoning Commission and the Staff recommended the approval of the request with the following conditions: (1) All inoperable / junk vehicles and equipment need to be removed from the site; (2) Broken concrete pieces shall be disposed in an approved construction and demolition landfill; and (3) 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. 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 Rushing offered a motion to approve the request from Carol Hodges Yawn and Julian B. Hodges Jr., for a conditional use for a cottage industry in order to operate a concrete business from the existing building for manufacturing monuments and vaults. Commissioner Gibson seconded the motion, and it carried unanimously. Sign-in sheets for Zoning Matters are shown in Exhibit #2009-123.

Chairman Nevil asked if there were any comments from the staff or Board. County Manager Thomas Couch asked to address the Board, and informed the Board about the State of the Port Address that will be held on September 17th. Next, Mr. Couch

stated that a Workshop to discuss certain County roads would be held after the second meeting in October. For his last comment, Mr. Couch stated that he was trying to arrange a meeting with our Legislative Delegation, including Candler County, Metter, and the cities located within Bulloch County, to discuss property tax reform and other important issues. Clerk of the Board Maggie Fitzgerald asked to address the Board, and stated that she and Deputy Clerk Christy Strickland would be in Athens for Clerk Training for the next meeting, and that Human Resource Director Heather McNeal will be the recording secretary for the meeting. After further discussion, Chairman Nevil asked for any further comments or questions from the Board or Staff. Hearing none, Commissioner Simmons offered a motion to adjourn. Commissioner Jackson seconded the motion, and it carried unanimously.

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of the Board