

July 2, 2012  
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 Carolyn Ethridge 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 Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson. The following staff were present: County Manager Thomas Couch, Clerk of the Board Maggie Fitzgerald, County Attorney Jeff Akins, Development Services Director Andy Welch, Chief Financial Officer Harry Starling, Public Safety Director Ted Wynn, Transportation Director Dink Butler, County Engineer Kirk Tatum, Deputy Clerk Christy Strickland, and Zoning Administrator Randy Newman.

After Roll Call, Chairman Nevil opened the meeting for Public Hearings regarding Zoning and Land Use matters and stated that the first item of business was the approval of the Zoning and Land Use Agenda. Chairman Nevil asked for amendments or modifications of the Zoning and Land Use Agenda. Hearing none, Commissioner Simmons offered a motion to approve the Zoning and Land Use Agenda as presented. Commissioner Mosley seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson voting in favor of the motion. Chairman Nevil asked Zoning Administrator Randy Newman to present the first item of business.

Zoning Administrator Randy Newman presented Item #1 which was an application submitted by First Bank of Coastal Georgia requesting a Conditional Use to operate a church. Mr. Newman stated that the property consists of 1.01 acres and is located on Morgan Way, tax map #MS69 000003 009. The Staff recommended and the Planning and Zoning Commission voted to approve the request with Conditional Use request with conditions. Acting as agent, Mr. Hal Roach asked that the Board uphold the decision made by the Planning and Zoning Commission, and stated that the property

owner understands and will comply with the conditions. Mr. Newman stated that no one signed up to speak for or against the request. After some discussion, Commissioner Thompson offered a motion to approve the Conditional Use request with the conditions as set forth in Exhibit #2012-69. Commissioner Ethridge seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson voting in favor of the motion.

Zoning Administrator Randy Newman presented Item #2 which was an application submitted by Westboro, Inc., requesting a Conditional Use to operate a church. Mr. Newman stated that the property consists of 1.43 acres and is located at the corner of Cypress Lake Road and Veterans Memorial Parkway, tax map #MS33 000037 000. The Staff recommended and the Planning and Zoning Commission voted to approve the request with Conditional Use request with conditions. Mr. Newman stated that Dr. Jane Page was not able to attend the meeting, but that she does agree to the conditions. Mr. Newman stated that no one signed up to speak for or against the request. After some discussion, Commissioner Simmons offered a motion to approve the Conditional Use request with the conditions as set forth in Exhibit #2012-70. Commissioner Mosley seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson voting in favor of the motion.

Zoning Administrator Randy Newman presented Item #3 which was an application submitted by Rhonda Owens and James Williams requesting a Rezone of 9.4 acres out of 51.94 acres from R-80 (Residential 80,000 square feet) to AG-5 (Agricultural 5 acres) to allow for the raising of cattle. Mr. Newman stated that the property is located on Burkhalter Road, tax map #122 000033 000. The Staff recommended the approval of the rezone request, but the Planning and Zoning Commission voted to deny the rezone request. Mr. Mitchell Chavers, the acting agent, was not present at the meeting, so Mr. Darnell Owens stated that pesticides already wash off into the creek and that the cows will help keep the land clear of weeds and brush. After further discussion, Mr. Newman stated that three people signed up to speak in opposition of the rezone request. Mrs. Linda Nunally stated that the area has been zoned residential for many years, the cows

will decrease the property values, and that flies will become an issue for the residents in the area. Mr. John Hill stated that the cow manure will run into the creek where people swim and fish. Mr. Danny Hagan stated that the property isn't big enough for 30 to 40 cows, and asked that the Board uphold the decision of the Planning and Zoning Commission. After some discussion, Commissioner Thompson offered a motion to deny the rezone request submitted by Rhonda Owens and James Williams. Commissioner Simmons seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson voting in favor of the motion.

Zoning Administrator Randy Newman presented Item #4 which was an application submitted by Virgil L. Badie, Sr., requesting a Conditional Use to have a multi-family housing located on the property. Mr. Newman stated that the property consists of 2.92 acres and is located on Highway 301 North, tax map #MS80 000008 000. The Staff recommended and the Planning and Zoning Commission voted to approve the request with Conditional Use request. Acting as Agent, Mr. Chris Yaughn stated that the facility will be used as a Christian half-way house for single mothers. Mr. Newman stated that no one signed up to speak for or against the request. After some discussion, Commissioner Mosley offered a motion to approve the Conditional Use request. Commissioner Thompson seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson voting in favor of the motion.

Sign-in sheets for Zoning Matters are shown in Exhibit #2012-71.

Chairman Nevil closed the Public Hearings regarding Zoning and Land Use matters, and asked for amendments or modifications of the General Agenda. County Manager Thomas Couch asked that the General Agenda be amended by adding: (1) An Executive Session, after Commissioner and Staff Comments, for the discussion of Potential Real Estate Acquisition and Personnel Matters. Hearing no further amendments or modifications, Commissioner Simmons offered a motion to approve the General Agenda as amended. Commissioner Mosley seconded the motion, and it carried with votes from Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson.

Chairman Nevil stated that the Board would conduct two Public Hearings to accept comments on the requests made by Mr. W.M. Sheppard to abandon and close Bailey Road, County Road #419, and Carl Starling Drive, County Road #2020, where notice to the public has been duly given according to County requirements and O.C.G.A. 32-7-2 (See Exhibit #2012-72 for Bailey Road and See Exhibit #2012-73 for Carl Starling Drive), and called for a motion to open the Public Hearing for citizen input. Commissioner Rushing offered a motion to open the Public Hearing. Commissioner Mosley seconded the motion, and it carried with votes from Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson. Chairman Nevil called for comments and/or questions from the public. Hearing no comments and/or questions from the public, Commissioner Rushing offered a motion to close the Public Hearing. Commissioner Mosley seconded the motion, and it carried with votes from Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson.

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. Ronnie Tremble discussed the paving of dirt roads where churches are located. Mr. Randolph Hough discussed an issue with his neighbor dumping old tires on his easement. Hearing no further comments from the public, Chairman Nevil moved forward to the next item on the Agenda.

Chairman Nevil stated that the next item on the Agenda was to approve the Consent Agenda as follows: (1) to authorize the appointment of Patrice Buckner to the Bulloch County Alcohol & Drug Council; and (2) to authorize the reappointment of Benji Thompson to the Middle Coastal Unified Development Board (MCUFB). Without discussion, Commissioner Rushing offered a motion to approve the Consent Agenda as presented. Commissioner Thompson seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson voting in favor of the motion.

Chairman Nevil stated that the first item of New Business was the discussion and/or action to adopt a Resolution authorizing the abandonment Bailey Road, County Road #419. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that Bailey Road has ceased to be used by the public to the extent that no substantial public purpose is served by it or its removal from the County road system. After some discussion, Commissioner Mosley offered a motion to adopt a Resolution authorizing the abandonment Bailey Road, County Road #419 (See Exhibit #2012-74). Commissioner Simmons seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson voting in favor of the motion.

Chairman Nevil stated that the second item of New Business was the discussion and/or action to adopt a Resolution authorizing the abandonment Carl Starling Drive, County Road #2020. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that Carl Starling Drive has ceased to be used by the public to the extent that no substantial public purpose is served by it or its removal from the County road system. After some discussion, Commissioner Simmons offered a motion to adopt a Resolution authorizing the abandonment Carl Starling Drive, County Road #2020 (See Exhibit #2012-75). Commissioner Ethridge seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, and Commissioner Rushing voting in favor of the motion.

Chairman Nevil stated that the third item of New Business was the discussion and/or action to amend Resolution #2008-23, that established the fee for the County Rural Fire Department. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that before being able to amend the fees for Fiscal Year 2013, the original resolution from 2008 must be amended to properly represent the intended differential between residential and business premises. After some discussion, Ethridge offered a motion to amend Resolution #2008-23, that established the fee for the County Rural Fire Department (See Exhibit #2012-76). Commissioner Rushing seconded the motion, and it carried unanimously with

Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson voting in favor of the motion.

Chairman Nevil stated that the fourth item of New Business was the discussion and/or action to adopt a Resolution authorizing the annual fee for the County Rural Fire Department. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that the fee for residential premises would be increased from \$50.00 to \$53.00 and the fee for business remises would be increased from \$70.00 to \$75.00. After some discussion, Commissioner Thompson offered a motion to adopt a Resolution authorizing the annual fee for the County Rural Fire Department (See Exhibit #2012-77). Commissioner Mosley seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson voting in favor of the motion.

Chairman Nevil stated that the fifth item of New Business was the discussion and/or action to adopt a Resolution to authorize the schedule for annual fees and charges. Chairman Nevil called on County Manager Thomas Couch to initiate the discussion regarding the matter, and Mr. Couch stated that fee schedule represents changes to the fire fees, photocopy fees governed by the Open Meetings Act, the addition of a non-resident alcoholic beverage wholesaler fee, and the administrative fee for occupational tax collection. After some discussion, Commissioner Mosley offered a motion to adopt a Resolution to authorize the schedule for annual fees and charges (See Exhibit #2012-78). Commissioner Ethridge seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson voting in favor of the motion.

With no further items of New Business, Chairman Nevil asked each Commissioner to take thirty seconds for any general comments or statements, beginning with Commissioner Ethridge and then proceeding down the bench accordingly. Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson thanked the Staff and the County Manager for their hard work, thanked the public for attending the meeting, and wished everyone a safe and happy 4<sup>th</sup> of July.

After some discussion, Chairman Nevil asked for comments from the Staff, and County Manager Thomas Couch congratulated Dink Butler on his first day as the Transportation Director, and then discussed the need for a Special Called Meeting on July 12<sup>th</sup> for the bonds.

Chairman Nevil asked if there were any further comments from the Commission or Staff. Hearing no further comments from the Board or Staff, Chairman Nevil stated that there was no further business expected for the open session of the regular agenda, and the Board must close the meeting and enter into Executive Session to discuss Potential Real Estate Acquisition and Personnel Matters. Chairman Nevil stated that at the conclusion of the Executive Session, which was expected to last about fifteen minutes, the Board would reconvene and in all likelihood move for adjournment. 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 Chief Corporate Counsel, Jeff Akins, for the purposes of deliberating on Potential Real Estate Acquisition and Personnel Matters. Without further discussion, Commissioner Rushing offered a motion to enter into Executive Session to discuss Potential Real Estate Acquisition and Personnel Matters (See Exhibit #2012-79). Commissioner Mosley seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson voting in favor of the motion.

---

The meeting was reconvened, and Chairman Nevil asked if there were any further comments from the Commission or Staff. Hearing no comments from the Board or Staff, Chairman Nevil asked for a motion to adjourn. Commissioner Simmons offered a motion to adjourn the meeting. Commissioner Ethridge seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, and Commissioner Thompson voting in favor of the motion.

---

J. Garrett Nevil, Chairman

---

Attest: Maggie Fitzgerald, Clerk of the Board