

November 5, 2012
Statesboro, GA

Regular Meeting

The Board of Commissioners met at 5:30 p.m. at Statesboro-Bulloch Recreation Department located at One Max Lockwood Road Statesboro, Georgia. Chairman Nevil welcomed guests and called the meeting to order. Commissioner Thompson gave the invocation and the pledge of allegiance.

Ms. Christy Strickland, Clerk of the Board, performed the roll call of the commissioners and staff. The following commissioners were present: Chairman Nevil, Commissioner Mosley, Commissioner Simmons (came in after the presentation from the Hospital Authority), Vice Chairman Ethridge, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson. The following staff were present: County Manager Thomas Couch, County Attorney Jeff Akins, Public Safety Director Ted Wynn, County Engineer Kirk Tatum, Transportation Director Dink Butler, 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 Mosley offered a motion to approve the Zoning and Land Use Agenda as presented. Commissioner Ethridge seconded the motion, and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley and Commissioner Ethridge 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 Robert L. and Lutehia Byrd for a Conditional Use Request to operate a personal care home. Mr. Newman stated the property consists of 4.33 acres and is located on Burkhalter Road, Tax Map # 078 000031 000. The Planning and Zoning Commission recommended approval of the request with a condition. Mr. Byrd was present and stated they wanted to open a personal care home where they would have anywhere from four (4) to six (6) patients. He stated the patient's safety was a major priority and he would fence in the pond on the property and also he would fence around the residence. Commissioner Ethridge

asked if someone would be on site full time. Mr. Byrd stated there would be a certified caregiver there twenty-four hours /seven days a week. Commissioner Thompson asked if they would be state mandated and Mr. Byrd said they would. Commissioner Thompson explained there was a similar request for a personal care home at the October meeting that was turned down because of a pond in the area which did not belong to the applicants and there were concerns for safety. He stated since the pond was the applicants and they agreed to fence it in for the safety of the citizen he would offer a motion to grant the conditional use submitted by Robert L. and Lutheia Byrd with a condition. (See Exhibit # 2012-114) Commissioner Mosley seconded the motion, and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley and Commissioner Ethridge voting in favor of the motion.

Sign-in sheets for Zoning Matters are shown in Exhibit #2012-115.

Chairman Nevil closed the Public Hearings regarding Zoning and Land Use matters, and asked for amendments or modifications of the General Agenda. Hearing none, Commissioner Gibson offered a motion to approve the General Agenda as presented. Commissioner Rushing seconded the motion, and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley and Commissioner Ethridge voting in favor of the motion.

Chairman Nevil stated the next item on the agenda was a Presentation from the Hospital Authority on the Annual Tax Relief Contribution. Lee Cromley, Chairman of the Hospital Authority stated he had presented Chairman Nevil the contribution check in the amount of \$700,986.24 on October 29, 2012 and reviewed the 2012 Annual report.

Chairman Nevil stated next on the agenda was for Public Hearings on seven (7) county maintained roads that have been petitioned for abandonment or closure according to county procedure and state law were public notice has been duly given.(See Exhibit # 2012-116) Commissioner Mosley offered a motion to open the floor for the public hearings. Commissioner Ethridge seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons and Commissioner Ethridge voting in favor of the motion. Chairman Nevil stated the first public hearing was for a petition to abandon a portion of County Road # 364 A/K/A Hagan Mill Pond Road. He yielded the floor to County Manager Tom Couch, who explained the petition. Hearing no comments from the public and not having received anything in writing Chairman Nevil moved onto the next petition.

Chairman Nevil stated the second public hearing was for a petition to abandon a portion of County Road # 364 A/K/A Lee Williams Road. He yielded the floor to County Manager Tom Couch, who explained the petition. Hearing no comments from the public and not having received anything in writing Chairman Nevil moved onto the next petition.

Chairman Nevil stated the third public hearing was for a petition to abandon a portion of County Road # 452 A/K/A Francis Scott Drive. He yielded the floor to the County Manager Tom Couch, who explained the petition. There were three (3) people signed up to speak. Ms. Elaine Fowler stated she lived adjacent to the property close to the ninety degree turn. She stated the turn has become a catch all spot where people throw trash out; there are drug deals done there, etc. She stated she would like to see more of the road closed than what is being proposed. Ms. Fowler stated she is concerned how she will access her property if the proposed portion of the road is closed. Ms. Betty Rigdon stated she agreed with the abandonment of the road but she is also concerned with the activity at the ninety degree turn. Mr. Gene Fletcher stated he was opposed to the petition and the road had been there since the 1950's and if it was approved his property would become a dumping ground for trash and he is not sure where he would have access too. After hearing no further comments and not having received anything in writing Chairman Nevil moved onto the next petition.

Chairman Nevil stated the fourth public hearing was for a petition to abandon a portion of County Road # 415 A/K/A Dyches Road. He yielded the floor to County Manager Tom Couch, who explained the petition. There were two (2) people signed up to speak. Mr. Danny Lively stated he owns two (2) parcels of land that has a pond in the middle and if the road is closed he will not have access to the back of his property. County Engineer Kirk Tatum stated the property would not be physically blocked and that Mr. W.M. Sheppard is going to erect a gate but it would be past Mr. Lively's access. Chairman Nevil asked who owns the road once it is abandoned. County Attorney Jeff Akins stated it would be quitclaimed back to the original owner. Mr. William Girardeau stated he had no objections to the petition but he just wanted to make sure he still had access to his property. After hearing no further comments and not having received anything in writing Chairman Nevil moved onto the next item.

Chairman Nevil stated the fifth public hearing was for a petition to abandon County Road # 518 A/K/A Girardeau Road. He yielded the floor to County Manager Tom Couch, who explained the petition. Hearing no comments from the public and not having received anything in writing Chairman Nevil moved onto the next petition.

Chairman Nevil stated the sixth public hearing was for a petition to abandon County Road # 479 A/K/A Sandspur Lane. He yielded the floor to County Manager Tom Couch, who explained the petition. There were four (4) people signed up to speak. Mr. Joe Matthews stated the road is in terrible condition, there are no ditches and when it rains it is dangerous to drive on. He stated he does not want to stop anybody from accessing their property and if the road's condition could be improved it may help. Mr. Scott Saunders stated he agreed with the same thing Mr. Matthews was concerned with and would like to see the road conditions fixed. Mr. William Roberts stated the road is in terrible condition and the county has stopped maintaining a certain portion of it. He stated he would not have access to his property if the road was closed. Mr. Jamey Lee stated his concerns had been addressed about the condition of the road. After additional discussion about the access and road conditions Chairman Nevil moved onto the next petition.

Chairman Nevil stated the seventh and last public hearing was for a petition to abandon County Road # 420 A/K/A Morton Road & Jack Morton Lane. He yielded the floor to County Manager Tom Couch, who explained the petition. Hearing no comments from the public and not having received anything in writing Chairman Nevil asked for a motion to close the public hearings. Commissioner Gibson offered a motion to close the public hearings on the road abandonments. Commissioner Rushing seconded the motion, and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons and Commissioner Ethridge voting in favor of the motion.

Sign-In Sheets for Road Abandonments are shown in Exhibit # 2012-117

Next, Chairman Nevil asked for public comments from the audience at large or in writing. County Manager Thomas Couch and Clerk of the Board Christy Strickland both stated that there were no formal requests or petitions received in writing. Hearing no comments from the public, Chairman Nevil stated they would take a five (5) minute recess.

After the recess, Chairman Nevil stated that the next item on the Agenda was to approve the Consent Agenda as follows: (1) To approve the Minutes of the Regular Meeting held on October 16, 2012; (2) To approve a CDBG/EIP Economic Development and Construction Agreement between Bulloch County, the Development Authority, the Georgia Department of Community Affairs, and Building Material Manufacturing Corporation in the amount \$500,000. (See Exhibit # 2012-118). Commissioner Thompson offered a motion to approve the Consent Agenda as presented. Commissioner Gibson seconded the motion, and

it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons and Commissioner Ethridge voting in favor of the motion.

Without any items of Old Business Chairman Nevil stated the first item under New Business was for Discussion/Action to appropriate \$705,440 in SPLOST GO bond funds for the purposes of purchasing new digital radios for various departments in the public safety division. Chairman Nevil called on County Manager Tom Couch to initiate discussion on the matter. Mr. Couch stated the current radios have been in use since 1999. He stated updated radios were used at the Republican National Convention and are being made available at a 20-40% cost reduction and will be fully warranted and sold as a new radio. Commissioner Ethridge asked if they had priced the radios and Public Safety Director Ted Wynn stated if they fixed the current radios by the time they bought parts, if they could be found, they would have more money into the radios than they would if they purchased the new ones. After additional discussion on the usage and price Commissioner Thompson offered a motion to approve the appropriation of \$705,440 in SPLOST GO bond funds for purchase of the radios for public safety. Commissioner Rushing seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons and Commissioner Ethridge voting in favor of the motion.

Chairman Nevil stated the second item under New Business was for Discussion/Action to adopt a Resolution to abandon a portion of County Road # 364 A/K/A Hagan Mill Pond Road. Without hearing any discussion, Commissioner Rushing made a motion to adopt the Resolution to abandon a portion of County Road # 364 A/K/A/ Hagan Mill Road. (See Exhibit # 2012-119) Commissioner Thompson seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons and Commissioner Ethridge voting in favor of the motion.

Chairman Nevil stated the third item under New Business was for Discussion/Action to adopt a Resolution to abandon a portion of County Road # 364 A/K/A Lee Williams Road. Without hearing any discussion, Commissioner Thompson made a motion to adopt the Resolution to abandon a portion of County Road # 364 A/K/A/ Lee Williams Road. (See Exhibit # 2012-120) Commissioner Rushing seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing,

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

Chairman Nevil stated the fourth item under New Business was for Discussion/Action to adopt a Resolution to abandon a portion of County Road # 452 A/K/A Francis Scott Drive. Commissioner Rushing made a motion to leave the portion of the road open and Commissioner Thompson seconded the motion. Chairman Nevil asked for any discussion on the matter. County Attorney Jeff Akins explained that the railroad wants to close a railroad crossing in consideration of the proposed widening of the railroad crossing for the A.J. Riggs road widening project, and this is the only one the County was able to find to close. County Manager Tom Couch stated there was a grant for the A.J. Riggs road-widening project and the job had to be completed in three years or they would lose the grant. Commissioner Rushing stated he would like to rescind his motion. Commissioner Thompson then offered a motion to adopt a Resolution to abandon a portion of County Road #452 A/K/A Francis Scott Road.(See Exhibit # 2012-121) Commissioner Ethridge seconded the motion and it carried with Commissioner Gibson, Commissioner Thompson, Commissioner Mosley, Commissioner Simmons and Commissioner Ethridge voting in favor of the motion. Commissioner Rushing voted in opposition of the motion.

Chairman Nevil stated the fifth item under New Business was for Discussion/Action to adopt a Resolution to abandon a portion of County Road # 415 A/K/A Dyches Road. County Engineer Kirk Tatum stated all the property owners will be able to access their property. After no further discussion, Commissioner Rushing made a motion to adopt the Resolution to abandon a portion of County Road # 415 A/K/A/ Dyches Road. (See Exhibit # 2012-122) Commissioner Simmons seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons and Commissioner Ethridge voting in favor of the motion

Chairman Nevil stated the sixth item under New Business was for Discussion/Action to adopt a Resolution to abandon County Road # 518 A/K/A Girardeau Road. Without hearing any discussion, Commissioner Thompson made a motion to adopt the Resolution to abandon County Road # 518 A/K/A/ Girardeau Road. (See Exhibit # 2012-123) Commissioner Simmons seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons and Commissioner Ethridge voting in favor of the motion

Chairman Nevil stated the seventh item under New Business was for Discussion/Action to adopt a Resolution to abandon County Road # 479 A/K/A Sandspur Lane. Without hearing any discussion, Commissioner Gibson made a motion not to abandon County Road # 479 A/K/A Sandspur Lane.. Commissioner Rushing seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons and Commissioner Ethridge voting in favor of the motion

Chairman Nevil stated the eighth and last item under New Business was for Discussion/Action to adopt a Resolution to abandon County Road # 420 A/K/A Morton Road and Jack Morton Lane. Without hearing any discussion, Commissioner Simmons made a motion to adopt the Resolution to abandon County Road # 420 A/K/A/ Morton Road and Jack Morton Lane. (See Exhibit # 2012-124) Commissioner Mosley seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons and Commissioner Ethridge voting in favor of the motion

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 Gibson thanked the staff for all their hard work. Commissioner Thompson stated he would like to apologize for the article that was in the paper earlier in the week.

Next, Chairman Nevil asked for comments from the Staff, and Mr. Couch stated he would be sending out information on the Tax Allocation District that will be discussed at the November 20, 2012 Regular Meeting.

Hearing no further 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 Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons and Commissioner Ethridge voting in favor of the motion.

J. Garrett Nevil, Chairman

Attest: Christy Strickland, Clerk of the Board