

August 6, 2013
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 Ethridge 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 Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, Commissioner Thompson and Vice Chairman Gibson. The following staff were present: County Manager Thomas Couch, County Attorney Jeff Akins, Developmental Services Director Andy Welch, Chief Financial Officer Harry Starling, Public Safety Director Ted Wynn, Chief Deputy Jared Akins, Transportation Director Dink Butler, County Engineer Kirk Tatum and Zoning Administrator Randy Newman.

After Roll Call, Chairman Nevil opened the meeting for Public Hearings regarding Zoning and Land Use matters. Commissioner Rushing stated he had a Conditional Use Request on the agenda and would like to recuse himself from any Discussion/Action on the matter (See Exhibit # 2013-085). Chairman Nevil called on Zoning Administrator Randy Newman to present the first item of business. Mr. Newman presented Item #1, which was an application submitted by Jacky S. Heath for a Conditional Use for a Cottage Industry in an Agricultural 5 Acres (AG-5) zoning district to operate an automotive repair shop. He stated the property consists of five (5) acres and is located on Live Oak Lane Map Par # 140 000022 000. The Planning and Zoning Commission recommended denial of the request. Mr. Heath was present and stated he will meet the building codes required to have an automotive repair shop. He stated there is one mobile home on the property and there will be approximately a 1200 square foot building to work on the vehicles. Mr. Heath stated he is a truck driver and is on the road most of the time but the shop is intended to be for neighbors to be able to bring their vehicles for repairs. Commissioner Ethridge asked if the vehicles would be removed within seventy-two (72 hours). Mr. Heath stated they should be repaired and returned within 72 hours. Commissioner Rushing stated that if the intent of Mr. Heath is to only

work on neighbor's vehicles the intent is not really a commercial use. Commissioner Thompson asked where the building would be located. Mr. Heath stated it would be on the side but behind the mobile home. Commissioner Thompson stated he thinks the building would enhance the property because Mr. Heath would be able to place the equipment and items that are currently on the property in the building. Commissioner Thompson offered a motion to approve the Conditional Use for the Cottage Industry to operate an automotive repair shop. 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.

Zoning Administrator Randy Newman presented Item # 2 which was an application submitted by Niki Scott Fields to rezone from Residential 40,000 square feet (R-40) to Highway Commercial (HC) zoning district. He stated the property consists of two (2) parcels totaling 3.85 acres and is located on Pulaski Highway Map Par # MS39 000008 000 & MS39 000009 000. The Planning and Zoning Commission recommended approval of the request. Mr. Shane Scott was acting as agent and stated the property would only be used for storage of equipment between jobs but it did not fall under a home occupation or cottage industry so he is requesting to rezone the property. Hearing no further discussion, Commissioner Gibson offered a motion to approve the request to rezone from Residential 40,000 square feet (R-40) to Highway Commercial (HC). 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.

Zoning Administrator Randy Newman presented Item # 3 which was an application submitted by W. Robert Rushing and Infigen Energy US Development, LLC for a Conditional Use to install a Solar Power Generation Facility. Prior to the presentation of this item, Commissioner Rushing stepped down from the dais and seated himself in the audience. Mr. Newman stated the property consists of three (3) parcels totaling 150.2 acres and is located on J M Strickland Road Map Par # 051 000017 002, 051 000017 003, and 051 000017 004. The Planning and Zoning Commission

recommended approval of the request. Mr. John Dotson with Maxwell, Reddick and Associates stated it was a unanimous decision to recommend approval at the Planning and Zoning meeting on July 11, 2013. He introduced the two (2) representatives from Infigen Energy, Mr. Bill Branca and Mr. John Wieland. Mr. Branca and Mr. Wieland gave a Power Point Presentation (See Exhibit # 2013-086) on what a Solar Power Generation Facility is, why they are proposing this site, and the benefits to having one in Bulloch County. Commissioner Ethridge stated it was a good project with great capital expenditures. Commissioner Thompson stated Dr. Sydney Smith has a Solar Power Generation Facility on his property and there is not a glare or any noise generated from the facility. Hearing no further discussion, Commissioner Thompson offered a motion to approve the Conditional Use Request to install a Solar Power Generation Facility. Commissioner Ethridge seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Mosley, Commissioner Simmons and Commissioner Ethridge voting in favor of the motion. Commissioner Rushing abstained from voting on this motion.

Zoning Administrator Randy Newman presented Item # 4 which was an application submitted by Premier Investments of Bulloch, LLC for a Conditional Use to allow for a facility to host private and public functions. He stated the property consists of 4.07 acres and is located on Highway 67 Map Par # MS88 000014 002. The Planning and Zoning Commission recommended approval of the request. Ms. Victoria Bradley-Gibson was acting as agent and stated she had several people interested in renting the building for private functions who wanted to serve alcohol. Hearing no further discussion, Commissioner Simmons offered a motion to approve the Conditional Use Request with a Condition (See Exhibit # 2013-087) to host private and public functions. 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.

Sign-in sheets for Zoning Matters are shown in Exhibit #2013-088.

Chairman Nevil closed the Public Hearing regarding Zoning and Land Use matters, and asked for amendments or modifications to the General Agenda. County Manager Tom Couch asked to modify the General Agenda and add under Consent

Agenda Item # 4 to approve an agreement with the Georgia Department of Corrections for Detainee Work Detail. Hearing no further modifications Commissioner Gibson offered a motion to approve the General Agenda with modifications requested by the County Manager. 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.

Next, Chairman Nevil stated there was a presentation concerning the New Administrative Annex and called on Mr. Terry Reeves to initiate discussion on the matter. Mr. Reeves stated he is present representing The Historical Society due to the fact that some members could not be present and they had concerns with the New Administrative Annex and would like to see a few changes to the existing plan concerning the exterior. He stated they would prefer a pitched roof instead of a flat roof, and would also suggest adding arches on the building. Mr. Reeves stated they would like for it to be similar to the existing buildings downtown. Attorney Gerald Edenfield, Judge Woodrum, Attorney Susan Cox, Attorney Michael Classens, Attorney Charles Aaron, and Attorney Lorenzo Merritt were present speaking on behalf of the attorneys and judges about needing a bigger courtroom. Ms. Hilda Rushing with the Garden Club stated they would appreciate any consideration of changes to the exterior of the New Administrative Annex. Chairman Nevil thanked them all for coming and explained that the current plans are for Building A which will hold the Tax Commissioner's office, Tax Assessor's office, and Board of Elections and Registration office. He stated that in the future depending on funds they would like to construct Building B which will be for courtrooms.

Next, Chairman Nevil asked for public comments from the audience at large or in writing. Mr. Robert Lee asked to address the Board to discuss the condition of Shuman Road. Mr. Lee stated he lives on Shuman Road and there are parts of the road where you get stuck and can't get through. He would like the County to consider paving the road. Mr. William Stewart stated he has lived on Shuman Road for over thirteen (13) years and the road has always been this way. Mr. Charles West stated he would just like to agree with what Mr. Lee and Mr. Stewart stated and would like to see the road paved.

Chairman Nevil thanked everyone for coming and expressing their thoughts and concerns and stated the first step would be to get a petition and submit it to the County Engineer Kirk Tatum. He asked if there were any more comments from the audience at large or in writing. County Manager Tom Couch and Clerk of the Board Christy Strickland both stated that there were no formal requests or petitions received in writing. Hearing nothing further, Chairman Nevil moved on to the next item.

Chairman Nevil stated the next item was to approve the Consent Agenda as follows: (1) To approve the minutes of the Regular Meeting held on July 16, 2013 and the Special Called Meeting held on July 30, 2013; (2) To approve a Mutual Aid Agreement between Bulloch County Sheriff's Department and Ogeechee Technical College (See Exhibit #2013-089); (3) To approve a Renewal Contract with Awards South for trophies/awards (See Exhibit # 2013-090); (4) To approve an Agreement with the Georgia Department of Corrections for a Work Detail Agreement (See Exhibit # 2013-091). Commissioner Mosley offered a motion to approve the Consent Agenda as presented. 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 item under New Business was for Discussion/Action to approve a contract for the resurfacing of Kennedy Bridge Road. He called on County Manager Tom Couch to initiate discussion. Mr. Couch stated the bid is placing a cape seal overlay on Kennedy Bridge Road from the city limits of Register to the Evans County line. He called on County Engineer Kirk Tatum to further discuss the project. Mr. Tatum stated there were three options available: (1) To accept the bid to cape seal the entire project; (2) To cape seal from the Evans County line to I-16 and do the remainder from I-16 to Register in hot mix overlay; or (3) Reject all the bids. County Manager Tom Couch stated if the Board chose to do half and half they would need to approve the bid in its entirety and then go back and approve a change order with the reductions in square yardage. County Attorney Jeff Akins stated he recommends if the Board would like to vote on that they would need to approve the award of the contract and also approve the change order. Mr. Couch asked what the reduction in price would be

if the Board voted to do half and half. County Engineer Kirk Tatum stated the original bid was for \$352,400.00 and the new price would be \$253,987.00. Commissioner Thompson stated he and Commissioner Ethridge rode out there and the road is in terrible condition. Commissioner Thompson further stated that his research indicates that cape seal is not recommended for roads that are in that type of condition. After further discussion, Commissioner Gibson offered a motion to reject all the bids that were submitted (See Exhibit # 2013-092). Commissioner Rushing seconded 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 for any general comments or statements. Commissioner Ethridge, Commissioner Simmons, Commissioner Rushing, and Commissioner Gibson thanked Mr. Tatum for all his hard work on the project and expressed their concern that it is done correctly. Commissioner Thompson also thanked Mr. Tatum for his work. He stated that on another subject he had received a call from a homeowner in Parkway Place Subdivision who is concerned with a rental home where the grass is being neglected. County Attorney Jeff Akins stated they would need to contact Environmental Code Officer Bobby Ivey and he should be able to assist them in getting the problem solved.

Next, Chairman Nevil asked for comments from the 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. Chairman Nevil stated that at the conclusion of the Executive Session, which was expected to last about five 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(b)(2) and other applicable laws, pursuant to the advice of the County Attorney, Jeff Akins, for the purpose of discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee. Without further discussion, Commissioner Ethridge offered a motion to enter into Executive Session for the purpose

of discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee in accordance with the provisions of O.C.G.A. § 50-14-3(b)(2). (See Exhibit #2013-093). 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 asked if there were any further comments from the Commissioners or Staff. Hearing none from the Board or Staff, Chairman Nevil asked for a motion to adjourn. Commissioner Simmons offered a motion to adjourn the meeting. Commissioner Mosley seconded the motion, and it carried unanimously with Commissioner Ethridge, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson voting in favor of the motion.

J. Garrett Nevil, Chairman

Attest: Christy Strickland, Clerk of the Board