

February 7, 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 Anthony Simmons 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, Commissioner Rushing, and Commissioner Thompson. The following staff were present: County Manager Thomas Couch, County Attorney Jeff Akins, Developmental Services Director Andy Welch, Chief Financial Officer Harry Starling, Transportation Director Dink Butler, Public Safety Director Ted Wynn, Keep Bulloch Beautiful Director Kelly Collingsworth, 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. Chairman Nevil called on 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 K. Bell Jr. for a Rezone from R-40 (Residential 40,000 square feet) to a PUD-1 (Planned Unit Development-1). Mr. Newman stated the property consists of 34.22 acres and is located on Pretoria Rushing Road, Tax Map # 107 000014 008. This application was deferred at the January 3, 2013 meeting. The Planning and Zoning Commission recommended approval of the request with conditions. Mr. Robbie Bell was present and stated nothing had changed since the January meeting. He stated that in the next couple of days they would be planting a buffer along the property lines. Mr. Bell stated one of the reasons for tabling the request in January was to allow the Brookwood Homeowners to contact him to try and come to an agreement concerning the development but nobody had contacted him. He stated he is willing to reduce the homes in the development by fifteen (15) percent if the Commissioners felt that would be acceptable. Mr. Ken Wilkes of Brookwood Subdivision was present in opposition to the request and stated he had spoken with Mr. Bell after the January meeting but they did not come to any agreement.

He stated he would not be in opposition to the request if Mr. Bell would be in agreement not to put any multi-family dwellings on the property line that is adjacent to Brookwood. Mr. Joe Herrington of Brookwood Subdivision was present and stated he would not be opposed to the request if there was a decrease in the density of the development. Mr. John Banter of Berkshire Subdivision was present and stated he agreed with what Mr. Wilkes and Mr. Herrington had previously stated. Commissioner Thompson asked County Manager Tom Couch to explain a PUD-1. Mr. Couch stated it is a Planned Unit Development and the 1 was for residential developments. He stated it has more flexibility than the other Zoning Districts in the County. Mr. Couch stated that Mr. Bell initially wanted to ask for an R-2 or R-3 Zoning District which is for multi-family dwellings, but after meeting with Mr. Bell it was decided to request the PUD-1. Commissioner Thompson stated if Mr. Bell had submitted a request for R-3 he could have put over three hundred (300) Duplexes on the property if the request was approved by the Commissioners, and also if the request is denied and Mr. Bell develops the property as it is currently zoned R-40 he could possibly put up to thirty (30) Manufactured Homes on the property. Mr. Ken Wilkes asked how he could do that without applying to rezone to a Manufactured Home Park. County Attorney Jeff Akins explained that a Manufactured Home Park is when you have a single parcel of property and you placed multiple manufactured homes on that one parcel, but in a R-40 Mr. Bell could divide the lots up and sell them separately and either a manufactured home or single family residence could be placed on it. Commissioner Rushing asked if Mr. Bell would be willing not to erect multi-family dwellings on the property line adjacent to Brookwood Subdivision. Mr. Bell stated he does not want to make a commitment not to place them because it just depends on what the market is when that Phase is built whether it is single family residences or multi-family dwellings. County Manager Tom Couch explained that each Phase of the Development would have to go through the Planning and Zoning Commission for approval. Mr. Joe Herrington stated at the January meeting Mr. Couch stated the PUD was not done often in Bulloch County and he would like to know if there are any PUD's in the County. County Manager Tom Couch stated that there are not any here. Mr. Joe Herrington stated he felt the request was handled in a very poor manner with the size of the sign that was on the property and the minimum amount of letters that went out to the

property owners. Zoning Administrator Randy Newman explained that is the standard size for all zoning requests and according to the Zoning Ordinance that any property which touches the property in question receives a letter. After additional discussion, Commissioner Thompson offered a motion to approve the Rezone Request from R-40 to a PUD-1 with conditions (See Exhibit # 2013- 011) recommended by the Planning and Zoning Commission. Commissioner Simmons seconded the motion, and it carried with a 3-1 vote with Commissioner Thompson, Commissioner Mosley, and Commissioner Simmons voting in favor of the motion. Commissioner Rushing voted in opposition to the motion.

Sign-in sheets for Zoning Matters are shown in Exhibit #2013-012.

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

Next, Chairman Nevil stated there is a Presentation from Keep Bulloch Beautiful (KBB) concerning Arbor Day and called on KBB Director Kelly Collingsworth to present. Ms. Collingsworth stated there would be an Arbor Day Celebration on Saturday, February 16 from 10:00 A.M. until 1:00 P.M. at the Willie McTell Trail. She stated they would be giving away tree seedlings, and have food and fun activities for everyone. Chairman Nevil presented a 2013 Arbor Day Proclamation to KBB Director Kelly Collingsworth.

Next, Chairman Nevil stated the next item is a Presentation from Ms. Kathy Todd concerning the condition of Kendricks Road. Ms. Kathy Todd stated Kendricks Road is located off of Highway 80 between George Road and MP Martin Road and is maintained by the County. She stated she is present representing the residents on Kendricks Road. She went over the development of the land since 1989 and there are approximately 57 parcels that access the road. Ms. Todd stated the roads are in terrible condition and they are asking through a petition that the Commissioners establish a committee that will work with a group of the residents to come up with a permanent solution to the unsafe

conditions of Kendricks Road. Chairman Nevil asked Ms. Todd if she knew who owned the road and she stated she had just recently found out that the Kendricks family still owns the road according to a deed Chief Tax Appraiser John Scott had found. Chairman Nevil explained to Ms. Todd that the County's hands were tied as far as being able to take over the road because it is private and even if petitioned to take it over by the Kendrick Family there is a lot of work that would be required before the Commissioners would be able to accept it. Ms. Todd just asked the Commissioner to think about how a permanent solution could be found to solve the situation. Mr. Nevil thanked Ms. Todd for the presentation.

Next, Chairman Nevil stated the next item was a presentation by Harry Jackson concerning Sheriff's Department. Mr. Jackson was not present for the presentation.

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 none, Chairman Nevil moved on to the next item.

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 January 15, 2013; (2) To approve an agreement for Waste Services with Briggs and Stratton Corporation (See Exhibit # 2013-013); (3) To approve a Resolution authorizing Master Tax-Exempt Lease Purchase agreement with U.S. Bancorp (See Exhibit # 2013-014); (4) To approve an Alcoholic Beverage License for Blue Sky Trading Company located on 3180 US Highway 25, Statesboro. Commissioner Simmons offered a motion to approve the Consent Agenda as presented. Commissioner Mosley seconded the motion, and it carried unanimously with Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, and Commissioner Simmons 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 terminate a contract for road striping with Diversified Traffic Studies, Inc. Chairman Nevil called on County Manager Tom Couch to initiate discussion on the matter. Mr. Couch stated after repeated requests to Diversified to diligently finish the work, the contract remains approximately 65%

incomplete and to the county's knowledge Diversified has not performed any substantial work since October of 2012 and has not responded to any of the County's entreaties. He stated the contract is now four months beyond the completion date and only 35% of the work has been performed and this is a substantial breach in the contract that justifies termination for cause under Section 14 of the contract. Commissioner Thompson offered a motion to approve to terminate the contract with Diversified Traffic Services for Road striping. (See Exhibit # 2013-015). Commissioner Rushing seconded the motion and it carried unanimously with Commissioner Thompson, Commissioner Rushing, Commissioner Mosley and Commissioner Simmons voting in favor of the motion.

Next, Chairman Nevil asked each Commissioner to take thirty seconds for any general comments or statements. Commissioner Simmons, Commissioner Mosley, Commissioner Rushing and Commissioner Thompson all thanked the Georgia Southern University Students for attending the meeting and thanked the staff for all their hard work.

Next, Chairman Nevil asked for comments from the Staff, and Mr. Couch stated he is planning on holding a workshop and is looking at a tentative date of February 26, 2013 and may even try having one on a Saturday morning if everyone was in agreement. Clerk of the Board Christy Strickland stated she would be out of the office in Athens attending Clerk's training Monday and Tuesday and would be back on Wednesday.

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 Litigation after a five minute recess. Chairman Nevil stated that at the conclusion of the Executive Session, which was expected to last about ten 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 County Attorney, Jeff Akins, for the purpose of discussing Potential Litigation. Without further discussion, Commissioner Mosley offered a motion to enter into Executive Session to discuss Potential Litigation in accordance with the provisions of O.C.G.A 50-14-2 (1) (See Exhibit #2013-016). Commissioner Simmons seconded the

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

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The meeting was reconvened, and Chairman Nevil asked if there were any further comments from the Commission 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 Rushing seconded the motion, and it carried unanimously with Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, and Commissioner Simmons voting in favor of the motion.

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J. Garrett Nevil, Chairman

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Attest: Christy Strickland, Clerk of the Board