

April 7, 2015
Statesboro, GA

Regular Meeting

The Board of Commissioners met at 5:30 pm in the Community Room of the North Main Annex. Chairman Nevil welcomed guests and called the meeting to order. Commissioner Gibson gave the invocation and Pledge of Allegiance.

Mrs. Olympia Gaines, Clerk of the Board, performed the roll call of the commissioners and staff. The following commissioners were present: Chairman Nevil, Commissioner Simmons, Commissioner Mosley, Commissioner Rushing, Commissioner Thompson, Commissioner Gibson, and Commissioner Ethridge. The following staff were present: County Manager Tom Couch, County Attorney Jeff Akins, Assistant County Manager Andy Welch, Chief Financial Officer Whitney Richland, Public Safety Director Ted Wynn, Zoning Administrator Randy Newman, Transportation Director Dink Butler, Solid Waste Director Fred White, County Engineer Kirk Tatum, Bulloch County Accountability/Treatment Court Coordinator Karen McClain, Statesboro Bulloch Parks and Recreation Director Mike Rollins, Statesboro-Bulloch County Airport Director Kathy Boykin, Purchasing Manager Faye Bragg, and Management Analyst Cindy Steinmann.

Chairman Nevil stated the first item of business was the approval of the Zoning Agenda. Commissioner Ethridge offered a motion to approve the Zoning Agenda as presented. Commissioner Simmons seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge all voting in favor of the motion.

Chairman Nevil called on Zoning Administrator Randy Newman to present the first item of business. Mr. Newman presented item #1 which was for a text amendment request to add the definition of Air Ambulance Service to the Zoning Ordinance and to add it as a conditional use in Highway and General Commercial zones. There was no one signed up to speak on the request (See Exhibit #2015-027). Hearing no further discussion, Commissioner Gibson offered a motion to approve the text amendment as presented (See Exhibit #2015-028). Commissioner Rushing seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner

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

Mr. Newman presented item #2 which was for an application submitted by Wauwese and Norman Woodward to rezone 4 acres from AG-5 (Agricultural 5 acres) to HC (Highway Commercial) for the development of a gasoline station with a convenience store. The property is located at the intersection of Highway 67 and Highway 46, parcel number 112 000012 002. Mr. John Dotson acted as agent. There was no one signed up to speak on the request (See Exhibit #2015-029). Hearing no further discussion, Commissioner Simmons offered a motion to approve the rezone request from AG-5 to Highway Commercial with the conditions stated in Exhibit #2015-030 (See Exhibit #2015-030). Commissioner Ethridge seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge all voting in favor of the motion.

Mr. Newman presented item #3 which was an application submitted by Molly and Sandor Nagy for a conditional use modification to modify the second sentence of condition number 1 as approved by the Board of Commissioners on October 4, 2015. This sentence as originally approved read as follows: "The residence must be completed within 2 years." The applicants are requesting that this sentence be modified to read as follows: "The residence must be completed within 4 years." The property is located on 5169 Highway 67, parcel number 128 000035 002 and 128 000035 006. There was no one signed up to speak on this request (See Exhibit #2015-031). Mr. Newman explained that the progress on the home has taken longer than anticipated due to the fact that Mr. Sandor agreed to tear down the old Denmark school and use refurbished materials from the school to complete their home. Commissioner Ethridge asked Mr. and Mrs. Nagy if this modification would give them time to complete their home. Mr. and Mrs. Nagy confirmed the modification would help with the completion of their home. Hearing no further discussion, Commissioner Ethridge offered a motion to approve the conditional use modification to modify the second sentence of condition number 1 to read as follows: "This residence must be completed within 4 years." (See Exhibit #2015-032). Commissioner Simmons seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge all voting in favor of the motion.

Mr. Newman presented item #4 which was an application submitted by Mr. Durand Deal for a conditional use to allow a camper to be lived in while they are constructing their home. The property consists of 54.54 acres and is located at 7891 Clito Road, parcel number 119 000048 003. There was no one signed up to speak on this request (See Exhibit #2015-033). Commissioner Rushing offered a motion to approve the conditional use for a camper to be lived in while the home is being constructed with the conditions stated in Exhibit #2015-034 (See Exhibit #2015-034). Commissioner Mosley seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge all voting in favor of the motion.

Mr. Newman presented item #5 which was an application submitted by Patrick Mock for a conditional use request for an automobile broker business under the definition of a Cottage Industry. The property consists of 2.25 acres and is located at 175 Pat Mock Road, parcel number 045 000003 001. Mr. Newman stated that the Planning and Zoning Commission recommended denial of the conditional use request for an automobile broker business. Mr. Mock was not present to speak. There were three people signed up to speak in opposition to the conditional use request (See Exhibit #2015-35). Ms. Ashley Ellis expressed her concerns about how the conditional use request would affect the quality of life for her and her family, and would affect the safety of the residents in the neighborhood by soliciting individuals from all over to come to the automobile broker business. Ms. Ellis stated this increased traffic would be detrimental to roads in the area that already have maintenance problems, and she submitted a photograph of Pat Mock Road to illustrate its condition (See Exhibit #2015-036). Mr. John Cannady expressed his concern for the safety and integrity of Pat Mock Road residents with the increased flow of individuals coming to the automobile broker business. He stated since the business would be internet based, he was concerned due to various crimes being linked with Craigslist. Mrs. Molly Sisson expressed similar sentiments and stated that she did not want the quality of her neighborhood to change. Hearing no further discussion, Commissioner Thompson offered a motion to deny the conditional use request for an automobile broker business under the definition of a Cottage Industry. Commissioner Simmons seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge all voting in favor of the motion.

Mr. Newman presented item #6 which was an application submitted by Five Chops Development LLC to rezone 2.31 acres out of a 3.81 acre tract from R-40 to NC to construct a gasoline station with a convenience store. The property is located at the intersection of Pretoria-Rushing Road and Burkhalter Road, parcel number 107 000014 011. Lindsay Martin acted as agent. There was no one signed up to speak on the request (See Exhibit #2015-037). Hearing no further discussion, Commissioner Ethridge offered a motion to approve the rezone request with the conditions stated in Exhibit #2015-038 (See Exhibit #2015-038). Commissioner Thompson seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge all voting in favor of the motion.

Mr. Newman presented item #7 which was an application submitted by Five Chops Development LLC, for a conditional use request to construct a gasoline station with a convenience store. The property is located at the intersection of Pretoria-Rushing Road and Burkhalter Road, parcel number 107 000014 011. Lindsay Martin acted as agent. There were four people signed up to speak in opposition to the conditional use request (See Exhibit #2015-039). Mr. Fred Conyers expressed his concern with possible leaks affecting the water supply for neighboring subdivisions and how the conditional use would affect the already heavy traffic in the area. Mr. Alan Rice stated the conditional use request was not a benefit for the community as there are several gas stations within a 2 mile radius in each direction. Mr. Merville Cumberbatch expressed his concern about how the conditional use request would contribute to additional traffic congestion with higher occurrences of traffic accidents, and how it could also increase possible crime-related incidents at the convenience store and in neighboring subdivisions. Mr. Cumberbatch stated that the conditional use request did not uphold the mission statement for Bulloch County residents and would be detrimental to the residents of the surrounding area by affecting their quality of life. Mr. Carl Blackburn signed up to speak, but did not appear for comments. After some discussion, Commissioner Thompson offered a motion to approve the conditional use request with the conditions stated in Exhibit #2015-040 (See Exhibit #2015-040). Commissioner Ethridge seconded the motion and it carried with Commissioner Simmons, Commissioner Thompson, Commissioner Mosley, Commissioner Ethridge and Commissioner Rushing voting in favor of the motion. Commissioner Gibson voted against the motion. The motion carried with a 5-1 vote.

Mr. Newman presented item #8 which was an application submitted by the Tabby Corporation for a conditional use request for a solar power generation facility. The request is for 10 acres of a 26.27 acre parcel located at 923 Lawrence Church Road, parcel number 155 000012 002. There was no one signed up to speak (See Exhibit #2015-041). Commissioner Simmons offered a motion to approve the conditional use request for a solar power generation facility with the conditions stated in Exhibit #2015-042 (See Exhibit #2015-042). Commissioner Rushing seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge all voting in favor of the motion.

Mr. Newman presented item #9 which was an application submitted by Betty Everett for a conditional use for a personal care home. The property consists of 5 acres and is located at 550 Holloway Lane, parcel number 049A000012 000. There was no one signed up to speak on the request (See Exhibit #2015-043). Commissioner Rushing offered a motion to approve the conditional use request for a personal care home with the conditions stated in Exhibit #2015-044 (See Exhibit #2015-044). Commissioner Thompson seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge all voting in favor of the motion.

Chairman Nevil asked for changes or modifications of the General Agenda. Mr. Couch asked to modify the agenda by adding a discussion involving pending and potential litigation to the Executive Session. Commissioner Simmons offered a motion to approve the General Agenda with the modification requested by Mr. Couch. Commissioner Mosley seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge all voting in favor of the motion.

Chairman Nevil asked for public comments from the audience at large or in writing. Mr. Gary Mosley was present and spoke about the condition of Banks Creek Church Road in Portal. He stated that his mother had recently been stuck on the road due to the conditions of the road. Mr. Mosley stated he would like to see the road paved.

Mr. Danny Russell and Mrs. Lou Seymour were both present to speak about the condition of Pope Road. Mr. Russell stated that the ditches needed to be pulled and as a result of the

drainage issues there have been more mosquitoes in the area. He stated that he would like a solution to the problem. Mrs. Seymour stated that she would like to see some transparency concerning the 900 miles of dirt roads and would like to obtain a list of roads that were slated to be paved.

Commissioner Thompson asked Mr. Butler to explain the processes of the paving program and stated the main issue with scheduling the roads to be paved was that many of the citizens who own property on unpaved roads do not want to donate the necessary right-of-way for paving. Mr. Butler provided a brief description of what procedures and processes must be followed in order to have a road paved. After some further discussion, Chairman Nevil thanked the citizens for their comments and encouraged them to continue to attend the Board of Commissioners meetings so that there can be dialogue between board members and citizens.

Chairman Nevil stated the next item on the agenda was to approve the Consent Agenda as follows: (1) to approve the minutes of the Regular Meeting and Executive Session held on March 17, 2015; (2) to approve the sponsorship agreement with AT&T Mobility LLC (See Exhibit #2015-045); (3) to approve the bid from Mr. Jimmy Haire for the Roadside Mowing and Spraying contract (See Exhibit #2015-046); (4) to approve renewal of a lease with MidCoast Aviation for property at the airport (See Exhibit #2015-047). Commissioner Thompson offered a motion to approve the Consent Agenda as presented. Commissioner Simmons seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge all voting in favor of the motion.

Chairman Nevil stated the first item under New Business was for Discussion and/or Action to approve the Bulloch County Accountability/Treatment Court's 2016 Grant Application. Chairman Nevil called on Mr. Couch to initiate discussion. Mr. Couch stated the approval was more of a technicality as the grant application had already been filed; however, due to provisions in the grant management policy, the Board technically must approve the grant application. Mr. Couch explained this was the reason this matter is being brought before the Board. Hearing no further discussion, Commissioner Rushing offered a motion to approve the Bulloch County Accountability/Treatment Court's 2016 Grant application. Commissioner Thompson seconded the motion and it carried unanimously with Commissioner Gibson,

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

Chairman Nevil stated the next item under New Business was for Discussion and/or Action to authorize a contract to negotiate for professional services. Chairman Nevil called on Mr. Couch to initiate discussion on the matter. Mr. Couch stated the purpose of the contract was to negotiate professional engineering services to design road intersection improvements projects at two locations, with a future probability of a third. Project #1 includes designs and construction for Pretoria Rushing Road (CR 342) and Burkhalter Road (CR 585) for a single lane roundabout with bike-ped integration with an estimated cost of \$750,000. Project #2 includes conceptual plans and design with construction pending upon final cost estimates for Burkhalter Road (CR 585/248) and Langston Chapel Road (CR 233) for a controlled three-way stop with channelization or single lane roundabout with an estimated cost of \$150,000- \$400,000. After some discussion, Commissioner Thompson offered a motion to enter into negotiation with EMC Engineering for an award of this contract. Commissioner Simmons seconded the motion and it carried unanimously with Commission Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Mosley, Commissioner Simmons, and Commissioner Ethridge all voting in favor of the motion.

Chairman Nevil called for general comments or statements from the commissioners and staff. The commissioners thanked everyone for their attendance, thanked the staff for all their hard work, and thanked Mr. Butler for dealing with the issues surrounding the conditions of the county roads. Mr. Couch reminded everyone of the upcoming Work Session scheduled for April 9, 2015. Commissioner Mosley suggested scheduling a meeting during the month of June to discuss Pave-in-Place technique for the county dirt roads. Commissioner Simmons thanked Mr. Rollins and his staff for their continued efforts and hard work with the various recreation programs and facilities. 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 Personnel and Pending and Potential Litigation Matters. 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), O.C.G.A. § 50-14-2(1), and other applicable laws, pursuant to the advice of County Attorney Jeff Akins, for the purpose of discussing and deliberating on Personnel and Pending and Potential Litigation

Matters. Without further discussion, Commissioner Gibson offered a motion to adjourn and enter into Executive Session to discuss and deliberate on Personnel and Pending and Potential Litigation Matters (See Exhibit #2015-048). Commissioner Rushing seconded the motion and it carried unanimously with Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, Commissioner Simmons, Commissioner Mosley and Commissioner Ethridge voting in favor of the motion.

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

J. Garrett Nevil, Chairman

Attest: _____

Olympia Gaines, Clerk of the Board