

April 3, 2007
Statesboro, GA

The Board met at 5:30 p.m. in the Community Room of the North Main Annex. Chairman Nevil welcomed the guests and called the meeting to order. Commissioner Jackson gave the invocation and the pledge of allegiance.

Ms. Evelyn Wilson, Clerk of the Board, performed the roll call of commissioners and staff. The following commissioners and staff were present: Chairman Nevil, Commissioner Jackson, Commissioner Simmons, Commissioner Tankersley, Commissioner Gibson, Commissioner Thompson, Commissioner Rushing, County Manager Tom Couch, Staff Attorney Jeff Akins and Zoning Administrator Randy Newman.

Chairman Nevil asked for changes or modification before approval of the General Agenda. Mr. Couch requested one (1) change to the General Agenda: add item two (2) under Presentations for Mr. Ray Hendrix of the American Legion to discuss locating a VA outpatient clinic in Statesboro. Commissioner Thompson stated that Ms. Leslie Sprando of the Humane Society had asked to make a presentation. Commissioner Simmons offered a motion to approve the General Agenda as modified. Commissioner Tankersley seconded the motion and it carried, unanimously.

The next item of business was the approval of the minutes of the regular meeting held on March 20, 2007. Commissioner Simmons offered a motion to approve the minutes of the regular meeting on March 20, 2007. Commissioner Gibson seconded the motion and it carried, unanimously.

Chairman Nevil recognized Dr. James High, President of the Keep Bulloch Beautiful Board, to discuss the Highway 301 South Corridor. Dr. High gave the mission statement of Keep Bulloch Beautiful and said they focus on three areas which are litter prevention, solid waste reduction, beautification and community improvement. Focus areas are the Highway 301 South Corridor and Highway 67 Corridor. He presented a power point program showing examples of sites on Highway 301 South which had been improved and areas that need clean-up and improvement. He advised that the Georgia Board of Regents will visit Georgia Southern University on April 17th & 18th. This is just one of the many groups that comes to Bulloch County and the Highway 301 South

Corridor and Highway 67 Corridor reflect upon the quality of life in Bulloch County. He announced the Great American Clean-up is Saturday, April 14th and over 2500 volunteers are expected to participate. He distributed copies of the Highway Beautification Master Plan and said Keep Bulloch Beautiful has a matching grant program that will match a business's participation up to \$10,000. One business on Highway 301 South has taken advantage of this grant program and had made significant improvements to their building. He requested that the Board of Commissioners send a letter to each property owner on Highway 301 South and Highway 67 encouraging them to participate in the Great American Clean-up and also encouraging them to be part of the Highway Beautification Program.

Chairman Nevil recognized Ms. Leslie Sprando of the Bulloch County Humane Society. Ms. Sprando discussed the changes and improvements in the operations of Animal Shelter. She said in 1990 the State of Georgia accepted the Humane Euthanasia Act and Bulloch County was using the lethal injection method until 1999 when it changed to using the gas chamber. She requested that Bulloch County come into compliance with the State Law requiring lethal injection for euthanasia instead of the gas chamber method. She said the Animal Shelter Advisory Committee has discussed proactive measures to attempt to reduce animal reproduction in Bulloch County. One of these measures involves having a high population density leash law and another would be having licensing for dogs and cats in Bulloch County with a minimal fee for animals that are spayed or neutered and a more substantial fee for animals that are not. She repeated that her main purpose was to request the return of lethal injection for euthanasia.

Chairman Nevil recognized Public Safety Director Ted Wynn. Mr. Wynn discussed euthanasia by carbon monoxide and said this chamber has been operated for seven or eight years with the knowledge of and inspections by the Department of Agriculture. He said Dr. Stan Lee is obtaining cost estimates for staff training and the cost of performing lethal injections during the training period. Dr. Lee is also evaluating what his level of involvement should be considering that his narcotics license with the Drug Enforcement Administration will be on the line. This is important because the Animal Shelter will operate under Dr. Lee's Drug Enforcement Administration license. Dr. Lee's report should be completed during the week of April 16th. Mr.

Wynn said the staffing level is also being evaluated to see what additional staff will be needed to perform this higher labor intensive function. Lethal injection will require more staff as well as increased pay for those performing the procedure because it is an invasive procedure requiring a level of skill. Mr. Wynn said Dr. Lee has requested a meeting with the Department of Agriculture to review the required forms and procedures to utilize lethal injection. He said when all the information is compiled it will be presented for the Commissioners' consideration. He advised that he would recommend that the County move forward with the transition to lethal injection recognizing that the law does allow the gas chamber to be used under some circumstances.

Chairman Nevil recognized Mr. Ray Hendrix representing the local American Legion Post. Mr. Hendrix discussed the procedure for locating V.A. Outpatient Clinics and said a clinic in Statesboro would serve about 23,000 veterans. He advised that presently veterans in this area are served by Dublin which is about 75-80 miles away. He requested that the Commissioners authorize a letter of recommendation for establishing a V.A. Clinic in Bulloch County. He advised the City of Statesboro has provided a letter and he plans to request a letter from the surrounding towns. These letters will be presented to Congressman John Barrow and the Commissioner of Georgia Department of Veteran Services who will present the letters supporting the location of a V.A. Outpatient Clinic in Bulloch County to the Secretary of the U.S. Veterans Administration. Chairman Nevil asked Mr. Hendrix to provide details and facts in order to compose a letter of support for submission.

Chairman Nevil asked for other public comments. There were no other public comments.

The Consent Agenda had three (3) items for consideration: (1) approval of a contract with Martin & Rule Associates for design services for the re-roofing of the Statesboro Library in the amount of six percent of the construction cost. (See exhibit #2007-35; (2) approve a reimbursement agreement with the Georgia EPD for scrap tire disposal cost in the amount of \$10,600; (3) adopt a resolution declaring a 1992 mobile home located at the city/county landfill as surplus property. (See exhibit #2007-36) Commissioner Simmons offered a motion to approve the Consent Agenda. Commissioner Tankersley seconded the motion and it carried, unanimously.

Chairman Nevil stated there was no other business for discussion. He asked for Commissioners' comments. Commissioner Thompson asked for consideration for having a workshop. Mr. Couch said he would suggest a workshop following the Board meeting scheduled for the morning of April 17th.

Chairman Nevil asked for other comments. Commissioner Gibson offered a motion to adjourn the business meeting. Commissioner Jackson seconded the motion and it carried, unanimously.

The meeting was reconvened at 6:30 p.m. for the Public Hearing on zoning matters. Chairman Nevil asked for any modifications to the Planning and Zoning Agenda. Commissioner Tankersley offered a motion to approve the Planning and Zoning Agenda. Commissioner Simmons seconded the motion and it carried, unanimously.

Chairman Nevil asked Zoning Administrator Randy Newman to present the zoning items.

Mr. Newman presented an application submitted by Thomas Harold Brannen requesting a conditional use to operate a church on 5 acres of property located on Highway 80 East. Mr. Newman advised the Planning and Zoning Commission recommended approval of the conditional use request with the following conditions: (1) Before any building permit is issued, a copy of a deed or other acceptable legal description shall be delivered to the Planning and Zoning office certifying that each land owner has consented to the proposed joint access; (2) All access, driveway and parking areas serving the general public shall be paved; (3) Any outdoor lighting shall be downcast and is to be of moderate brightness; (4) An interparcel service drive may be required; (5) Signage shall be limited to one (1) ground sign with a landscaped base; (6) A storm water management plan showing off-site negative impacts shall be submitted for approval by the county engineer. Pastor Will Griffith of Merrywood Baptist Church was the agent for Mr. Brannen. Pastor Griffith said his church proposed to purchase property from Mr. Brannen to build a church and present this request to assure a church can be built on this property before the transaction is finalized. He asked that this conditional use request be approved. Commissioner Tankersley commented that two of

the staff's conditions were not included in the Planning and Zoning Commission's conditions. One of these conditions required building material such as brick veneer, stucco, wood, etc. on walls readily visible from Highway 80. Commissioner Tankersley questioned if the Board should consider more of these types of conditions to encourage the beautification of the highway corridors. Pastor Griffith commented that all the buildings in the area have metal sides. He said the church will probably have metal sides in the beginning but eventually they plan to brick it up because they want it to look like a church. Commissioner Tankersley offered a motion to approve the conditional use request with conditions recommended by the Planning and Zoning Commission. Commissioner Thompson seconded the motion and it carried, unanimously.

Mr. Newman presented an application by Mack Nevil and Ricky Nevil for a rezone from AG-5 to Highway Commercial along the right-of-way on I-16 to allow for billboards. The requested rezone is on 45 acres of a 149 tract located on Kelly Pond Road. He advised that the Planning and Zoning Commission recommended approval of the rezone request. Commissioner Thompson asked if there would be a problem if this rezone request was approved with the condition to allow for billboards only. Mr. Ricky Nevil said he didn't see a problem because he understands that he would have to reapply if he decides to do something different. He said he basically wanted the zoning equivalent to the zoning along I-16 on the west side of (across) Highway 301. He added he thought it was only fair to have no conditions for this rezone if there are no conditions for the Highway Commercial zoning on the west side of Highway 301. Mr. Newman advised that the property on the west side of Highway 301 was zoned Highway Commercial with no conditions when zoning was enacted. Commissioner Thompson offered a motion to approve the rezone request for Highway Commercial. Commission Gibson seconded the motion. Commissioner Tankersley asked if the motion included the condition for billboards only. Commissioner Thompson said, in view that the other property has no conditions, his motion would be to approve this rezone request with no conditions. There was discussion that the application forms for Highway Commercial required the intended purpose of the rezone. Mr. Couch questioned if a rezone is approved for the purpose stated on the application, is there a vested right for any permitted use in a HC zone. Mr. Akins said if it is to be restricted to a particular use,

that condition would need to be stated in the motion. Mr. Nevil said he wanted to simply apply for a Highway Commercial rezone but was told his application would not be accepted if he did not state a purpose. Commissioner Thompson restated his motion to approve the rezone request for Highway Commercial. Commissioner Simmons seconded the motion and it carried, unanimously.

Mr. Newman presented an application by Chris Akins requesting a rezone from AG-5 to Highway Commercial along the right-of-way on I-16 to allow billboards. The requested rezone is on 55 acres of a 172.3 acre tract located on Neville Dairy Road. He advised that the Planning and Zoning Commission recommended approval of the rezone request. Commissioner Rushing offered a motion to approve the rezone request. Commissioner Gibson seconded the motion and it carried, unanimously.

Mr. Newman presented an application by R&H Development requesting a rezone from AG-5 to R-25 on 113 acres located on T.H. Lee Road. The purpose of the rezone is to divide the property into 134 parcels for single-family dwellings. Mr. Newman advised the Planning and Zoning Commission recommended approval of the request with conditions: (1) An additional 10% bonus density may be granted, provided at least one of the following amenities shall be installed by the applicant; (a) A pedestrian sidewalk system within the development; (b) An internal streetscape consisting of native, non-ornamental canopy trees (maple, dogwood, oak, etc.) with a minimum 4" caliper spaced 75" off center. The streetscape may optionally be integrated with amenities a) or c); (b) A county maintained street light district; (c) A common interest element maintained by a homeowners association or other conduit which may include, but not be limited to, a clubhouse, pool, tennis courts(s), improved picnic area or playground, walking trail, or any combination thereof; (d) A common interest element maintained by a homeowners association or other conduit which may include, but not be limited to, a passive use recreation area (fishing, boating/dock, picnicking, etc.), conservation easement or greenspace area that is consistent with the goals and objectives of county or state land conservation or preservation plans and programs; (2) All dwelling units shall consist of traditional site built construction meeting state building codes. Manufactured housing shall be prohibited; (3) To enhance access management, all approved residential lots and structures shall access internally to new roads built within the subdivision. No dwelling

access shall be permitted on T.H. Lee Road; (4) If the proposed internal roadway system is proffered by the applicants as being privately owned and maintained by a common interest element, any proposed future public dedication requires that the roads meet county standards at that time. No public funds shall be invested to correct any construction or condition deficiencies to meet such standards, unless a county special assessment tax improvement district is approved by affected property owners; (5) The developer shall submit an engineering plan at the time of preliminary plat submission to demonstrate that adequate storm water management practices or structures shall be installed to control on-site and off-site run-off and sediment; (6) 30 days prior to the submission of a sketch plan to the Planning and Zoning Commission, the applicant, at their own expense, shall submit a Level II traffic impact study as recommended in the Bulloch County Transportation Plan (with sufficient narratives, maps and exhibits) which shall be certified by a qualified and registered professional engineer, that at a minimum, includes the following: (a) Trip Generation Analysis: An estimate of AM (7:30-8:30) and PM (5:00-6:00) peak hour trips generated under existing conditions and after project build-out; (b) Trip Distribution Analysis: A 24 hour directional traffic counts and peak period intersection turn movement counts on a typical week day under existing conditions and after project build-out; (c) Intersection and Roadway Segment Analysis: Assess the need and provide cost estimates for any further network or safety improvements for arterial and collector roads in the study area resulting from the impacts created by the proposed development of the subject property, including but not limited to, accel-decel lanes, turn lanes, shoulder widening, signage, signalization or intersection alignments. The cost of any such proposed improvements attributable specifically to the development of the subject property that is not listed in the County's Five-Year Surface Transportation Improvement Program or Plan shall be partially or wholly borne by the developer. Particular attention or focus in the study should be given to the need for a deceleration lane at the intersection of T.H. Lee Road and Clito Road; (7) T.H. Lee Road shall be paved from the farthest end (lot 85) of the development to Clito Road. An inverted crown construction along T.H. Lee Road shall be prohibited. Mr. Jim Anderson represented R&H Development. He presented a proposed sketch of the subdivision showing a double entrance, paved streets and planned amenities. The development

would have 134 lots with single-family dwellings of approximately 1500 square feet of heated space. He pointed out that very restrictive covenants have been developed for this subdivision. He said that T.H. Lee Road is a dirt road and advised they plan to acquire the right-of-way to pave the road to a point about half way through the subdivision. He discussed the proximity to the airport and said he didn't think this would be an issue considering the directions of the runways. He said the developer had no problem with the conditions except for condition #7 which has been discussed with Mr. Couch. He asked that the rezone be approved. Mr. Owen Zetterower said he owned adjoining property and supports the development. Mr. Charles Altman said he would give land to pave T.H. Lee Road and supports this request. Mr. J.L. Hinton spoke against the request. He said if this property is zoned R-25 there will be additional such requests for other property owners and he didn't want this area to become like Burkhalter Road. Commissioner Jackson commented that he was surprised how close this area was to the airport and he thought FAA had some type of regulations for heavily dense areas. Mr. Couch said he thought as each individual lot is permitted the building permit applicant would have to sign a form stating they are within one mile of an airport. Each permit would have to be accessed on an individual basis and there might be a case where a two-story building would be prohibited. Chairman Nevil said Bulloch County has received millions of dollars in grants to enhance the airport and if enough people ever petitioned against the airport and it was closed, the county would have to reimburse those grants. Commissioner Thompson asked if a R-25 zone is the only classification that would be monetarily feasible to develop this property. Mr. Anderson responded the R-25 rezone is needed to recoup the expense of paving three-quarters of a mile of dirt road and be able to compete with other developments. Commissioner Thompson offered a motion to approve the rezone request with condition #2 and condition #7 being formulated with the Staff. Mr. Couch stated those conditions: (Condition 2) All dwelling units shall be a minimum of 1,500 heated square feet of traditional site-built construction meeting local building codes, consisting of predominantly brick, stone, masonry or cement-sided exteriors and having paved drives from the street to a garage entry facing a side lot line (except where a corner lot makes this prohibitive); (Condition 7) T.H. Lee Road be paved to a proposed access road to be built at approximately Lot

#94. Commissioner Rushing seconded the motion. Commissioner Thompson, Commissioner Rushing and Commissioner Gibson voted in favor of the motion. Commissioner Tankersley, Commissioner Simmons and Commissioner Jackson voted to oppose the motion. In order to break the tie vote, Chairman Nevil voted to oppose the motion to approve the R-25 rezone request. The motion failed to pass.

Mr. Newman presented an application by H.B. Lanier and Doris Lanier requesting a rezone from R-25 to R-3 on 20 acres located on the corner of Langston Chapel and Burkhalter Road. The intent of the request is to place multi-family dwellings on a portion of the property. Mr. Newman stated the original request for a portion of the property to be rezoned to Highway Commercial had been changed to request a rezone to R-3 on the entire property. He advised that the Planning and Zoning Commission recommended approval of the R-3 rezone request on the entire property with conditions: (1) An additional 10% bonus density may be granted, provided at least one of the following amenities shall be installed by the applicant: (a) A pedestrian sidewalk system within the development; (b) An internal streetscape consisting of native, non-ornamental canopy trees (maple, dogwood, oak, etc.) with a minimum 4" caliper spaced 75' off center. The streetscape may optionally be integrated with amenities a) or c); (c) A county maintained street light district; (d) A common interest element maintained by a homeowners association or other conduit which may include, but not be limited to, a clubhouse, pool, tennis court(s), improved picnic area or playground, walking trail, or any combination thereof; (e) A common interest element maintained by a homeowners association or other conduit which may include, but not be limited to, a passive use recreation area (fishing, boating/dock, picnicking, etc.), a conservation easement or greenspace area that is consistent with the goals and objectives of county or state land conservation or preservation plans and programs; (2) All dwelling units must consist of traditional site built housing meeting state construction codes; (3) The developer shall submit an engineering plan at the time of preliminary plat submission to demonstrate that adequate storm water management practices or structures shall be installed to control on-site and off-site run-off and sediment; (4) To minimize the impact on contiguous property, the developer shall install a solid opaque fence or a landscape buffer along the length of the eastern and southern boundary of the property with an average minimum

height of six (6) feet at installation. This can be accomplished by: (a) installing a landscaped berm and/or evergreen hedge combination; or, (b) installing non-ornamental canopy trees (maple, dogwood, oak, etc.) with a minimum 4" caliper 75' off center with evergreen hedges capable of growing up to 30" at maturity. The buffer shall be approved by the Zoning Administrator; (5) Hershel Drive shall be a privately maintained road; (6) A maintenance agreement will have to be signed for the road/driveway that will provide access to the buildings. Mr. John Dotson represented the applicants. He said the reason for asking for a rezone from R-25 to R-3 is to allow the luxury to get away from the non-traditional subdivision. He stated the subdivision was in place as a R-25 subdivision with the roads already in place, the water mains are already in and the power is in. He presented a proposed sketch plan of the development around the road already in place. Mr. Allen Webb spoke against the rezone. He said the area is already over built with rental property. There is constant trespassing on his property and people must think it is a public recreation area. He commented that after a while rental property needs repairs and after a few years they become a slum area. He asked that the request for R-3 that would add another 50 to 75 apartments be denied. Mr. Steve Rushing represented the developers. He remarked that most of the great numbers of building permits issued earlier this year were in this area because this is the area with the demand and the market. He said this is a convenient location for GSU students and gives them an alternative to living in dormitories or high rise apartments. He said there were no problems with meeting the conditions recommended by the Planning and Zoning Commission and the staff. The only one in question was the opaque fence. They feel that a fence or berm is not necessary because they plan to have brick homes with a nice looking subdivision. Mr. Rushing said the property is suitable for the proposed use and it is consistent with the Land Use Plan. He commented change to R-3 fits the needs of the neighborhood. He asked that the rezone request be approved. Mr. Walter Bird said his main concern was traffic. There is a tremendous amount of traffic on this small highway and adding another 250 – 300 vehicles is only going to add to the problem. He asked the request be denied. Commissioner Simmons said R-25 zoning is all around this area although there is some R-3 but he didn't see the need to change this property or any other property in the area. Commissioner Simmons offered a motion to deny the request. Commissioner

Jackson seconded the motion. In discussion Commissioner Thompson asked if this is denied, could any condition be imposed on the developer for the intersection. Mr. Couch said he didn't think there would be any grounds for that because a sketch plan for the R-25 plan was approved about a year ago. Commissioner Thompson said the point he wanted to make was that if R-3 is approved there could be a condition requiring a traffic study be done and also the developer could participate in sharing the cost in any changes required at the intersection. Commissioner Thompson questioned if it was more advantageous to leave the intersection as is or is it better to approve the R-3 with a condition for a traffic study and the developer bear a portion of the cost of the improvements for the intersection. The developer, Chris Dye, said everyone is concerned with the traffic and that was one reason the request for the commercial rezone was withdrawn. He said they planned a nice area with amenities and it will be well maintained by a homeowners association. The motion to deny the request carried. Commissioner Simmons, Commissioner Jackson, Commissioner Tankersley and Commissioner Rushing voted in favor of the motion. Commissioner Thompson and Commissioner Gibson opposed the motion.

Mr. Newman presented an application by Norfolk Southern Railroad requesting a rezone from Highway Commercial to Heavy Industrial on 2.67 acres located on Jimps Road next to Gateway Industrial Park. The intent of the rezone is to lease the property to Southeastern Aggregate, Inc to operate a rock, sand and gravel distribution business. He advised that the Planning and Zoning Commission recommended approval of the rezone request with conditions: (1) All building structures shall have exterior facades consisting of earth tone colors; (2) One unified ground sign with a landscaped base shall be permitted; (3) All driveway entrances shall have landscaped islands to be approved by the Zoning Administrator; (4) All access, driveway and parking areas serving the general public shall be paved; (5) All commercial solid waste containers shall be placed on a concrete pad and shielded from view with fencing or landscaping equal to the height of the container; (6) Any outdoor lighting shall be downcast and is to be of moderate brightness; (7) A storm water management plan showing off-site negative impacts shall be submitted for approval by the county engineer; (8) A visual screen shall be installed along with any adjoining property along the southern and eastern boundaries where an

HC zoning district exists to serve as a buffer, consisting of a continuous row of Leyland Cypress or similar plant material at least eight feet in height according to a plan to be approved by the Zoning Administrator. Mr. Jerry Brown was acting as agent. Mr. Brown said his intent was to put an aggregate yard on the property and stated he had spent about \$70,000 cleaning up from the old fertilizer plant before he knew it was not zoned as industrial. He asked the request be approved and said all conditions will be met. Mr. Couch advised the Development Authority had requested that the buffer of Leyland Cypress be extended to the other side (west side) of the railroad tracks and along the western property line. He said he presented this request for the Board's consideration. Mr. Brown presented pictures of another aggregate yard which he operates in Metter and explained his operation. Mr. Steve Rushing advised the property on the west side of the railroad tracks is actually owned by the Development Authority and if desired, the Authority or a future purchaser will plant a buffer of trees. He further stated that while the Authority has relaxed this condition on the west side of the railroad they do want the other screens and conditions in place. Commissioner Tankersley said this request for Heavy Industrial is in the midst of a Light Industrial zoned area and asked if a conditional use could be approved instead of a rezone to Heavy Industrial. Mr. Couch said he thought this type of use was only permitted in a Heavy Industrial zone. Mr. Akins said it could be restricted to this particular use. There was some discussion about what was permitted in Light Industrial zones and Heavy Industrial zones. Commissioner Simmons offered a motion to approve the rezone to Heavy Industrial with the conditions recommended by the Planning and Zoning Commission and the condition that it is be restricted to an aggregate yard (rock, sand and gravel distribution). Commissioner Jackson seconded the motion and it carried, unanimously.

Sign-in sheets for zoning matters are shown as exhibit #2007-37.

Chairman Nevil asked for other business or comments. Commissioner Tankersley offered a motion to adjourn the meeting. Commissioner Simmons seconded the motion and it carried, unanimously.