

April 4, 2006
Statesboro, GA

The Board met at 6:00 p.m. in the Community Room of the North Main Annex.

Chairman Nevil welcomed the guests and called the meeting to order. Commissioner Simmons 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 Gibson, Commissioner Jackson, Commissioner Simmons, Commissioner Smith, Commissioner Tankersley, Commissioner Thompson, Parliamentarian and Staff Attorney Jeff Akins, and Zoning Administrator Cheryl Tatum. County Manager Tom Couch and Deputy Clerk Regina Smith were absent.

Chairman Nevil said the Staff Attorney and County Manager have requested three changes to the General Agenda. First, to add as item #1 on the Zoning Agenda, a request for discussion and/or action on a proposed consent order between the Bulloch County Commissioners and Foresite, LLC; second, to add as item #5 for New Business, discussion and/or action for an appointment to the Coastal Georgia Regional Development Authority Center Historic Preservation Advisory Board; third, to add as item #6 for New Business, discussion and/or action to approve a resolution to waive county development fees for construction at Nevils Elementary School. Chairman Nevil asked if there were any other modifications to the General Agenda. Upon motion by Commissioner Jackson, seconded by Commissioner Simmons and carried, the Consent Agenda was approved with three changes as stated.

The first order of business was the approval of the regular minutes of the March 21, 2006 meeting. Upon motion by Commissioner Tankersley, seconded by Commissioner Gibson and carried, the minutes of the March 21, 2006 meeting were approved as presented.

Next item on the agenda was the Public Hearing for zoning matters. Chairman Nevil asked County Attorney Charles Brown to present the proposed Consent Order between the Board of Commissioner and Foresite, LLC.

Mr. Brown recalled the Board's denial of a request by Southern Link to locate a tower on the eastern extreme portion of the Dekle property and the Southern Link lawsuit

which followed. Southern Link contended that the County had to approve the site that had been proposed under the Telecommunication Act. The County answered that it had acted properly and suggested that there were alternate sites that would work and meet the requirements of the Telecommunication Act. Negotiations with Southern Link attorneys have prompted the tower site being moved substantially away from former location. He presented a proposed Consent Order which will result in a Judgment in the Court that the applicant for the tower will be able to locate the tower at this alternate site and will closeout the litigation. He commented that Mr. Roach, representing the neighbors, is aware of the Consent Order and offers no opposition to the site. He said that he and Mr. Akins recommend that the Commission pass a motion to authorize him on behalf of the County to sign the Consent Order. He presented a map showing the location of the proposed alternate site. Commissioner Smith offered a motion to authorize County Attorney Charles Brown to sign the Consent Order on behalf of the Commission. Commissioner Thompson seconded the motion and it carried unanimously. See exhibit #2006 -73

Chairman Nevil asked Ms. Tatum, Zoning Administrator, to present the zoning items.

Ms. Tatum said the first item was an appeal to a sketch plan request which was made by Southern Links Golf Club Inc. They submitted a sketch plan request to the Planning and Zoning Commission to divide parcels for development in what is known as Meadow Lakes Plantation. They proposed to divide 4.4 acres into six (6) separate parcels which changed to five (5) parcels at the Planning and Zoning meeting. Planning and Zoning recommended denial of the sketch plan. She advised that several people had spoken in opposition to this request at the Planning and Zoning meeting and several people were signed up to speak at this meeting. She said Mr. Lamar Reddick was the agent for Southern Links Golf Club. Mr. Reddick said the property is owned by Southern Links Golf Club, Inc. and is adjacent to Meadow Lakes Subdivision. He said they had proposed to call this Southern Links Golf Course phase 1, but Mr. Akins had recommended this be changed to the next phase of Meadow Lakes Plantation which would be phase 10. He commented that the property is zoned R-25 and they are asking for five (5) lots. He pointed out on the sketch plan that three (3) lots were located on

Golf Club Road and two (2) lots were located on Burkhalter Road. He discussed how golf tee boxes and greens on the golf course would be moved to accommodate these lots. He said the owners do not intend to close the golf course, simply upgrade it, change greens and tee boxes, and create five (5) additional lots. He added that these lots meet all zoning standards for R-25. These lots represent 3.3 acres out of a 140 acre tract. He called attention to the staff review. He said one stipulation from the staff was that this development be tied to a public water system which meets fire flow and commented on the staff recommendation for approval. He said based on the staff recommendation he would appreciate the Board's approval of these five lots in a R-25 zone.

Mr. Malcolm Bryant, attorney representing Southern Links, said the Commissioners had taken an oath to uphold the law and the zoning law governs this property. He said they were asking for five lots in a R-25 zone and people who are asking that this request be denied have no rights in these lots. He added the golf course could change the makeup of the course anytime they desire and this has been done in the past.

Mr. Reddick interjected that these lots will be under the same type covenants as Meadow Lakes and will be no different from Meadow Lakes.

Mr. Wallace Wright, attorney representing Cartee Enterprises, said Cartee Enterprises originally developed this property. He advised he was present to make sure there was no misunderstanding concerning the water system. He commented there has some representation that the Cartees were going to furnish water to these lots. He said there is no agreement that the Cartees will furnish water to this project. He said Southern Links Golf Club has been asked if they would present an overall proposal of what is planned, then consideration would be given to furnish water. He continued that the Cartees sold these lots with golf course frontage and it was never conceived that it would be changed.

Mr. Glen Tauton said he was most adversely affected by this request. He commented that only three people have signed up to speak but several other residents from Meadows Lakes were present. He said that when he bought his lot five years ago, he was sold a lot on the golf course. He commented that Mr. Cartee was opposed to furnishing the water based on two lots (lots 4 & 5) located on Burkhalter Road. He said

lots 1, 2, & 3 on Golf Club Road will not adversely affect anyone and there is no issue with these lots. He presented information of values of property fronting on golf clubs and said he presently has over 200 feet of frontage on a fairway and he was worried about the value of his house. He commented that if this request is granted, he would lose this frontage.

Mr. Bob Howell said he had nothing to add.

Chairman Nevil asked if any Commissioners had a question. Commissioner Thompson said he understood that all the lots were numbered at the origin of the golf course and asked if any additional lots were added during the time that the Cartees owned the property or later. Mr. Reddick said he thinks that his firm did all the surveying and they numbered the lots, beginning with lot 1 starting in phases and went through 9 phases. He said when this project was started he called it Southern Links phase 1. When someone questioned where is phase 2 and 3, his response was well this is the beginning. He said Mr. Akins and the county staff recommended the name be changed back to Meadow Lakes for safety purposes to prevent confusion.

Commissioner Smith asked if the owners considered a compromise to propose the 3 lots on Golf Club Road and not the other 2 on Burkhalter Road. Mr. Bryant said all the lots qualify for R-25 and that is what they want to do.

Commissioner Thompson asked how they propose to get water to the lots if the Cartees will not supply it. Mr. Bryant said they could build their own water system and sue the Cartees based on a contract they had with the Cartees to furnish water.

Commissioner Tankersley asked Ms. Tatum if she has had an opportunity to review the original subdivision plat submitted by the original owners and if so, has the golf course always been represented as a golf course and the other land represented as houses. Mr. Charles Brown responded that the county did not have zoning in 1986 but did have subdivision regulations. He presented a master plan and said in the original development of this property this master plan was submitted as the plan for the creation of this subdivision. He stated that the golf course as it now exists is essentially as represented on this 1986 plan and the lots created by Mr. Cartee are essentially as represented on this document. He said there are some minor variances and some

insignificant changes but if you took an aerial photograph of Meadow Lakes today, it would essentially look like the 1986 master plan.

Commissioner Smith offered a motion to deny the appeal of the sketch plan request. Commissioner Simmons seconded the motion. Mr. Brown commented on the County's Ordinance concerning sketch plan approval. He said section 6.1 provides that an immediate or major subdivision requires a community water supply and while this request is for only 5 lots it is part of a neighborhood of more than 100 lots and until the applicant demonstrates the availability of that water supply, the Commission would have no basis to approve the sketch plan. He pointed out 4.2.1 provides that if phase development is contemplated then a sketch plan for each phase will be required simultaneously. He said that this property consists of 140 acres and 5 acres or less are proposed for division into 5 lots, which will leave the Commission to guess what will happen to the other 135 acres. This does not meet the test for sketch plan approval. He called attention to section 5.1.3 for objective standards regarding sketch plan approval which says that existing and proposed uses of land throughout the subdivision must be disclosed, and that Ordinance is almost as if it was designed for this issue because these people thought they bought property adjacent to a golf course that is now about to no longer be a golf course. He said he would think the Commission, under this Ordinance, would anticipate some assurance from the applicant as to what is going to happen to the other 135 acres and he understood that information has not been presented. Motion to deny the appeal of the sketch plan request was unanimously carried.

Ms. Tatum presented a request from Dannie and Cynthia Lee and John Hagan for a text amendment to the Bulloch County Zoning Ordinance to allow a cottage industry in an AG-5 zone as a conditional use. She said the staff has included a R-80 zone as a conditional use for a cottage industry and there were other text amendments that are also included which Mr. Welch will address. Mr. Welch said the other amendments were for cleanup and clarification with no significant change to the Ordinance. Ms. Tatum clarified the reason for a cottage industry was that certain types of businesses do not qualify under a home occupation and people in these businesses have no choice but to obtain highway commercial property in which to operate. She said these are businesses where no customers come to the business site, such as plumbing and electrical

contractors. She said there was a complaint concerning one such business and staff suggested this text amendment to allow this type business only in certain zoning districts with large lots sizes, AG-5 and R-80.

Commissioner Smith asked how it distinguished which type of business needs a highway commercial or a cottage industry. Ms. Tatum said the number of employees, traffic to the business and the size of the building determines the difference, if a business has more than 6 employees or has traffic to and from the business or the building is over 1200 square feet, then they automatically have to go to a highway commercial district.

Commissioner Smith said some of these businesses would fit in an AG-5 zone but R-80 is a real subdivision. Ms. Tatum said she agreed and that the reason that a Cottage Industry would be a conditional use is so the Board could consider it on a case by case basis.

Commissioner Simmons offered a motion to adopt the Text Amendment. Commissioner Tankersley seconded the motion and it carried unanimously. See exhibit #2006 - 64.

Ms. Tatum presented a conditional use request by Dannie and Cynthia Lee for a Cottage Industry on 5.258 acres of property on Mill Creek Road. She said Mr. Lee started operating this business on his property a couple of years ago and after receiving a complaint, she had no option but to tell Mr. Lee that something had to be done. The Cottage Industry as a conditional use was the result. She advised that the Planning and Zoning Commission recommended approval of the conditional use request. She presented pictures of the building and residences on the property. She said one person has signed up to speak.

Mr. Lee said he didn't have anything to add. He added if the decision was not favorable, he would not have a problem in relocating his shop but it would be greatly appreciated if the request is approved.

Mr. J.L. Hinton spoke against the request. He said he lives down the road from Mr. Lee and he filed the complaint. He was concerned with the increased litter on the road, the unsightly conditions of the site, the traffic on the road and the fact that his employees ignore the speed limit and traffic signs. He remarked, for the interest of the

people in the neighborhood, especially the children, his request was for the conditional use to be denied.

Commissioner Jackson asked if this was a heavily populated area. Mr. Hinton said it was becoming more populated, and at present there are seven or eight houses congregated in this area. Commissioner Jackson asked if it would be fair to say Mr. Lee's employees cause all this activity. Mr. Hinton said no, not all of it, maybe 90%.

Ms. Tatum said she had been told the site was unsightly, but when she and Mr. Welch made an unannounced visit they did not find anything to substantiate this claim.

Commissioner Smith asked was there any recourse for complaints regarding Cottage Industries. Ms. Tatum said she could not think of anything other than a business license. Commissioner Smith asked some controls are needed and asked if a conditional use for a Cottage Industries be revoked. Mr. Akins said not the way the Ordinance is currently written. He added there are standards and they will have to comply with the standards.

Commissioner Thompson commented he had received calls, not about the business but about actions of the employees. Mr. Lee said he had spoke to his employees on several occasions.

Chairman Nevil said the issue was not pertaining to action of employees but pertaining to the use of the land.

Commissioner Tankersley offered a motion to approve the conditional use request for a Cottage Industry. Commissioner Simmons seconded the motion and it carried with a four to two vote. Commissioner Tankersley, Commissioner Simmons, Commissioner Jackson and Commissioner Thompson voted in favor of the motion. Commissioner Smith and Commissioner Gibson voted to oppose the motion.

Ms. Tatum presented a conditional use request by John and Sybil Hagan for a Cottage Industry for 5 acres on Mill Creek Road. She said there is little difference between this request and the previous request for Dannie Lee. She pointed out the locations of the Lee and Hagan property.

Commissioner Simmons offered a motion to approve the conditional use request for a Cottage Industry. Commissioner Jackson seconded the motion and it carried unanimously.

Commissioner Smith asked if both of these properties were zoned AG-5. Ms. Tatum said yes. Commissioner Smith said he would like the text amendment for a Cottage Industry to be revisited. He would move to take the R-80 zone out and only have it in AG-5. Mr. Akins said this amendment was advertised for a hearing and he thought it would be best to follow proper procedure and take it back through the Planning and Zoning Commission. Commissioner Smith said he had no problem with this procedure. The text amendment for a Cottage Industry will be brought back to the Board at the first meeting in May.

Ms. Tatum said Steve Rushing, as agent for William Roy Worthington, has filed an application requesting a rezone from AG-5 (Agricultural 5 acres) to R-40 (Residential 40,000 sq.ft.) on approximately 54 acres on the south side of Old Register Way. The intent of the rezone is to develop a residential subdivision. She called attention to the staff recommendations: (1) Obtain the right-of-way and pave Sam Tillman Road the entire length of the property to the closest paved road; (2) All dwelling units must be single-family detached dwellings consisting of traditional site built housing meeting state construction codes; (3) Only one access point to the subdivision on Old Register Way will be allowed. The access point on Sam Tillman Road shall be a minimum of 125 feet from the intersection with Old Register Way; (4) Prior to the submission of the preliminary plan to the Planning and Zoning Commission, the applicant, at their expense, shall submit a Level II Traffic impact study as recommended by 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 estimated AM (7:30-8:30) and PM (5:00-6:00) peak hour trip 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 the project build-out; (c) Intersection and Roadway Segment Analysis - Assess the need and provide cost estimates for any 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 widenings, 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 born by the developer.: (5) To enhance access management, all proposed lots should face to the internal roads within the subdivision. Driveways along Old Register Way and Sam Tillman Road from any building lot in the proposed subdivision will be prohibited; (6) 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; (7) The road at the end of Lots 42, 43 & 44 shall have a cul-de-sac with a 60' foot radius; (8) To minimize the impact on existing residents, the developer shall install a solid opaque fence or a landscape buffer along the length of the street along Sam Tillman Road behind the ROW 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 spaced 75' off center with evergreen hedges capable of growing up to 30" at maturity. The buffer shall be approved by the Zoning Administrator.

Ms. Tatum advised that the Planning and Zoning Commission approved the R-40 rezone request with the staff recommendation with the exception of #4 (the traffic study) and #7 (the cul-de-sac at lots 42,43&44). Ms. Tatum said the staff still recommends that both of these still be included. She presented a map and sketch plan showing the property.

Mr. Steve Rushing, representing Mr. Worthington, made the presentation for the rezone request. He said the only condition that gives this particular project a major problem is condition #1. He presented the initial sketch and pointed out that two entrances were proposed for the development, one from Old Register Way and one from Sam Tillman Road. He said they planned to pave Sam Tillman Road from the intersection with Old Register Way to the development entrance on Sam Tillman Road which is about 480 feet. He said the condition as worded required pavement of Sam Tillman Road beyond the entrance to the development for the entire length of the property. He continued that Mr. Worthington only owned property on one side of the

road and it would not be feasible to acquire the right-of-way to pave the road beyond the development entrance on Sam Tillman Road. He presented an alternative plan that would be to connect the roads within the development to the entrance on Old Register Way and not have access on Sam Tillman Road. He said their request was for approval of the R-40 rezone without condition #1, condition #4 and condition #7.

Commissioner Tankersley asked the reason for condition #7 (cul-de-sac). Ms. Tatum explained that was required for public safety. Mr. Rushing said they could deal with condition #7 but condition #1 was the main problem.

Commissioner Smith said several roads have been paved where the landowner on one side of the road gave the entire right-of-way so that the entire road could go on their side. Mr. Rushing said that involved some turning of the road.

Commissioner Tankersley commented on the alternate plan presented and asked if the only access would be on Old Register Way. Mr. Rushing said that was correct. Ms. Tatum said the staff had not reviewed this alternate plan and the staff always recommends two entrances to any subdivision for public safety purposes. She added that if Sam Tillman Road was not going to be accessed than two entrances, which meet the County Engineer's and the Public Safety Director's approval would have to come out on Old Register Way.

Chairman Nevil referred to the traffic study and said he hoped that they were aware of a nightclub on Old Register Way at the end of Sam Tillman Road. He said this club brings a lot of traffic at times and he thought a traffic study was not out of order. He added that the potential residents of this subdivision should be well aware that they are moving next door to a nightclub that is already there and which generates a lot of traffic and noise.

Commissioner Tankersley asked if two entrances on Old Register Way present a problem. Ms. Tatum replied that the main concern is the curve on Old Register Way and the staff has not had an opportunity to review this alternate plan.

Commissioner Tankersley offered a motion to approve the rezone request with staff recommendations #1 through #7, except that condition #1 will be changed to say that, at the sketch plan stage, they will give right-of-way on their side of Sam Tillman Road for any future paving and condition #3 will be changed to say that there will be two

entrances off Old Register Way with a looped road. Commissioner Gibson seconded the motion and it carried with a five to one vote. Commissioner Tankersley, Commissioner Gibson, Commissioner Thompson, Commissioner Jackson and Commissioner Simmons voted in favor of the motion. Commissioner Smith voted to oppose the motion.

Ms. Tatum presented an application from Cardell Dyches requesting a rezone from AG-5 (Agricultural-5 acres) to R-40 (Residential 40,000 sq.ft.lots) on approximately 2 acres located on Highway 24. The purpose of the rezone is to add another residence for his mother. Ms. Tatum advised that Mr. Dyches previously had a medical hardship variance approved for his parents. His father is deceased and his mother has remarried and moved off the property which nullifies the medical hardship variance. Ms. Tatum stated the mobile home remains on the property and the Zoning Ordinance requires it be moved thirty days after the medical hardship ceases. She located the property on the map and said all the surrounding area is zoned AG-5.

Mr. Dyches said he did have a hardship variance when his father was ill and his mother continued to live there after his father died but has now remarried and moved out. He said his mother is 85 years old and her husband is 84. He is in a dilemma not knowing how long his mother will live and if his step-father dies before she does, she will have no place to live. He added that they have tried to get his mother-in-law to move into the house but she is not ready. He said he didn't realize he was in violation of the Ordinance. He said his request is to have the property rezoned to allow him to maintain the mobile home, which is specifically designed for handicap use, for their parents to have a place to live when needed.

Commissioner Gibson offered a motion to grant the R-40 rezone request. Commissioner Jackson seconded the motion and it carried unanimously.

Ms. Tatum said that Wesley Parker, as agent for Clyde Perkins and Christian Bennett, has filed a rezone request from R-25 (Residential 25,000 sq. ft lots) to R-3 (Multi-family Residential) on 2.3 acres located on Burkhalter Road. The intent of the rezone is to develop townhomes. She said they are also appealing their variance request to the front setback requirements. She advised the Planning and Zoning Commission denied their entire request with an unanimous vote. She located the property on the map and presented pictures of the property.

Mr. Parker said they feel the best and highest use for this property is the townhouses. He reviewed current use of the property and said this project will improve this piece of property. He said the total project calls for 9 houses which will have a low impact and they will tie into an existing water system. He added they have hired a soil scientist and the onsite septic system will meet State specifications.

Mr. Allen Webb said he lives in this area and it is getting so overbuilt. He said a development in a R-25 zone which was supposed to be single family housing has turned into rental housing for multiple occupancy. He said he knows that the water table in the area is only about eight feet from the top of the ground. He added that he had about 15 acres of spring fed ponds with clean, healthy water which he did not want contaminated. His main concern is long term leakage from septic systems. He said he questioned the occupancy of these houses and how many residents will be in these nine houses. He asked that the rezone request be denied.

Mr. Al Rawls said he owns property adjacent to Mr. Webb and the area has improved with the development. He stated he had no problem with what was being proposed for this particular property.

Mr. Christian Bennett said there are three main questions that need to be answered; (1) does the development improve the property; (2) is the development consistent with surrounding development, (3) does it create quality housing. He said he thinks this development will be an overall improvement to the property and for the neighbors in the area. He asked that the rezone request be approved.

Ms. Tatum gave a history of the development in this area.

Commissioner Smith offered a motion to approve the R-3 rezone request with the following conditions recommend by the staff: (1) Should the R-3 alternative e approved, allow for residential development with an additional 10% bonus density to be granted, provided that at least one of the following conditions shall be applied with approved alternative: (a) A common interest element maintained by a homeowners association 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; (b) A common interest element maintained by a homeowners association 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 objective of county and state land conservation or preservation plans and programs; (c) A linkage to existing or planned public multi-use or bikeways route consistent with the County Greenways Master Plan; (2) All dwelling units must be single-family attached dwellings consisting of traditional site built housing meeting state construction codes.; (3) The developer shall submit an engineering plan at the time of a 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 eliminate parking spaces along the southern boundary of the property and install a solid opaque fence or a landscape buffer along the length of the northern 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 spaced 75' off center with evergreen hedges capable of growing up to 30" at maturity. The buffer shall be approved by the Zoning Administrator.; (5) The developer shall install a cul-de-sac at the end of the parking area with a 60 foot radius to enable emergency and service vehicles to turn around.; (6) A maintenance agreement will have to be signed for the road/driveway that will provide access to the buildings. Commissioner Simmons seconded the motion and it carried with a five to one vote. Commissioner Smith, Commissioner Simmons, Commissioner Thompson, Commissioner Jackson and Commissioner Tankersley voted in favor of the motion. Commissioner Gibson voted to oppose the motion.

Ms. Tatum said Wesley Parker, as agent for 4 Timberland Company and Jeffrey Wolfe, has filed an application requesting a rezone from R-80 (Residential 80,000 sq.ft. lots) to R-25 (Residential 25,000 sq.ft. lots) on 57.44 acres on Brooklet-Leafield Road. The intent of the rezone is to develop a residential subdivision. She advised that the Planning and Zoning Commission recommended approval with a five to one vote with conditions: (1) All dwelling units must be single-family detached dwellings consisting of traditional site built housing meeting state construction codes.; (2) Two ingress-egress points will be required to the proposed subdivision accessing Brooklet-Leafield Road with a looped road system to facilitate circulation and access for public safety vehicles to

facilitate response time.(3) Prior to the submission of the sketch plan to the Planning and Zoning Commission, the applicants, 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 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.; (4) The developer shall resubmit an engineering plan at the time of the 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.;(5) To enhance access management, driveways along Brooklet-Leefield Road from any building lot in the proposed subdivision will be prohibited. All approved residential lots shall have building structures facing internal roads within the subdivision.;(6) To minimize the impact on existing residents, the developer shall install a solid opaque fence or a landscape buffer along the length of the street along Brooklet-Leefield Road behind the ROW 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 spaced 75’ off center with evergreen hedges capable of growing up to 30” at maturity. The buffer shall be approved by the Zoning Administrator.

Mr. Parker said this is proposed for 47 single lots and said there are 21 acres of isolated wetlands on the property which means the Core of Engineers has no jurisdiction. He said a soil classifier marked the outline of the wetlands and he added a fifty foot buffer. He advised that once the wetlands were subtracted it leaves a density of 1.3 units per acre. He remarked this development follows the logical pattern of growth since it is right on the city limits of Brooklet. He advised the development will have traditional septic tanks with drain fields and water will be provided by a privately owned system or by the Town of Brooklet if approved. He addressed the concern about traffic and said they had performed an unofficial traffic study which shows the road can handle the traffic. He asked that the Board reconsider condition #4 for a Level II traffic impact study. He remarked that this development is consistent with other development in the area and asked for approval of the rezone request.

Ms. Tatum explained that condition #4 for a Level II traffic impact study was on the staff's recommendation and it was condition #3 on the Planning and Zoning Commission recommendations.

Commissioner Thompson offered a motion to approve the R-25 rezone request with all conditions recommended by the Planning and Zoning Commission except for the traffic study. Commissioner Jackson seconded the motion and it carried unanimously.

Sign-in sheets for zoning are shown as Exhibit 2006 – 65.

Under the Consent Agenda were the following items for consideration: (1) to authorize the County Manager to execute an Agreement with the Statesboro Convention and Visitors Bureau to allocate the hotel-motel tax proceeds for tourism related activities – see Exhibit #2006 - 66; (2) adopt a resolution for a technical amendment to the Bulloch County Personnel Policies – see Exhibit #2006 - 67; (3) to authorize the County Manager to issue a purchase order to CSI Software for a sole source procurement for hardware/software for financial accounting purposes at a cumulative amount of \$29,013.86; (4) adopt a resolution for “Fast Track” for four-laning of U.S. Highway 301 throughout Georgia from the border of South Carolina to Florida – see exhibit #2006 - 68; (5) authorize the County Manager to issue a purchase order with Taylor and Associates for ten (10) new tables at Splash in the ‘Boro. Commissioner Simmons

offered a motion to approve the Consent Agenda. Commissioner Smith seconded the motion and it carried unanimously.

An item of Old Business was a Resolution to condemn parcels on W.D. Peacock Road, Lake Collins Road and Bowen Road. Chairman Nevil remarked that the County had been unable to obtain all the right-of-way for the Lake Collins Project which necessitates condemnation. Commissioner Tankersley offered a motion to adopt the Resolution to proceed with condemnation. Commissioner Simmons seconded the motion and it carried unanimously. See exhibit # 2006 - 69

First item of New Business was discussion and/or action regarding the purchase of software upgrades for Human Resource function from CSI at a cost of \$18,651.80. Chairman Nevil asked Kymberly Kuebler to present this item. Ms. Kuebler said this upgrade would interface with the current payroll system and gave a list of benefits of having this personnel function. Commissioner Jackson offered a motion to approve the purchase of the software upgrade for Human Resources. Commissioner Gibson seconded the motion and it carried unanimously.

The next item under New Business was the approval of the purchase of an irrigation control system update for Mill Creek Regional Park from Ewing, Inc. at a cost of \$55,605. Chairman Nevil asked Mike Rollins to present this item. Mr. Rollins gave a history of the current irrigation system at Mill Creek and the problems experienced over the last ten years. He explained the advantages of the proposed system. Commissioner Thompson offered a motion to approve the purchase of the irrigation control system for Mill Creek Park from Ewing, Inc at a cost of \$55,605. Commissioner Gibson seconded the motion and it carried unanimously.

The next item under New Business was discussion and/or action to authorize the Chairman to execute an intergovernmental agreement with municipalities for distribution of SPLOST proceeds. Chairman Nevil asked Jeff Akins to present this item. Mr. Akins advised this agreement is between the county and all the municipalities. He said several meetings have been held and this agreement, in principle, has been agreed to by all parties. He explained the time line dictates that the resolution calling for the SPLOST referendum be on the agenda for April 18th if it is to be on the July 18th ballot. He said the law requires the intergovernmental agreement to be adopted prior to the resolution

calling for the referendum. Mr. Akins advised the estimated total amount for the referendum is \$71,000,000. He said the allocations were basically based on population. He reviewed some of the priority projects and estimated costs. Commissioner Tankersley offered a motion to authorize the Chairman to execute the Intergovernmental Agreement with the municipalities. Commissioner Simmons seconded the motion. In discussion Commissioner Smith remarked he hated to see almost \$20,000,000. spent on jails, police cars, etc., while spending less than \$3,000,000 for recreation in the entire county. He added recreation is not recognized as a city/county project but the majority is in Statesboro. He said he thought recreation should have been funded at a higher level and it will be over seven years before another SPLOST referendum. Motion to authorization execution of the Intergovernmental Agreement carried with a six to one vote. Commissioner Tankersley, Commissioner Simmons, Commissioner Gibson, Commissioner Thompson, and Commissioner Jackson voted in favor of the motion. Commissioner Smith voted to oppose the motion. See exhibit #2006 – 70.

The next item under New Business was the appointment to the Coastal Georgia Regional Development Center Historic Preservation Advisory Board. Chairman Nevil asked Commissioner Gibson to comment this item. Commissioner Gibson said he has spoken with Mr. Bobby Smith who has agreed to serve on this Advisory Board. Commissioner Thompson offered a motion to appoint Mr. Bobby Smith to the Coastal Georgia RDC Historic Preservation Advisory Board. Commissioner Gibson seconded the motion and it carried unanimously.

The next item under New Business was a resolution to waive county development fees for construction at Nevils Elementary School. Chairman Nevil asked Mr. Akins to present this item. Mr. Akins said it was his understanding that the Board of Education has petitioned the county to waive the development permit fees for construction of the Nevils Elementary School. Commissioner Tankersley offered a motion to adopt the Resolution to waive the development fees for construction at Nevils Elementary School as recommended by the County Manager. Commissioner Gibson seconded the motion and it carried unanimously. See exhibit #2006 – 71.

Another item for discussion and action was to authorize the County Manager to proceed with lease purchase financing for the jail. Mr. Nevil asked Mr. Akins to present

this item. Mr. Akins said he and Mr. Couch had met with Roger Murray, a bond lawyer in Atlanta. The request is for authorization to proceed with a lease purchase type arrangement to finance the construction of the jail as outlined in Mr. Couch's letter dated March 30th. That arrangement could be entered into prior to the SPLOST referendum and he thought Mr. Couch feels that this is an essential project that has to be done. The idea is to pay it back with SPLOST proceeds and under the agreement it could be paid early instead of going the entire term. He asked for approval of the Resolution authorizing the engagement of Roger Murray to act as bond counsel for this transaction. Mr. Akins reviewed Mr. Murray's fees. Commissioner Simmons offered a motion to adopt the Resolution to authorize the County Manager to engage Roger Murray to act as bond counsel. Commissioner Jackson seconded the motion and it carried unanimously. See exhibit #2006 – 72.

Chairman Nevil asked for any written comments, comments from the public or comments from the staff or commissioners.

Upon motion by Commissioner Simmons, seconded by Commissioner Jackson and carried, the meeting was adjourned.