

August 1, 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. County Manager Thomas Couch 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 Smith, Commissioner Tankersley, Commissioner Thompson, County Manager Tom Couch, Parliamentarian and Staff Attorney Jeff Akins, Deputy Clerk Regina Smith, and Zoning Administrator Cheryl Tatum. Commissioner Jackson and Commissioner Simmons were absent.

Chairman Nevil asked for a motion to approve the General Agenda. Commissioner Thompson offered a motion to approve the General Agenda. Commissioner Smith seconded the motion and it carried unanimously.

The first order of business was the approval of the minutes of the regular meeting on July 16, 2006. Commissioner Tankersley offered a motion to approve the minutes of the regular meeting on July 16, 2006. Commissioner Thompson seconded the motion and it carried unanimously.

Next item on the agenda was the Public Hearing for zoning matters. Chairman Nevil asked Ms. Cheryl Tatum, Zoning Administrator, to present the zoning items.

Ms. Tatum stated that Paul Delevis, as agent for The North Congregation of Jehovah's Witness, has submitted an application to the Bulloch County Zoning Department requesting a rezone from R-40 (Residential-40,000 sq ft) to NC (Neighborhood Commercial). The intent is to be able to operate a church on the property. The property consists of 1.078 acres and is located on Doy Lanier Road. The Planning and Zoning Commission recommended approval of the rezone request with the following conditions: (1) sufficient right-of-way along Doy Lanier Road from Miller Street Extension must be acquired and dedicated to Bulloch County with paved access to property. Access along Veterans Memorial Parkway will be prohibited; (2) installation of a minimum 25' wide landscape buffer along the length of the street along Veterans Memorial Parkway behind the ROW is required. This can be accomplished by: a)

installing a landscaped berm and/or evergreen hedge combination; or, b) installing native grown 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 actual buffer used shall be approved by the Zoning Administrator prior to installation; and (3) only one monument sign consisting of a brick, stone, stucco or masonry base and supports will be allowed along Veterans Memorial Parkway; only one monument sign will be allowed along Doy Lanier Road at or near access point of the property; one way finding sign will be allowed on Doy Lanier Road at Miller Street. All signage must meet county code compliance. No one signed up to speak on the request. Mr. Joe Waters was present to make the presentation.

Mr. Waters stated that the church was still trying to acquire the right-of-way from the surrounding landowners. Mr. Couch stated according to condition #1, the applicant must obtain right-of-way from Miller Street, along Doy Lanier Road to the parcel of land. With there being a hurdle to acquire the right-of-way from the surrounding property owners, he suggested amending condition #1 to read as follows: "the applicant shall be given one (1) year from the date upon which the rezoning is approved to make road improvements along Doy Lanier Road from Miller Street Extension to the proposed entrance of the property in a manner satisfactory to the County staff. Such methods may include, but not be limited to (a) acquisition and dedication of sufficient right-of-way with pavement improvements meeting adequate county or other engineering standards, (b) the use of an alternative improvement or dirt road stabilization methods such as open-graded cold mix provided it meets adequate county or other engineering standards. If such actions have not been taken within the specified time frame, the subject property shall revert to the preceding R-40 residential district."

Ms. Tatum stated the applicant wanted to go ahead and get the building permit and start building the church and working on the road at the same time. She asked was it possible to go ahead and get the building permit. Mr. Couch stated the road issue needed to be worked out before issuing the building permit.

Commissioner Tankersley offered a motion to approve the rezone request along with the conditions with condition #1 amendment. Commissioner Gibson seconded the motion and it carried unanimously.

Ms. Tatum stated that Steve Rushing, as agent for Lloyd Jr. & Lavinia Hollingsworth, has submitted an application with the Bulloch County Zoning department for a rezone from AG-5 to R-25(Residential 25,000 sq feet). The intent is to divide the property into approximately 91 lots for residential use. The property consists of 95.8 acres and is located on Mill Creek Road. The Planning and Zoning Commission unanimously recommended denial of the rezone request. Two people signed up to speak on the request. Mr. Rushing was present to make the presentation.

Mr. Rushing stated that the sketch plan has been revised from R-25 to R-40. The sketch plan accommodates 63 lots instead of 91 lots.

Mr. Lovett Bennett spoke on behalf of surrounding property owners who are against the rezone. There are several issues they have concerning this rezone: the close proximity of the subdivision to the airport, the number of lots, wetlands, preservation of small family farms, sewage/water table, property not consistent with usage, no buffer/vegetation to adjoining property owners, and some of the septic tanks will be within 90 feet of a pond. For these reasons, he asked the Board to deny the request.

Commissioner Thompson asked if any mounds will be used for the septic tanks. Mr. John Dotson stated that it depended on the soil type. Certain standards that are required will be met.

Commissioner Thompson asked Mr. Bennett his opinion on how much area around the airport should be restricted if within an AG-5 zone. Mr. Bennett stated that he did not know the answer to that question. A pilot would be the best person to answer it.

Mr. Couch stated that the airport is in the process of obtaining an Airport Overlay Plan to decide issues such as this.

Commissioner Smith stated that arrivals and departures of planes would go over this property. Some airports are closing because of noise abatements. If the airport closed because of this, the County would have to pay back all monies that the Federal government has spent on it and that figure is in the millions.

A gentleman spoke about the concern of manufactured homes being placed out there.

Commissioner Thompson offered a motion to approve the rezone request to R-40 with the condition that only stick built homes are placed in the subdivision. The motion

died for a lack of a second. Commissioner Tankersley offered a motion to deny the rezone request. Commissioner Gibson seconded the motion and it passed with a vote of 3 to 1. Commissioner Thompson opposed the motion.

Ms. Tatum stated Eric Graul, as agent for Howard Price, has submitted an application with the Bulloch County Zoning Department for a conditional use request to place a telecommunications tower on 1.227 acres of the property. The property consists of approximately 87.7 acres and is located on Old River Road. The Planning and Zoning Commission unanimously recommended approval of the conditional use request. Two people signed up to speak on the request. Mr. Jonathan Yates from Hargray Wireless was present to make the presentation. He stated that better coverage was needed from 301 North in the Clito area to Sylvania. All the requirements on the Federal level and in the county tower ordinance have been met and exceeded.

Mr. Bill Spradley spoke against the request. He stated that his property value would decrease. He would like the area to remain AG-5.

Ms. Tracie Smith spoke in favor of the request.

Commissioner Tankersley asked if the balloon test was performed. Mr. Graul stated that the test was performed.

A business partner with Mr. Graul spoke about scouting for a location. Bulloch County has a limited amount of areas to place a tower. This certain location was a great spot. A few more places were found but the company wasn't able to secure a lease from those property owners.

Commissioner Smith offered a motion to approve the conditional use. Commissioner Gibson seconded the motion and it carried unanimously.

Ms. Tatum stated Mr. David Mincey has submitted an application with the Bulloch County Zoning Department requesting a conditional use to place additional warehouses on the property. The property consists of 2.83 acres and is located on Highway 80 East. The Planning and Zoning Commission recommended approval of the conditional use request with the following conditions: (1) no additional access driveways along US 80 East or Burkhalter Road shall be permitted unless approved by the GDOT or the County Engineer; (2) installation of a landscape buffer along the length of Highway 80 East behind the ROW is required. This can be accomplished by: (a) installing a

landscaped berm and/or evergreen hedge combination which should be a minimum of 8' high at installation; or (b) installing native grown 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, or (c) installation of a continuous row of Leyland Cypress with a minimum height of 6' at installation. The actual buffer used shall be approved by the Zoning Administrator prior to installation; and (3) only one monument sign consisting of a brick, stone, stucco or masonry base and supports identifying the property will be allowed along Highway 80 East. All signage must meet county code compliance. No one signed up to speak on the request. Mr. Mincey was present to make the presentation.

Mr. Mincey stated that he had a problem with condition #2. He would like for the front area to remain clear of trees so that deputies can see onto the property to monitor any activity going on at night. He asked that no time limit be placed on him for building the extra buildings. Currently, he expands based on demand.

Ms. Tatum stated the main corridors into Statesboro are having conditions placed on them for aesthetic reasons. She explained that one of the three choices under condition #2 must be done.

Commissioner Smith asked if he had a master plan in place for the time frame of adding buildings and the number of buildings he will add. Mr. Mincey stated that the sketch before the Board is the plan. He plans only adding half of the building now and expanded it later in the future.

After a few minutes of discussing the aesthetics of the property, Commissioner Thompson offered a motion to approve the conditional use with the conditions stated above along with the conditions of the warehouse being unison in design, staying within a time frame of one year plus two extensions, and working with KBB for landscaping. Commissioner Gibson seconded the motion and it carried unanimously.

Ms. Tatum stated Neil M and Mary S. Casey have submitted an application with the Bulloch County Zoning Department requesting a conditional use to operate a church. The property consists of 4.69 acres and is located on Highway 24 East. The Planning and Zoning Commission unanimously recommended approval with the following conditions: (1) compliance with parking requirements must be provided to the Zoning Administrator;

and (2) no day care or similar facility may be established without a new conditional use permit. No one signed up to speak in opposition to the request. Mr. Casey was not present to make the presentation.

Ms. Tatum stated there is a church already operating in this building on the property. Mr. Casey was not aware that he needed a conditional use to operate the church in the zoning district that he was in.

Commissioner Tankersley offered a motion to approve the conditional use request with the conditions stated above. Commissioner Thompson seconded the motion and it carried unanimously.

Ms. Tatum stated that a text amendment was needed concerning the definition of a farm winery. Three people signed up to speak on the request. Mr. Jeff Akins, Staff Attorney, made the presentation to the Board.

Mr. Akins stated the text amendment is to make a farm winery a conditional use in an AG-5 area. At the moment, it is a permitted use. This issue is the definition of a farm winery. The text amendment is to further define the winery. Mr. Akins read the proposed definition of a farm winery. He also discussed the complementary uses that a conditional use permit could be issued for. The uses would be allowed based on whether the Board thought it would be suitable for the property. Each individual application would stand on its own. Commissioner Thompson asked about the difference between a farm winery and a commercial winery. Mr. Akins stated that a farm winery is established under Georgia code. They have to grow a certain amount of produce they use to produce the wine on their property or by other agricultural producers. Commercial wineries do not grow the produce on the property.

Mr. Lovett Bennett spoke on behalf of the surrounding landowners who were against this text amendment. He went over the state code definition for a farm winery and pointed out that their code does not include different uses for a winery. He stated that complementary uses for a winery should be issued as conditional uses on individual cases. The complementary uses touch on commercial or retail businesses.

Mr. Leon Reed signed up to speak but passed.

Mr. Gerald Edenfield spoke on behalf of Mr. Kenneth Meindhart, owner of the farm winery. He pointed out that the state ordinance does not limit the uses for a winery.

Mr. Meinhardt's winery complies with all regulations. Wineries are becoming a tourist attraction in communities and having different amenities added to the property could boost the local economy. Mr. Edenfield stated that something needs to be placed on wineries to attract people there. Georgia law says you have tasting rooms and other to make it more attractive and more financially viable.

Commissioner Thompson asked that if this is approved, would each one of these complementary uses be brought before the Board one at a time as a conditional use. Mr. Akins stated they could be or someone could place several uses on one application. It's up to the Board to determine in each individual instance what would be appropriate at that location. Commissioner Thompson stated that back in 2002, the farm winery was presented as a place to go out and have a quiet evening drinking wine with cheese and watching the sunset. He asked were all the other items needed in order to make it profitable. Mr. Bennett stated that by adding the complementary uses to the text amendment, one is getting beyond what a winery is. The ordinance needs to be broad enough to cover the subject but not broad enough to permit a lot of different things in there.

Chairman Nevil asked if the complementary uses are permitted right now without changing the ordinance. Ms. Tatum stated that they were not permitted. No public or private facilities are allowed in an AG-5 zone, except for a principal dwelling.

After a few more minutes of discussion, Commissioner Smith offered a motion to approve the text amendment. Commissioner Tankersley seconded the motion and it carried with a 3 to 1 vote. Commissioner Thompson opposed the motion. See exhibit #2006 – 121.

Ms. Tatum stated that Kenneth Meinhardt has submitted an application with the Bulloch County Zoning Department. The intent is to operate a farm winery as a conditional use. The property is located on Kennedy Pond Road and consists of 105 acres. The Planning and Zoning Commission unanimously recommended approval of the rezone request. Several people signed up to speak on the request. Mr. Gerald Edenfield was present to make the presentation.

Mr. Edenfield stated that the Chamber of Commerce, Visitor and Convention Bureau, and the Development Authority are in support of the winery. All criteria for a

winery are being met. There are over 6,500 gallons of wine produced every year. He owns 105 acres of land and has 7 acres of produce. Mr. Edenfield showed slides of the property. Mr. Meinhardt would like to put a bed-n-breakfast, event center, chapel, and another home on the property. Because of the time frame once a building permit is issued, he would like to first place an event center on the property. It will help the community, the tax base, and the winery to become a better place. Mr. Meinhardt stated that the event center is being built for weddings and receptions. Two events were cancelled at the last minute because of rain.

Ms. Joy Welcker spoke in favor of the request.

Mr. Lovett Bennett spoke against the request. He stated that Mr. Meinhardt needed to weigh the benefits of the profits he will make versus the burdens of his surrounding neighbors. There is a small lane that runs into this property. If all of the complementary uses are placed on this property, access to this property must be satisfied. The essential area is agriculture and family residents. That is the way it was pitched to the Zoning Commission but now it is expanding into a retail establishment. These additional facilities will increase the traffic. The additions to the winery will adversely affect the property values of the families that live around the winery.

Mr. Leon Reed spoke against the request. He has lived in that area for 30 years. He stated he turned in a petition from people who lived within a one mile radius that were against this request. He spoke about the noise and traffic on the property.

Ms. Joyce Reed spoke against the request. She agreed that the winery is a decent place but there are some visitors who are not quiet. She went over the count of cars heading toward the property between time periods. She also spoke about seeing and hearing intoxicated people. She also is concerned for the safety of the kids in the area.

Mr. Chris Buford signed up to speak against the request but passed.

Mr. Russ Tillman spoke against the request. He discussed the lack of access to the property.

Mr. Bennett stated that this was a great idea for the winery but just in the wrong place. What is out there they can survive with. All the additions and making it more retail and commercial is not conditioned to a family environment.

Mr. Edenfield reiterated that the winery is a very nice place to go. It's a place where people can sit and enjoy themselves. He understands the traffic situation but he tries to control it the best he can. Public roads are built for the public to travel on. One cannot restrict traffic because taxpayers pay taxes so everyone can use the roads to get to different places. Mr. Meinhardt stated that the easement by Mr. Reed to property is currently blocked by posts. A road out to the side is what they actually use. Ms. Tillman agreed to a property swap so the easement from Mr. Reed didn't have to be used. She discovered she couldn't do it because there was no quitclaim deed between her and her former husband. As far as the music, he stated that if they play beyond the courtyard, then they are too loud. He goes to the vineyard to listen for the music to make sure it's not loud. They are in the process of establishing a public entrance to the property.

Commissioner Tankersley asked what would be the hours of operation for the event center. Mr. Meinhardt stated that most weddings start around 6 pm but the facility will close at 11:00 pm. He stated that they are not there to build a restaurant. He would like to handle food for weddings and different events but he doesn't want to open a restaurant.

Commissioner Thompson asked the people that live within a one mile radius of the winery who weren't in favor of the request to stand up. He stated that several issues needed to be worked out before making a decision. The issue of gaining access to the property must be worked out.

After a few minutes of discussion, Commissioner Tankersley offered a motion to defer the decision until the 1st meeting in September. Commissioner Thompson seconded the motion and it carried unanimously.

Sign-in sheets for zoning issues are shown as Exhibit #2006 – 122.

Under the Consent Agenda were the following items for consideration: (1) a purchase order to the Valk Manufacturing for 700 motorgrader blades in the amount of \$17,591; (2) a letter of engagement with Thigpen, Lanier, Westmorland and Deal for the FY 2006 audit – see exhibit #2006 - 123; and (3) board appointments – Ms. Susan Radovich and Ms Kathy York to the Pineland MH/MR/SA Board. Commissioner Gibson offered a motion to approve the Consent Agenda. Commissioner Tankersley seconded the motion and it carried unanimously,

There were no items under Old Business.

First item under New Business was an amendment to the alcoholic beverage ordinance. The amendment will establish a license for farm wineries. The license allows a farm winery to engage in retail sale of wine by the package, retail sales of wine and malt beverages for consumption on the premises, and wholesale sales of its own wine. Commissioner Tankersley stated that "malt beverages" should be removed from the wording. A farm winery should sell wine only. Commissioner Tankersley offered a motion to approve the amendment to the ordinance concerning farm wineries with the removal of "malt beverages". Commissioner Thompson seconded the motion and it carried unanimously. See exhibit #2006 - 124.

Next item under New Business was a resolution to amend the schedule of fees and charges to include an annual license fee for farm wineries. The annual fee will be \$2,250. Commissioner Gibson offered a motion to approve the resolution. Commissioner Tankersley seconded the motion and it carried unanimously. See exhibit #2006 - 125.

Next item under New Business was a resolution to adopt the 2006 millage rate for Bulloch County at 8.63 mills. Commissioner Smith offered a motion to deny the millage rate and stated that the county needs to take the necessary steps to balance the budget. This motion died for a lack of a second. Commissioner Tankersley offered a motion to approve the 2006 millage rate. Commissioner Thompson seconded the motion and it carried with a 3 to 1 vote. Commissioner Smith opposed the motion. See exhibit #2006 - 126.

The last item under New Business was a discussion of a finance committee. Mr. Couch stated that the county financial policies call for a Finance Committee consisting of the Chairman, County Manager and Chief Financial Officer. This committee will monitor the audit process and make recommendations on audit and finance issues. An ex-officio member is recommended in the event of an absence by the Chairman. Commissioner Smith offered a motion to nominate Commissioner Gibson to be the ex-officio member. Commissioner Tankersley seconded the motion and it carried unanimously.

Chairman Nevil asked for any public comments or staff comments.

Mr. Couch stated that the idea of consolidating banking services for the county will be discussed at the next workshop.

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