

February 1, 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 Tankersley 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 and Staff Attorney Jeff Akins.

Chairman Nevil asked for changes or modification before approval of the General Agenda. Mr. Couch requested one (1) change to the General Agenda: add as item 2 under New Business the re-appointment of the Planning and Zoning Commission members. Commissioner Thompson said he had received some comments about the Board adjourning to another room for an Executive Session and then coming back into session for the Public Hearing for Zoning. He would like consideration for having the Executive Session, when needed, after the Public Hearing. Positioning of an Executive Session on future agendas will be considered. Commissioner Gibson offered a motion to approve the General Agenda as amended. Commissioner Jackson seconded the motion and it carried, unanimously.

The next item of business was the approval of the minutes of the workshop held on January 10, 2007, the regular meeting held on January 16, 2007, the Executive Session held on January 16, 2007 and the workshop held on January 16, 2007. Chairman Nevil asked for any corrections or additions to the minutes. Clerk Evelyn Wilson said Ms. Brown's first name on page four of the minutes of the regular meeting on January 16, 2007 was incorrect and would be corrected. Commissioner Tankersley offered a motion to approved the minutes of the workshop on January 10, 2007, the regular meeting on January 16, 2007 as corrected, the Executive Session on January 16, 2007 and the workshop on January 16, 2007. Commissioner Simmons seconded the motion and it carried, unanimously.

The Consent Agenda had one item for consideration: a License Agreement with Georgia Southern University for use of the university's soccer fields and track facilities by the Recreation Department. (See exhibit #2007-9) Commissioner Simmons offered a motion to approve the Consent Agenda. Commissioner Jackson seconded the motion and it carried, unanimously.

An item of new business was a contract with Peek Pavement Markings for road safety enhancement on various roads at a cost of \$87,400. Chairman Nevil asked Mr. Couch to present this item. Mr. Couch referenced a memorandum from the County Engineer that advised that the Department of Transportation had approved spending up to \$100,000 on this project. He said the County Engineer and Road Superintendent recommended the additional funds be applied to improving Cypress Lake Road from the city limits to Brannen Road or however far the additional money would allow. Commissioner Tankersley offered a motion to approve the bid of \$87,400 from Peek Pavement Markings for road safety enhancement on various roads. Commissioner Simmons seconded the motion and it carried, unanimously. There was discussion of the use of the additional funds from the Department of Transportation. It was decided to use the additional funds for improvement on Cypress Lake Road as recommended and to negotiate the price for these improvements with Peek Pavement Markings. The Purchasing Policy will be followed for change order procedures.

Mr. Couch asked County Engineer Kirk Tatum to discuss Ponderosa Road. Mr. Tatum said a meeting with property owners was held in 1994. He said as he remembers there was a petition signed by 100% of the property owners to pave the road from Highway 25 to Oak Grove Church Road. The Department of Transportation performed the survey and 30%-40% of the property owners changed their mind about giving right-of-way after they saw the survey. Mr. Tatum said there was some discussion at that time to pave the road to a pond dam that is part of the road. The County and the Department of Transportation had a problem with the pond dam because converting the pond dam meant moving the road which really impacted another property owner. It was decided that situation would never be resolved and the next idea was to pave the road to Johnson Grove Church. Mr. Tatum advised that there was at least one property owner who is unwilling to give the right-of-way to pave the road to the church. He said right-of-way

deeds were never prepared and a new survey will have to be done considering the length of time that has expired. Commissioner Simmons said when the survey was presented the property owners changed their minds when they saw the amount of land needed for the 80' right-of-way. Commissioner Jackson asked what would be the safety factors with a 60' right-of-way. Mr. Tatum said that lately the county has been doing some 60' right-of-way but he was not sure whether this road was a local road or a collector road on the transportation plan. He advised that 60' road paving is funded 100% by county funds with no participation by the Department of Transportation. Mr. Couch said if it is impossible to get right-of-way short of condemnation to pave the road from Highway 25 to Oak Grove Church Road that almost eliminates it from being a collector road. Mr. Couch recommended consideration of a survey for a 60' right-of-way to Johnson Grove Church. This recommendation was accepted and staff will proceed in that manner.

The next item was consideration of re-appointments to the Planning and Zoning Commission. Chairman Nevil asked Mr. Couch to present this item. Mr. Couch advised that the three people whose terms are expiring have agreed to be reappointed. Commissioner Simmons offered a motion to reappoint Mr. Ray Mosley, Ms. Jeanne Marsh and Mr. Ernest Lee to the Planning and Zoning Commission. Commissioner Jackson seconded the motion and it carried, unanimously.

An item of Old Business was discussion of bids for the proposed renovations for the Public Service Center. Chairman Nevil asked Mr. Couch to present this item. Mr. Couch said that the Board cannot legally consider the proposal presented by Brad Williams of Dabbs-Williams Contractors concerning a construction management method without going through an additional solicitation for proposals. He recommended that all bids for the renovation be rejected and consideration be given for demolition of the remaining portion of the old hospital building. Commissioner Tankersley offered a motion to reject all bids for renovation of the Public Service Center. Commissioner Simmons seconded the motion and it carried, unanimously.

Chairman Nevil asked for public comments. Mr. Mooney Hill and his wife, Mrs. Lily Hill, of 5063 Maria Sorrell Road advised the Board of the conditions of Maria Sorrell Road. Ms. Hill said the road was so horrible she could not get out today and last month the mail wasn't delivered for four days. She said everyone was getting stuck due

to the condition of the road. Mr. Hill said the road is fairly bad but there is one section of about 1000 feet long that is giving everybody problems. He said if something can be done about that section, it would be a big help. Mr. Hill said that Mr. Tatum has been very cooperative when called and the county crews have tried to do the best they can. He said this past Friday the county crew worked on the road so it was travelable but Saturday night people in four-wheel drive trucks tore up the road. Road Superintendent Eddie Smith discussed attempts to build up the road. Chairman Nevil said attempts to improve the road will continue to be made.

Chairman Nevil asked for staff comments. Mr. Couch advised of a meeting at the Bulloch County Center for Agriculture beginning at 8:00 a.m. on Tuesday, February 20th. He said this meeting will be an agriculture forecast for 2007 and Mr. Wes Harris of the Bulloch County Extension has requested that some elected officials attend. He said Tuesday, February 20th is a regularly scheduled meeting for the Board of Commissioners and asked if the Commissioners wanted to consider changing the Board meeting date. Commissioner Tankersley offered a motion to change the second Board meeting in February from Tuesday, February 20th at 8:30 a.m. to Wednesday, February 21st at 8:30 a.m. Commissioner Simmons seconded the motion and it carried, unanimously.

Chairman Nevil said that an Executive Session was needed to discuss personnel matters. Commissioner Jackson offered a motion to go into Executive Session to discuss personnel matters. Commissioner Thompson seconded the motion and it carried, unanimously. See exhibit #2007-10.

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

Chairman Nevil asked Ms. Christy Strickland, Zoning Administrative Assistant to present the zoning items.

Ms. Strickland said Wendell C. Hodges is requesting a conditional use to operate a church on 1.5 acres located on Burkhalter Road. Mr. Christopher Leverett is acting as agent. She reminded the Board that this request was deferred at the January 2nd meeting.

She said the Planning and Zoning Commission had approved the Conditional Use Request with conditions: (1) all access and parking shall be paved and shall meet county parking standards; (2) there shall be one ground sign allowed meeting Bulloch County standards installed with a landscaped base approved by the Zoning Administrator; (3) no billboards shall be permitted on the property; (4) a 200 linear feet, 15 feet in width, of right-of-way along the portion of the property adjacent to Burkhalter Road to accommodate future roadway and access improvements. Mr. Leverett distributed a copy of a confirmation of intention by Mr. Wendell Hodges and Ms. Mary Joe Hicks agreeing to conditions recommended to facilitate the approval of the conditional use request. He pointed out the location of the 1.5 acres on the corner of Highway 67 and Burkhalter Road. He presented a copy of the master plan for the project. The plan is to build the ministry headquarters on the 1.5 acres and to purchase an additional five acres to build a sanctuary. He commented on the present entry points to the property from Highway 67 and Burkhalter Road and gave plans for future entry points from Highway 67 and Burkhalter Road. Commissioner Tankersley referred to the curb cut on Highway 67 and asked if the Department of Transportation still considered this as a viable access for a project such as this which could involve a lot of traffic in and out. Mr. Leverett said he didn't know because he has yet to meet with the Department of Transportation to see what will be allowed. Commissioner Simmons asked if they intend to comply with any changes required by the Department of Transportation. Mr. Leverett said yes, their alternate plan was to create a lane to access Highway 67. Commissioner Simmons offered a motion to approve the Conditional Use Request with conditions as stated. Commissioner Tankersley seconded the motion and it carried, unanimously.

Ms. Strickland said Mr. Brad Martin has submitted an application requesting a conditional use for multiple businesses on property consisting of 2 parcels totaling 3.4 acres located on Highway 80. She advised the Planning and Zoning Commission recommended approval with no conditions. Mr. Couch said the staff has some concerns with the use of the property because it is difficult to establish if the activities on the property are appropriate for a Highway Commercial Zone. He said some clarification of the business is needed. Mr. Martin said at this time he wasn't conducting any business on the property and Mr. Mock, who was conducting a business, left the property after the

Planning and Zoning Commission meeting. He said he owned the equipment and dump trucks on the property. Mr. Couch asked if Mr. Mock was actually running a business when the application was filed with the Planning and Zoning Commission. Mr. Martin said yes, Mr. Mock was running a business at that time. Mr. Couch recommended that this application be deferred for one month to allow time to confer with Mr. Martin on clarification of the present use of the property and future intended use of the property. Commissioner Tankersley offered a motion to defer the conditional use request until the first meeting in March. Commissioner Simmons seconded the motion and it carried, unanimously.

Ms. Strickland said Mike Henderson, Mary Foreman, Jimmy Wise and Mark Wise have submitted an application requesting a rezone from R-80 (residential 80,000 square feet) to R-25 (residential 25,000 square feet). The intent of the request is to divide the property into 42 lots. The applicants are also requesting a rezone of 4 acres to HC (Highway Commercial). The intent of the HC is to build a convenience store. The property consists of 5 parcels totaling 19.9 acres located on Cypress Lake Road and Old Riggs Mill Road. She advised that the Planning and Zoning Commission recommended denial of the request. She said Mr. John Dotson was acting as agent. Two people signed up to speak in opposition to the request and three people signed up to speak in favor of the request. Mr. Dotson presented a plan of the proposed subdivision and convenience store. He pointed out that property on the right side of the plan was previously rezoned to R-25 and the sketch plan for that development had been completed when the other two adjoining parcels became available. He said there were others present to speak on the project. He requested that the people who opposed this request be allowed to speak and the remainder of his time be used later. Chairman Nevil said each person would be allowed to speak for five minutes. Ms. BeBe Starling said her family had resided on the corner of Cypress Lake Road and Cypress Lake Drive since 1988. She said Cypress Lake is a residential, family neighborhood. She remarked that Cypress Lake is not the pond it once was. The lake, as well as the residences around it, has been upgraded. Residents of the community know their neighbors. She said with only residential traffic they feel it is safe to walk or ride bicycles. She offered five points for consideration: (1) Cypress Lake is a residential community with traditional homes, permanent neighbors, a

safe atmosphere; (2) commercial businesses belong on a major thoroughfare; (3) trucks belong in a truck stop; (4) creation of low rent housing in the community will ruin the current and potential beauty of the homes around Cypress Lake and lower property values; (5) a convenience store in this community is a crime waiting to happen; keep commercial where it belongs. She added the location is environmentally wrong because the water table in the community is already stressed. Ms. Starling's time expired. Mr. Elgerine Dixon said he has lived at Cypress Lake since 1953 and has seen all the growth from Cypress Lake to Statesboro. He stated they were not opposed to a R-80 but a R-25 will put more congestion on the road. He said he also had a major concern with water levels. Deep wells in the area have had to be lowered even deeper. He said they were definitely against the convenience store, especially the location of the store which is on a blind curve. He said there were already 135 mobile homes pulling water from the ground and this plan would be put 60-70-100 more homes across the road. He asked the Board to deny the request. Mr. Dotson remarked that the proposed plan called for a nice residential neighborhood of 45-50 lots with stick built homes. Mr. Joey Maxwell referenced Mr. Dixon's comment on traffic congestion and said the staff had recommended a condition for a traffic study and a signalization study for the intersection of Old Riggs Road and Cypress Lake Road. He said these studies have been performed. He distributed a copy of the studies and outlined how the studies were conducted. He stated that all of the warrants for a traffic signal were not met and a traffic signal is not recommended as a result of the study. He said he didn't feel the traffic would be a concern compared to engineering guidelines. He referred to the staff conditions and said they agreed with all of the conditions for R-25 with exception of the condition pertaining to a deceleration lane along Cypress Lake Road. He stated they do not disagree that a decel lane would be warranted but they would like to have the condition reworded to conform to the specific detail in the Georgia D.O.T. manual. He also referenced the staff conditions for the HC zoning request and said again they would like to have the condition for the decel lane reworded. He remarked that they agreed with the staff conditions for HC with the exception of item 3. He offered wording to clarify the requirements of that condition. An additional time of five minutes was allotted for each side of the request. Ms. Laura Marsh said the reason for the R-25 request was to

allow for more flexibility. She remarked this is not a case of spot zoning because part of this subdivision is already zoned R-25. She remarked that convenience stores can be artistically built to fit into neighborhoods. She presented letters of support from Willette Wilds and Wayne Hall. See exhibit #2007-11. She also presented a "Petitioners' Statement of Constitutional Challenges". See exhibit #2007-12

. Commissioner Tankersley asked how many lots were in the section already zoned R-25. Mr. Dotson advised that 13 lots were planned in this section. Commissioner Tankersley verified that the total maximum number of lots for the entire development was 42. Mr. Dotson said that the 42 lots were a concept. Mr. Danny Woodrum said that this project fits into the overall plan for development. It is surrounded by residential development and will be an advantageous project for the county. Ms. Starling resumed her comments. She again commented on the water table and said another great concern was the effect that the placement of gas tanks could have on the water quality. Another water concern was the wet lands and the question of would this land be suitable for septic tanks. She asked that the rezone be for residential only. Mr. Dixon discussed the history of land and said all members of the family were not in favor of this rezone. Mr. Mike Henderson, the developer, commented on natural barriers and plans to enhance buffers. Commissioner Tankersley asked the developer the price range of homes to be built. Mr. Henderson said homes would be in the price range of \$150,000. Mr. Couch said there were several conditions for both the rezone requests and he thought it would be best to deal with each rezone request separately. Mr. Akins said the requests were in one application and could be handled in one motion; however separate motions might help to clarify the conditions. Mr. Couch said the original recommendation for the R-25 rezone request was for a R-40 rezone by the staff; however the Board maintains the discretion to approve R-25. He outlined conditions for a R-40 rezone or a R-25 rezone if approved. He stated the staff recommendation was denial of the HC rezone request. He also outlined conditions for the HC rezone if approved.

Commissioner Thompson offered a motion to approve the R-25 rezone request with the following conditions: (1) while any lot can meet the minimum lot-size requirement of 25,000 square feet in the R-25 zoning district, the maximum number of lots in this subdivision shall not exceed forty-seven (47); (2) 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 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 d); (c) a county maintained street light district; (d) a common interest element maintained by a homeowner 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.), conservation easement or greenspace area that is consistent with the goals and objectives of county and state land conservation or preservation plans and programs; (3) all dwelling units shall consist of traditional site built construction meeting state building codes, manufactured housing shall be prohibited; (4) to enhance access management, all approved residential lots and structures shall access internally to new roads built within the subdivision, no driveway access shall be permitted on Cypress Lake Road or Old Riggs Mill Road; (5) if the proposed internal roadway system is proffered by the applicant 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; (6) maintain the current natural buffer along Old Riggs Mill Road with no cut of buffer to be put in property deeds; (7) 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; (8) to construct a cul-de-sac on the internal road between lots 1 & 27 to minimize curb cuts on Cypress Lake Road; (9) a deceleration lane will be installed according to the results of a traffic study performed by a professional engineer licensed in the state of Georgia, if warranted the deceleration lane will be constructed in accordance with GADOT guidelines and detail depicted in detail "A" displayed in figure 4-5 titled "Connecting Driveways with Curb

and Gutter to Rural Sections” which is found in Chapter 4 of the Georgia Department of Transportation Regulations for Driveways and Encroachment Control Manual, all safety or directional signs and pavement markings shall follow the MUTCD. Commissioner Jackson seconded the motion and it carried, unanimously.

Commissioner Simmons offered to approve the Highway Commercial rezone request with conditions: (1) all building structures shall have exterior facades consisting of earth tones colors made of brick, stone, masonry, hardi-plank or stucco (or EIFS), pre-engineered metal siding will be permitted only on walls not readily visible from the road; (2) one unified multi-tenant ground sign consistent with the architectural design of the principal structure with a landscaped base, and one separate wall sign for each business will be permitted. One additional ground sign will be permitted for gasoline pricing information; (3) landscaping will be provided near the radius of the drive entrances; (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 deceleration lane will be installed according to the results of a traffic study performed by a professional engineer licensed in the state of Georgia, if warranted the deceleration lane will be constructed in accordance with GADOT guidelines and detail depicted in detail “A” displayed in figure 4-5 titled “Connecting Driveways with Curb and Gutter to Rural Sections” which is found in Chapter 4 of the Georgia Department of Transportations Regulations for Driveways and Encroachment Control Manual, all safety or directional signs and pavement markings shall follow the MUTCD. (8) all loading spaces (except for gasoline pumps) should be at the side or rear of the buildings to enhance internal circulation; (9) all driveways, curb-cuts must be a minimum of 100’ from the intersection; (10) a storm water management plan showing no off-site negative impacts shall be submitted for approval by the county engineer. Commissioner Jackson seconded the motion and it carried, unanimously.

The Public Hearing was concluded. Sign-in sheets for zoning matters are shown as exhibit #2007-13.

With no further business or comments, the meeting was adjourned.