

July 6, 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, County Manager Tom Couch, Parliamentarian and Staff Attorney Jeff Akins, Deputy Clerk Regina Smith, and Assistant to Zoning Administrator Christy Strickland.

Chairman Nevil asked for a motion to approve the General Agenda. Mr. Couch stated that pending litigation needed to be added to Executive Session. Commissioner Jackson offered a motion to approve the General Agenda with the one change. Commissioner Simmons seconded the motion and it carried unanimously.

The first order of business was the approval of the minutes of the regular meeting on June 20, 2006. Commissioner Simmons offered a motion to approve the minutes of the regular meeting on June 20, 2006. Commissioner Gibson seconded the motion and it carried unanimously.

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

Ms. Strickland stated Skip Evans, as agent for Christine Thackston, has filed an application for a conditional use of a Transfer Station (a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation). The property consists of 171.81 acres and is located on Clito Road. The Planning and Zoning Commission unanimously recommended denial of the rezone request. The staff would recommend approval of the conditional use in the Heavy Industrial Zone with the following conditions: (1) no solid waste shall be collected at this transfer station from companies other than the company located on this property; (2) buffers that meet the minimum requirements of Section 407 of the Bulloch County

Zoning Ordinance shall be installed around all property lines of 25 foot; (3) a streetscape or buffer should be installed along the frontage of the property with a minimum six-feet in height, which 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; (4) to facilitate traffic flow on Clito Road during peak periods, installation of an improved (minimum) 125 foot long right-turn decel lane and a 75 foot long right-turn departure taper with a nine-foot offset and land separation striped shall be required. GDOT standards are acceptable; (5) customer and employee parking should be located to the rear of the building; (6) one freestanding sign for advertising the business will be allowed pursuant to the Bulloch County Sign Ordinance and shall have a landscaped base and be setback at least ten (10) feet from the right-of-way; (7) any outdoor lighting for parking or security shall be shielded and directed to avoid illuminating adjacent properties; (8) solid waste shall be confined to the interior of transfer stations and not allowed to scatter to the outside. Waste shall not be allowed to accumulate and floors shall be kept clean and well drained; (9) sewage solid shall be excluded from transfer stations; (10) rodents, insects and other such pests shall be controlled; (11) any contaminated runoff from washwater shall be discharged to a wastewater treatment system and before final release, shall be treated in a manner approved by the Division; and (12) hazardous waste: no person owning or operating a transfer station shall cause, suffer, allow or permit the handling of regulated quantities of hazardous waste. Ms. Karye Evans was present to make the presentation.

Ms. Karye Evans stated that she wished to withdraw her application for the transfer station. She wants to be a part of this community but doesn't want to cause any hostility with anyone.

A few citizens made a few comments about protecting the neighborhood and the environment. Chairman Nevil explained that in 6 months, Ms. Evans could re-apply for the conditional use request.

Commissioner Jackson offered a motion to deny the conditional use request. Commissioner Tankersley seconded the motion and it carried unanimously.

Commissioner Thompson stated that the area needs to be looked into being rezoned from Heavy Industrial.

Ms. Strickland stated that Deanna Easton has submitted an application with the Bulloch County Zoning department for a rezone from AG-5 to R-40(Residential 40,000 sq feet). The intent is to build a residence for her father who has several medical conditions and needs assisted living. The property is located on Deloach Church Connector and consists of 5.0 acres. The Planning and Zoning Commission unanimously recommended denial of the rezone request. No one signed up to speak in opposition to the request. Ms. Easton was present to make the presentation.

Ms. Easton stated that there would be two houses on the property. Her daughter would live in the house that's already there being remodeled and her father would live in the house she is trying to put on the property. He has several medical problems and currently, she is the closest relative living near him. Ms. Easton stated that she wished to request the property be rezoned to R-80 instead of R-40.

Mr. Howard Luna spoke against the request. He felt his property would decrease in value and he doesn't see a reason for splitting the property.

Commissioner Thompson offered a motion to approve the rezone request to R-80 with the condition that only a stick built home is placed on the property. Commissioner Tankersley seconded the motion and it passed with a five to one vote. Commissioner Smith opposed the motion.

Ms. Strickland stated Don Marsh, as agent for Robert A. Prosser, has submitted an application with the Bulloch County Zoning Department for a conditional use request for an agricultural grass airstrip. The property consists of approximately 96.08 acres and is located on Highway 24. The Planning and Zoning Commission unanimously recommended approval of the conditional use request with the following conditions: (1) the maximum number of crop dusters for operations shall be limited to two; (2) there shall not be any hazardous or business related chemicals stored on the property; (3) operations shall be limited from daylight to dusk; and (4) prior to establishing operations, proof to the zoning administrator that the pilots and operations are properly registered with state and federal authorities shall be submitted. No one signed up to speak in opposition to the request. Mr. Prosser was present to make the presentation.

Mr. Prosser stated that it was a private airstrip for family use. Currently there is an airstrip on the property but they have to dodge the farm animals when using it. Commissioner Jackson asked if there were any stipulations for an airstrip. Mr. Couch stated that Mr. Prosser must meet FAA regulations. As far as he knew, there were no state regulations to comply with.

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

Ms. Strickland stated Allen Blanchette, as agent for Mrs. Emmitt Lee, has submitted an application with the Bulloch County Zoning Department requesting a conditional use for multiple uses consisting of a restaurant, tackle shop, and a thrift shop. The property consists of 0.376 acres out of 279.17 and is located on Highway 24 and Clito Road. The Planning and Zoning Commission recommended approval of the conditional use request with the following conditions: (1) driveways must be realigned and offset from the intersection a minimum of 125' linear feet and/or according to GDOT and county standards, whichever is more restrictive; (2) all new structures must be placed on permanent foundations and must be site built with three sided facades (except for the rear) consisting of brick, stone, masonry wood or stucco to be approved by the zoning administrator; (3) any additional freestanding signage shall be limited to one monument based sign similar and uniform in architectural style with the new buildings. A signage plan shall be approved by the zoning administrator; (4) all access and parking surfaces shall be paved and where proper drainage is necessary curbed and guttered subject to the approval by the county engineer. No one signed up to speak on the request. Mrs. Lee was present to make the presentation.

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

Ms. Strickland stated Dwayne Conner, as agent for Greg Finch, has submitted an application with the Bulloch County Zoning Department requesting a conditional use to operate a sporting clay range. The property consists of 294.00 acres and is located on Rocky Ford Road. The Planning and Zoning Commission unanimously recommended

approval with the following conditions: (1) hours of operation shall be from daylight until 11:00 PM; (2) the applicant shall demonstrate to the approval of the Zoning Administrator the following: (a) the design of the outdoor firearms target range shall be compared by the applicant with any applicable published guidelines of the National Rifle Association; (b) an outdoor firearms target range and any firing stations shall be located a minimum of 250 feet from any “residential lot line”, unless all firing would occur within a completely enclosed resistant building. Clay pigeon shooting shall be directed away from homes and streets; (c) an outdoor firearms target range shall be properly posted from the street and along the property boundary every 500 feet; and (d) there shall be no weapons discharged on Sundays until after 12 PM. No one signed up to speak in opposition to the request. Mr. Conner was present to make the presentation.

Mr. Conner stated he had no problem with the conditions placed on him. The reason the time was extended to 11 pm instead of dusk is because during the winter time, dusk is around 6 pm. Also, it would give the people who work until the evening hours a chance to get to the range for a little while.

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

Ms. Strickland stated that Rachel Edwards, agent for Ronald W. Wise, has submitted an application with the Bulloch County Zoning Department to rezone from R-80 (Residential-80,000 sq ft) to AG-5. The applicant is also requesting a conditional use request. The intent of the rezone and conditional use request is to operate a borrow pit on the property. The property consists of 19.17 acres and is located on Old Riggs Mill Road. Planning and Zoning Commission unanimously recommended approval of the rezone and conditional use request with the following conditions: (1) wetlands will need to be delineated in order to avoid impacting the wetland area; (2) EPD will be required; (3) a twenty-five foot (25’) buffer along Old Riggs Mill Road will be required; and (4) this cannot be used as an inert landfill. No one signed up to speak on the request. Ms. Edwards was present to make the presentation.

Ms. Edwards stated that the area was being excavated to sell the dirt and eventually a pond will be put in place.

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

Ms. Strickland stated that Robert H. & Carol A. Morris have submitted an application with the Bulloch County Zoning Department requesting a rezone from HI (Heavy Industrial) to R-80 (Residential-80,000 sq feet). The intent of the request is for resale purposes. The property is located on Busch Road and consists of 2.30 acres. The Planning and Zoning Commission unanimously recommended approval of the rezone request. No one signed up to speak on the request. Mr. Morris was present to make the presentation.

Mr. Morris stated the property was inadvertently zoned to HI when zoning regulations were initiated in 1994. He needs it rezoned back to R-80 for resale purposes.

Commissioner Tankersley offered a motion to approve the rezone request. Commissioner Simmons seconded the motion and it carried unanimously.

Ms. Strickland stated that Hayward Fields, as agent for Burnice Johnson, has submitted an application to the Bulloch County Zoning Department requesting a rezone from AG-5 to R-80 (Residential-80,000 sq feet). The intent is to divide the property. They have also submitted a conditional use to operate a church. The property consisted of 10 acres and is located on Old Groveland Road. The Planning and Zoning Commission recommended approval of this rezone request. No one signed up to speak on the request. Mr. Fields was present to make the presentation.

Mr. Fields stated they would like to remodel the church but a rezone was needed in order to obtain a loan from the bank.

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

Ms. Strickland 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. Delevis was present to make the presentation.

Mr. Delevis stated they have no problem with meeting conditions #2 and #3. They have not met condition #1 yet because the family that owns the surrounding property is still in discussions concerning granting a right-of-way. Mr. Delevis stated that when this application was brought before the Board a few years ago, there were no conditions placed on them. After a few minutes of discussion, it was suggested that this application be deferred for 30 days to give the applicant and the family more time to negotiate the right-of-way. Commissioner Thompson offered a motion to defer this rezone for 30 days until the next night meeting in August. Commissioner Tankersley seconded the motion and it carried unanimously.

Ms. Strickland stated that John Callaway, as agent for Roy Callaway, has submitted an application to the Bulloch County Zoning Department requesting a conditional use to operate a paintball business on the property. The property consists of 5.01 acres and is located on a private road off Kendricks Road. Planning and Zoning recommended denial of the conditional use request. Three people signed up to speak on the request. Mr. Callaway was present to make the presentation.

Mr. Callaway stated he would like to open a paintball recreational business here in Statesboro. There are no close facilities nearby and kids play this sport in their backyards because of this. According to statistics, paintball is among the safest sports to play. All safety precautions will be taken to protect the customers and the surrounding landowners. Pictures were shown of the property from different angles.

Commissioner Jackson asked Mr. Callaway to explain the nature of the game. He also asked what would be the minimum age of the participants. Mr. Callaway stated that according to his insurance, the minimum age would be 12 years old.

Ms. Mary Callaway addressed some of the issues that neighbors were having. She stated that no more than 10 vehicles at a time would be using the road. The field would only be opened on the weekends. There would be no parking along side the road or on other people's property. No bodily harm would come to participants or animals that are in the area. Her husband will be there most of the time helping to supervise the activities. The noise made by the guns is a small popping sound.

Ms. Sandra spoke against the request. She has been living in the area for years. She doesn't want to see a business put in the middle of the neighborhood. The location is off from the main road down a private road. She was also concerned for the protection of the farm animals in the vicinity.

Mr. Richard Sikes spoke against the request.

Commissioner Jackson offered a motion to deny the conditional use request. Commissioner Tankersley seconded the motion and it carried unanimously.

Ms. Strickland stated that John Dotson, as agent for M&M Investments, has submitted an application to the Bulloch County Zoning Department requesting a rezone from R-80 (Residential-80,000 sq ft) to R-25 (Residential-25,000 sq ft). The intent of the rezone is to develop a residential subdivision. The property consists of 17.2 acres and is located on Cypress Lake Road. The Planning and Zoning Commission recommended with a four to two vote approval of the request with the following conditions: (1) at least one of the following amenities shall be installed by the applicant: a) a pedestrian sidewalk system within the development, b) a streetscape consisting of i) a landscaped berm and/or evergreen hedge combination; or ii) non-ornamental canopy trees (maple, dogwood, oak, etc.) with a minimum 4" caliper spaced 75' off center in combination with evergreen

hedges capable of growing up to 30” at maturity. 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.), conservation easement or greenspace area that is consistent with the goals and objectives of county or state land conservation or preservation plans or programs; (2) base flood elevation shall be determined; (3) no access will be allowed on Cypress Lake Road – internal access only; and (4) a dry hydrant should be provided with a 30 foot easement between lots #8 and #9 for the county to access. No one signed up to speak on the request. Mr. Dotson was present to make the presentation.

Mr. Dotson stated that each lot would average between 28,000 – 32,000 square feet. There are 12 to 13 usable lots according to the plat. A good portion of the property is located in wetlands so that area will be set aside for walking trails. Also, a water system will be provided that will meet fire flow. Mr. Ted Wynn explained the difference between a dry hydrant and a wet hydrant. A representative from M&M Investments spoke about the hydrants. After a few minutes of discussion, Commissioner Thompson offered a motion to approve the rezone request with the conditions stated above. Commissioner Tankersley seconded the motion and it carried unanimously.

Ms. Strickland stated that Olan and Diane Blair have submitted an application to the Bulloch County Zoning Department requesting to rezone from HC (Highway Commercial) to R-80 (Residential 80,000 sq ft). The intent is to rezone to a residential zoning district for resale of the property. The property consists of 4.50 acres and is located on B.L. Kendricks Road. The Planning and Zoning Commission unanimously recommended approval of the rezone request. No one was signed up to speak on the request. Mr. Blair was present to make the presentation.

Mr. Blair stated the HC zone restricted them from receiving loans from banks. When the property was bought, there were no zoning regulations. Once zoning was established, his property was rezoned to HC.

Commissioner Tankersley offered a motion to approve the rezone request. Commissioner Smith seconded the motion and it carried unanimously.

Sign-in sheets for zoning issues are shown as Exhibit #2006 – 106.

Under the Consent Agenda were the following items for consideration: (1) a resolution authorizing acceptance of various subdivision roads; (2) a capacity agreement for indigent defense services with the Ogeechee Public Defender's Office; and (3) a capacity agreement for housing prisoners with the Georgia Department of Corrections. Commissioner Smith asked that each item be discussed separately.

Concerning the resolution for subdivisions roads, the developers of White Oak Estates have requested that the County accept dedication of and title to the roads within the subdivision. Mr. Tatum and Mr. Smith have inspected the roads and determined that they comply with all applicable County requirements. Commissioner Smith expressed concerns over the roads being torn up before the development is fully built out. He felt the developers should carry the cost of maintaining the roads until all phases are fully built out. The County should look into this situation. Commissioner Tankersley offered a motion to approve the resolution. Commissioner Jackson seconded the motion and it carried unanimously. See exhibit #2006 - 107.

The capacity agreement with the Ogeechee Public Defender's office is renewed annually. The County will budget \$300,000 in the event that additional services carry costs. The basic services cost is budgeted at \$262,210.80 per the agreement. Commissioner Jackson offered a motion to approve the agreement. Commissioner Simmons seconded the motion and it carried unanimously. See exhibit #2006 - 108.

The capacity agreement with the GA Department of Corrections is renewed annually. The County is reimbursed \$20 per day per State inmate up to 147 prisoners per day. Commissioner Smith stated that he would like to see the agreement with the Dept of Corrections dropped for good. The cost it takes to house the inmates does not equal up to the dollar amount the State reimburses the County back with. He also expressed his feelings about the lack of skilled labor among the inmates. Commissioner Smith offered a motion to deny the agreement with the GA Dept of Corrections. The motion died for a lack of second. Mr. Couch explained the reasons for why the County should not abruptly disrupt the agreement and shut down the Correctional Institute. After a few minutes of

discussion, Commissioner Tankersley offered a motion to approve the agreement. Commissioner Simmons seconded the motion and it carried with a five to one vote. Commissioner Smith opposed the motion. See exhibit #2006 - 109.

Under Old Business was a resolution to adopt the 2006 – 2007 General Appropriation Budget. Commissioner Gibson offered a motion to approve the resolution to adopt the 2006 – 2007 General Appropriation Budget. Commissioner Thompson seconded the motion and it carried unanimously. See exhibit #2006 - 110.

First item under New Business was a discussion about accepting roads in subdivisions. Commissioner Smith asked if the Planning and Zoning Commission could look into an amendment of the subdivision road ordinance to address the concerns of the developer maintaining the roads during build outs phases. Commissioner Smith offered a motion for the Planning and Zoning Commission to look into amending the subdivision road ordinance. Commissioner Jackson seconded the motion and it carried unanimously.

Next item under New Business was a discussion about the Correctional Institute. Mr. Couch stated that a feasibility study could be performed to see the effects of ceasing operation of the facility and replacing inmate labor with paid labor from employees. Commissioner Smith offered a motion to proceed with a feasibility study. Commissioner Simmons seconded the motion and it carried unanimously.

Chairman Nevil asked for any public comments or staff comments.

Chairman Nevil stated that a memorial ceremony will be held for the troops at Mill Creek Park on July 16 at 4:30 pm. Also, the City of Statesboro is holding their annual Peanut & Watermelon Festival next Friday from 10 to 2.

Chairman Nevil stated an executive session was needed to discuss personnel matters and pending litigation. Commissioner Smith offered a motion to go into Executive Session to discuss personnel matters and pending litigation. Commissioner Simmons seconded the motion and it carried unanimously. Commissioners Gibson, Jackson, Simmons, Smith and Thompson voted in favor of the motion. See exhibit #2006 - 111.

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