

June 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 Smith 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 Thompson, County Manager Tom Couch, Parliamentarian and Staff Attorney Jeff Akins, Deputy Clerk Regina Smith, and Zoning Administrator Cheryl Tatum. Commissioner Tankersley was not present.

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

The first order of business was the approval of the minutes of the regular meeting on May 16, 2006 and Public Hearing on May 16, 2006. Commissioner Gibson stated that a correction was needed to the public hearing minutes. The date of the ballot needed to be changed from July 19 to July 18. Chairman Nevil stated that on the last page of the regular minutes, "Georgia Power right-of-way" needed to be changed to "DOT right-of-way". Commissioner Gibson offered a motion to approve the minutes of the regular meeting on May 16, 2006 and Public Hearing on May 16, 2006 as amended. Commissioner Simmons 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 Jim Anderson, as agent for Rolando Parrando has filed an application with the Bulloch County Zoning Department to appeal for an extension of time to complete the preliminary plat that has been previously submitted. The property contains 17.94 acres and is located on Old Riggs Mill Road. Sketch Plan approval was received in 2000. They had 18 months to obtain Preliminary Plat approval which they did not do. The Planning and Zoning Commission unanimously recommended denial of the appeal. Ms. Tatum stated that Mr. Parrando wishes to withdraw his appeal request.

Ms. Tatum 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-foot 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 regulate quantities of

hazardous waste. Several people signed up to speak on the conditional use request. Ms. Tatum stated that Ms. Thackston asked for this matter to be deferred for 30 days. They are in the process of obtaining more information about the proposed design capacity, operations and potential off-site impacts. Everyone that has signed up to speak can still do so tonight but the decision will not be made until the next time the item is heard again. Ms. Thackston was present to make the presentation.

Ms. Thackston stated that she wanted to move her operation to this area. She wants to provide a transfer station to just “transfer” trash, not keep trash. Approximately 20 – 25 trips per day will be made to the transfer station. Everything will be kept clean and tidy and no work will be performed after 6 or on Sundays. The facility will be back off the road through pecan trees.

Commissioner Jackson asked if this was the same site that Grinnell disposed of the waste. Ms. Thackston stated that it was not the same site but the old site was nearby.

Mr. Mike Olvery spoke against the conditional use request. He owns Brooks Pondhouse. He stated there were a few problems with the location of the facility. They cannot use a septic tank drain field. The storm runoff will be detrimental. The building will border wetlands. He does not mind the station but not close to the river.

Ms. Carolyn Hunter spoke against the conditional use request. She spoke on behalf of the members of Hope Baptist Church. They do not know the full impact it will have on the area and would like more information on that. Also, they feel the station should not be placed in a populated area.

Reverend J.D. Turner spoke against the conditional use request. He spoke on behalf of Clito Baptist Church. The area is becoming more populated and they would like to see the area kept as close to residential as possible.

Mr. Bill Spradley spoke against the conditional use request. He owns the property next to Brooks Pondhouse. He stated that everything watersheds to his property. He does not believe that this transfer station is a clean business. He stated he does not want to see this facility go there and he will sue the County if need be.

Mr. Buford White spoke against the conditional use request. He was there representing an adjacent land owner. His concern was with additional traffic, rodents, noise from equipment, and the environmental impact. He personally went to their present

location and observed their procedures and noticed that there was no pad for the waste to go on. Everything was going straight into the ground.

Ms. Mattie White spoke against the conditional use request. She spoke on behalf of several people and they did not want to see the transfer station at this location.

Mr. Frank Shilling spoke against the conditional use request. He stated he has a problem with the existing facility. There have been several times when he has stopped trucks because of debris flying out the back riding down Main Street. He also supports the same concerns everyone else has expressed. He also feels that Maria Sorrell Road is not built for heavy traffic.

Commissioner Thompson asked if the area was presently zoned for Heavy Industrial. Ms. Tatum stated that it was zoned for Heavy Industrial. Commissioner Thompson asked Ms. Tatum to read from the ordinance everything that can be placed in a Heavy Industrial zone without the applicant having to come before the Board.

Commissioner Thompson offered a motion to table the conditional use request for 30 days until the July 6 meeting. Commissioner Gibson seconded the motion and it carried unanimously.

Ms. Tatum stated that Sam DiPolito, as agent for William G. Neville, has filed an application with the Bulloch County Zoning department for a rezone from HI (Heavy Industrial) to AG-5. The intent is to place a residence on the property. The property is located on Maria Sorrell Road and consists of 21.0 acres. The Planning and Zoning Commission unanimously recommended approval of the rezone request. No one signed up to speak in opposition to the request. Mr. Dipolito was present to make the presentation.

Mr. DiPolito stated that Mr. Neville wants to build a house in this area but was told he had to get a rezone.

Commissioner Smith stated that this could present a problem. They could easily apply for another rezone in the future.

Mr. Couch stated that consideration may be needed to rezone that whole area back to AG-5 if there will be no more industrial businesses in that area.

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

Ms. Tatum stated James L. and Deborah Walker have filed the application with the Bulloch County Zoning Department for a variance to be allowed to use a well for their new residence instead of tapping into a non-existent water system. The property consists of approximately 30.86 acres and is located on Amanda Drive. The Planning and Zoning Commission unanimously recommended approval of the variance request. No one signed up to speak in opposition to the request. Ms. Walker was present to make the presentation. Ms. Tatum stated that a water system was to be put in by developers for the surrounding area but that may be a year or two from now.

Ms. Walker stated there are ponds and wetlands surrounding their property. They do not plan on subdividing the property. Ms. Walker felt that her property shouldn't have the requirements of tapping into a water system because a development was occurring around her property.

Commissioner Thompson offered a motion to approve the variance request with the condition that if future development occurs, the subdivision ordinance must be followed. Commissioner Gibson seconded the motion and it carried unanimously.

Ms. Tatum stated Joseph L. Woodcock, as agent for D.L. Tankersley, has filed an application with the Bulloch County Zoning Department requesting a rezone from AG-5 to R-80 (Residential 80,000 sq ft lots). The intent is to be able to deed 1.49 acres to grandchildren. The property consists of 5.0 acres and is located on Two Chop Road. The Planning and Zoning Commission recommended approval of the rezone request. No one signed up to speak on the request. No one was present to make the presentation.

Ms. Tatum stated that Mr. Woodcock wanted to add frontage of the road to the property he wants to deed over.

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

Ms. Tatum stated John Dotson, as agent for Snella Enterprises, has submitted an application with the Bulloch County Zoning Department for a rezone from R-80 (Residential-80,000 sq ft lots) to an R-40 (Residential-40,000 sq ft lots). The intent is to divide 36.2 acres into 17 lots to create a Residential Subdivision. The property is located off of Highway 80 on Burkhalter Road. The Planning and Zoning Commission recommended denial with a 6 to 1 vote. The staff recommended denial of an R-40

zoning district based on the proposed concept plan build-out density of 17 dwelling units in the submitted concept plan and also the following factors: (1) there are specific on-site and adjacent off-site environmental factors related to soils composition and wetlands that may limit the carrying capacity of the land; (2) in acknowledging emerging development patterns in the area, the proposal is inconsistent with: (a) the county's existing future land use map (which calls for no future residential or other development) in the Comprehensive Plan; and (b) the county's proposed (but, not yet adopted) future land use plan and map amendment which calls for future residential development densities not to exceed a gross density of 0.2 units per acre in the Farmland Preservation Area. Three people signed up to speak in opposition to the request. Mr. Dotson was present to make the presentation.

Mr. Dotson stated that the property would be divided into 17 lots ranging from 40,000 sq ft to 70,000 sq ft. The two ponds located on the property will be placed in the common area. Approximately 8 acres is in the wetlands. Each home will have its own septic tank and a community water system will be in place. Any runoff water will drain to the pond or the branch.

Mr. Buck Lewis spoke against the request. He is an adjacent property owner. He stated that property values will decrease and an increase in traffic will occur.

Ms. Kim Thompson spoke against the request. She lives across the road from the property in question. She presented a petition to the Board of surrounding land owners who are opposed to this request. This has come up before and was denied. The surrounding area is R-80 and they would like for it to remain R-80. The creek overflows on Burkhalter Road after it rains. Also, she thinks there should be a controlled management of growth.

Mr. Ben Whittington spoke against the request. His property borders the property in question. He would like to see the area stay as an R-80 zone.

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

Ms. Tatum stated that Chris A. Dye, agent for David Rushing, has filed an application with the Bulloch County Zoning Department to rezone from R-80 (Residential-80,000 sq ft) to R-3 (Multi-Family Residence). The property consists of

2.58 acres and is located on Langston Chapel Road. Planning and Zoning Commission unanimously recommended approval of the rezone request with the following conditions: (1) 30 days in advance of the sketch plan application to the Planning and Zoning Commission, a pre-application conference with the County staff shall be required to work out any site design or infrastructure issues between the County and the developer; (2) all dwelling units shall be traditional site built housing meeting state construction codes; (3) the developer shall submit an engineering plan at the time of preliminary plat submission to demonstrate that adequate storm water management practices or structures shall be installed to control on-site and off-site run-off and sediment; (4) to minimize the impact on contiguous property, the developer shall install an opaque fence and/or a streetscape buffer along the length of the property frontage 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. If approved, consideration should be given to the alternative for reversing the building footprint to position the patios to the fence streetscape buffer and allow a two access circular drive and parking access to border the rear of the property. This may require a setback variance to be submitted with the sketch plan. However, it may improve traffic safety and aesthetics; (5) at the time of sketch plan application to the Planning and Zoning Commission, the applicant, at their own expense, shall submit a Level II traffic impact study based on the proposed maximum build out density that will be proposed in the sketch plan, and 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 minimum, includes the following: (a) Trip Generation Analysis: an estimate of 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 project build-out, (c) an access and internal circulation plan illustrating adequate ingress and egress for emergency and public service vehicles and traffic safety measures, (d) 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 county may accept, reject or modify the results at its discretion. 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 Capital Improvements Plan shall be wholly borne by the developer. Two people signed up to speak on the request. Mr. Steve Rushing was present to make the presentation.

Mr. Rushing stated that the property is currently under contract with Dave Rushing. The developments will have 6 units with each unit having 4 bedrooms in them. This development is within the proposed land use plan. The mobile homes located on the property will be removed. Mr. Rushing stated he did not see a reason to provide a buffer between the two same style developments. Mr. Couch asked if the developer could reverse the units and have the back of them facing the road to help with the congestion of traffic along with the fence being placed in front or along the property line. The parking would be in the back. Turning the houses around would mean the front of the units would face the back of the houses on the adjoining property. Mr. Dotson stated there may be a problem with that because of setback requirements. Mr. Couch stated they could apply for a variance if need be. Also, for safety concerns, a second access road needed to be put in. Mr. Rushing and Chris Dye stated that they could put a U-shaped driveway in the front to take care of that problem. After several minutes of discussion, Mr. Couch stated they could eliminate condition #5 if they followed #4 or an acceptable alternative. Chairman Nevil asked how many parking spaces are provided for each unit. Mr. Dotson stated that 6 parking spaces were designated for each unit.

Commissioner Thompson offered a motion to approve the rezone request with conditions #1 - #4, with #4 amended to allow an acceptable alternative approved by the County Engineer. Commissioner Gibson seconded the motion and it carried unanimously.

Ms. Tatum stated that John Dotson, as agent for GB Lanier LLC, has filed an application with the Bulloch County Zoning Department requesting a variance. The

purpose of the variance request is to allow a water system on ten (10) lots that does not have to meet fire flow. The property is located on Westside Road and consists of 11.0 acres. The Planning and Zoning Commission unanimously recommended denial of the variance request. No one signed up to speak on the request. Mr. Dotson was present to make the presentation.

He stated there would be 10 lots in the subdivision. According to the ordinance, the lots are not required to meet fire flow. Two of the parcels will not be served by the water system. Commissioner Smith asked if fire flow is not required, what type of flow will be there. Mr. Dotson stated that a 4" well will be put in to serve the water system.

Commissioner Thompson offered a motion to approve the variance request. Commissioner Gibson seconded the motion and it passed with a four to one vote. Commissioner Smith voted in opposition to the motion.

Ms. Tatum stated that a text amendment for Cottage Industry was proposed to allow them as a conditional use only in an AG-5 district. This amendment would delete a cottage industry from being a conditional use in an R-80 zone. The Planning and Zoning Commission recommended denial of this text amendment.

Commissioner Smith stated this amendment would prevent businesses from opening and operating in a residential area.

Mr. Hendrix stated that he agreed with the requirement of being in AG-5 and not R-80. He felt more area was needed for those businesses and they should not be located right up on neighbors. He stated there is a business near his residence and he lives on approximately 2 acres.

Commissioner Smith offered a motion to approve the text amendment. Commissioner Simmons seconded the motion and it carried unanimously. See exhibit #2006 - 93.

Sign-in sheets for zoning issues are shown as Exhibit #2006 – 94.

Under the Consent Agenda were the following items for consideration: (1) a contract with The Willis Blume Agency for the Independence Day Celebration for the sum of \$4,750 – see exhibit #2006 - 95; (2) a contract with Georgia Department of Corrections for work detail– see exhibit #2006 - 96; (3) approval of a bid for a service truck from Parkway Ford Sales for \$33,461; and (4) approval of bid for pharmaceutical

drugs for inmates at BCCI from Riggs Pharmacy for a fixed term pricing at the average wholesale price less a 20% discount. Commissioner Smith offered a motion to approve the Consent Agenda. Commissioner Simmons seconded the motion and it carried unanimously.

Under Old Business was a resolution and intergovernmental agreement with the Development Authority for the Economic Development Incentives. Mr. Akins went over the thresholds that must be met by the prospects. Commissioner Gibson offered a motion to approve the resolution and intergovernmental agreement. Commissioner Simmons seconded the motion and it carried unanimously. See exhibit #2006 - 97.

First item under New Business was a resolution to amend the Flexible Benefits Plan to include a grace period for eligible medical care reimbursement claims. Commissioner Jackson offered a motion to approve the resolution. Commissioner Simmons seconded the motion and it carried unanimously. See exhibit #2006 - 98.

Next item under New Business was a resolution to implement a Spousal Surcharge for the employee health plan. Commissioner Jackson offered a motion to adopt the resolution. Commissioner Simmons seconded the motion and it carried unanimously. See exhibit #2006 - 99.

Chairman Nevil asked for any public comments or staff comments.

Reverend Lawton Sack gave a thank you to Commissioners Jackson and Simmons for their help with a gospel benefit.

Mr. Couch stated that the budget will not be ready for adoption by July 1st but should be ready by the first meeting in July. On June 14th, a luncheon will be held at the AG Center with the Planning and Zoning Commission and consultant to discuss the future land use plan. Tomorrow, a public forum is being held at the Chamber of Commerce.

Chairman Nevil stated an executive session was needed to discuss personnel matters. Commissioner Smith offered a motion to go into Executive Session to discuss personnel matters. 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 - 100.

Chairman Nevil asked for other business or comments. Commissioner Smith stated that it was Bulloch County's turn to host the RDC Council this year. The meeting will be on July 10th and the commissioners are invited. Commissioner Smith offered a motion for the County to host the meeting along with paying for the meal expense. Commissioner Gibson seconded the motion and it carried unanimously.

Commissioner Thompson asked why \$44,000 was not turned in from EMS to the General Fund on time. Mr. Couch and Ms. Wilson explained some issues from the department such as money not being turned in on time and overtime issues.

Commissioner Thompson offered a motion to adjourn the meeting. Commissioner Simmons seconded the motion and it carried unanimously.