

March 7, 2006
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 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 absent.

Chairman Nevil asked for a motion to approve the General Agenda. Mr. Couch stated item #6 concerning the Comprehensive Land Use Plan under zoning needed to be withdrawn. It was duplicated under New Business. Also, under New Business, a discussion for the 2008 sales tax referendum and jail financing needed to be added. Commissioner Smith offered a motion to approve the General Agenda with the changes. Commissioner Gibson seconded the motion and it carried unanimously.

The first order of business was the approval of the regular minutes of February 21, 2006. Commissioner Gibson offered a motion to approve the regular minutes of February 21, 2006. 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 John Dotson, as agent for Charles Ellis, has filed an application for a rezone from AG-5 to R-25 (Residential-25,000 sq ft lots) on 94.59 acres. The intent is to develop a residential subdivision. The property is located on William Road. The Planning and Zoning Commission unanimously recommended denial of the rezone request. The staff would recommend approval for one of the following: (1) a traditional R-80 zoning district, and a 10% amenities bonus density, with conditions; or (2) an R-40 zoning district, and a 10% amenities bonus density, with conditions. The following conditions shall be applied with either approved alternative: (1) should the R-80 or R-40

alternatives be approved, allow for residential development with an additional 10% bonus density to be granted, provided that at least one of the following amenities is installed by the applicant: (a) a pedestrian sidewalk system within the development, (b) a county maintained street light district, (c) a common interest element maintained by a homeowners association which may include, but not limited to, a clubhouse, pool, tennis court(s), improved picnic area or playground, walking trail, or any combination thereof, (d) a common interest element maintained by a homeowners association which may include, but not 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 and programs, (e) a linkage to existing or planned public multi-use or bikeways route consistent with the County Greenways Master Plan; (2) all dwelling units must be single-family detached dwellings consisting of traditional site built housing meeting state construction codes; (3) two ingress-egress points will be required to the proposed subdivision accessing Williams Road; (4) Colfax Road shall be realigned to either a) the existing Colfax Road where the unimproved portion from Williams Road to the proposed subdivision will be paved according to county standards, or b) to Williams Road traversing to the south of the existing Colfax Road; (5) in anticipation of the future development of adjacent parcels to the east and west of the subject property, the internal road system of the proposed development should be designed for extending and connecting to adjacent properties as follows: (a) extension of at least one internal road to the boundary of the parcel to the west, currently owned by the applicant, whereby a temporary turnaround or cul-de-sac shall be provided until such future development occurs, (b) extension of at least one internal road to connect with a proposed road in an approved R-40 subdivision along the northeast boundary of the applicant's property provided an agreement can be reached with the adjacent developer. If agreed upon, this would satisfy the requirement for a second access road to the subject property as prescribed in Condition #2; (6) prior to the submission of a sketch plan to the Planning and Zoning Commission, the applicant, at their own expense, shall submit a Level II traffic impact study as recommended in the Bulloch County Transportation Plan (with sufficient narratives, maps and exhibits) which shall be certified by a qualified and

registered professional engineer, that at a minimum, includes the following: (a) trip generation analysis: an estimate of AM (7:30-8:30) and PM (5:00-6:00) peak hour trips generated under existing conditions and after project build-out, (b) trip distribution analysis: a 24-hour directional traffic counts and peak period intersection turn movement counts on a typical week day under existing conditions and after project build-out, (c) intersection and roadway segment analysis: assess the need and provide cost estimates for any network or safety improvements for arterial and collector roads in the study area resulting from the impacts created by the proposed development of the subject property, including but not limited to, accel-decel lanes, turn lanes, shoulder widening, signage, signalization or intersection alignments. The cost of any such proposed improvements attributable specifically to the development of the subject property that is not listed in the County's Five-Year Surface Transportation Improvement Program or Plan shall be partially or wholly borne by the develop; (7) to enhance access management, driveways along Lester Fordham Road from any building lot in the proposed subdivision will be prohibited. All approved residential lots shall have building structured facing internal roads within the subdivision. Twenty-two people signed up to speak on the rezone request. Mr. Dotson was present to make the presentation.

Mr. Dotson stated that approximately 35 acres is in cultivation and the remainder is pine trees. The subdivision will have restrictive covenants. All homes will be on individual septic tanks and water systems. A majority of homes will face inward of the subdivision except the homes on Colfax Road. Any water runoff can be contained using detention basins if needed. The applicant agreed to use an R-40 zoning instead of an R-25 zoning.

Mr. Richard Byrd spoke in favor of the rezone request. The tax base will increase and the new subdivision will be good for the community and the Portal school.

Mr. Willie Torrance spoke in favor of the rezone request. He is on the PTA board and sees this as an opportunity for the Hopulikit/Portal community to grow.

Mr. Huey Chester spoke in favor of the rezone request. The subdivision is closer to Highway 80 than Williams Road. A majority of the traffic will use Highway 80.

Ms. Amber Johnson spoke in favor of the rezone request. She agreed that it will promote growth within the area.

Ms. Myra Lipsey spoke in favor of the rezone request. The area has been stagnant for many years. The growth should be welcomed. In the future, she would like to move near Portal.

Mr. Larry Motes spoke in favor of the rezone request. The development could help the Portal school grow and bring businesses into the area.

Mr. Clark Bowers spoke against the rezone request. He addressed a letter that was sent to the Board. The surrounding property owners have a concern about the value of their land decreasing, about the surrounding zoning, and the fire protection. That area is considered "no man's lands". The insurance premiums could increase. With consideration of traffic, an additional 1,000 cars will use the road. Colfax Road is 54 feet wide. It is already hard to maneuver the road while sharing it with tractors. Additional cars will make it nearly impossible. None of the landowners on Colfax Road are willing to deed over land to widen the road. Also, with new homeowners comes a need for additional services. The AG-5 zoning would be the best recommendation for that area.

Ms. Rachel Edwards spoke against the rezone request. As an attorney, she was speaking on behalf of the citizens within the area of the rezoning. The density is too high for that area. The rezoning request should be kept consistent with the current AG-5 or R-80 zoning in the area. The County should use and follow the Comprehensive Land Use Plan which calls for AG-5 or R-80 in that area. With the new subdivision, it may only add 13 more students to the school.

Mr. David Mathis spoke against the rezone request. He lives in Hopulikit and stated that Williams Road is already used as a shortcut and the speeding that goes on is dangerous.

Ms. Cindy Bower spoke against the rezone request. She stated that she agreed with what everyone has said.

Mr. Mike Russell spoke against the rezone request. He stated that he would be stuck with traffic and noise.

Ms. Shirl Ellis spoke against the rezone request. She agreed with everyone and felt that it should stay country.

Ms. Betty McKanna spoke against the rezone request. She stated that there is land to be purchased on an individual basis in Portal if someone wanted to move to that area.

Mr. James Harris spoke against the rezone request. He stated that he agreed with everything that has been said.

Mr. Edwin Harris spoke against the rezone request. He stated that he agreed with everything that has been said.

Mr. Thomas Chester spoke against the rezone request. He stated that growth is good but there were no new jobs to support the citizens plus there are already houses for sale that can not be sold.

Ms. Cheryl Russell spoke against the rezone request. She agreed with everything that has been said.

Mr. Skeebo Moore spoke against the rezone request. He stated that he did not mind progress at all but would like to keep that area as is.

Ms. Jenny Brown spoke against the rezone request. She stated that the citizens of Portal cannot speak about Hopulikit. She agreed that the area should remain the same.

Mr. Johnny Brown spoke against the rezone request. He stated that he agreed with everything that has been said.

Mr. Lavon Ellis spoke against the rezone request. He stated that he agreed with everything that has been said.

Mr. Lanny Ellis spoke against the rezone request. He stated that he bought land from Charlie for his daughter to live on but he would like to see the area remain as is.

Mr. Danny Stewart spoke against the rezone request. His property would be affected greatly since it adjoins the property in question.

Mr. Scott Brunson spoke against the rezone request. He stated that he agreed with everything that has been said.

Ms. Kathryn Duncan spoke against the rezone request. She stated that she agreed with everything that has been said.

Mr. Bowers reiterated that one of the main concerns of the citizens, especially Mr. Stewart, is the natural barriers between their property and the subdivision.

Mr. Dotson stated that natural vegetative barriers will be used. The property values of the surrounding landowners would increase. Also, as far as trash goes, the subdivision requires the homeowners to subscribe to trash service.

Mr. Couch asked if an impact study had been received from the Board of Education. Ms. Tatum stated that one has not been received. Mr. Couch stated that the vote should not be solely based upon how the school system will be affected.

Commissioner Smith asked Mr. Charlie Ellis has he considered an R-80 rezone. Mr. Ellis stated that an R-80 rezone will not work because of infrastructure and he will not consider R-80.

Commissioner Thompson stated that there is no development in the upper part of the County. How can one grow without development. There is a possibility that businesses could open again in Hopulikit and Portal. He agreed that an R-80 rezone would not work for the subdivision.

Commissioner Smith stated that bigger houses would not have to be built in an R-80 zone. The cost may be higher but not much.

Commissioner Jackson asked about the realigning of Colfax Road. Mr. Dotson stated that they could realign Colfax Road or Williams Road could be re-routed.

Commissioner Gibson asked for an estimate of additional cost if Colfax Road was paved. Mr. Couch stated that it cost approximately \$200,000 per mile plus dirt. Therefore, the extra cost could be between \$200,000 - \$400,000. He would have to speak to Kirk to find out about widening the shoulder of Williams Road.

After a few more minutes of discussion, Commissioner Thompson offered a motion to deny the R-25 rezone request but approve the R-40 rezone with the conditions. Commissioner Jackson seconded the motion and it passed with a 3 to 2 vote. Commissioner Jackson, Thompson, and Simmons voted in favor of the motion. Commissioner Gibson and Smith voted against the motion.

Ms. Tatum stated that John Dotson, as agent for Timothy Murphy, has filed an application with the Bulloch County Zoning department requesting a rezone from R-15 (Residential 15,000 sq ft lots) to R-3 (Multi-Family Dwelling) on approximately 1.426 acres. He would like to divide the five existing buildings into two parcels each for a total of ten units. The property is located on Highway 24 East. The Planning and Zoning

Commission unanimously recommended approval of the rezone request. No one signed up to speak in opposition to the request. Mr. Dotson was present to make the presentation.

Mr. Dotson stated that the rezone was to divide the buildings into 2 parcels each. The applicant does not want to build any new buildings. He would like to sell them as individual units. The grounds would be under common ownership.

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

Ms. Tatum stated John Dotson, as agent for Justin McCorkel, has filed the application with the Bulloch County Zoning Department requesting a conditional use permit to allow surface mining on his property. The property consists of approximately 10.361 acres and is located on Twin Forks Road. The Planning and Zoning Commission unanimously recommended approval of the conditional use request with the condition that the applicant come into compliance with EPD before the Board of Commissioners meeting, including filling back in an area less than 15 foot from an existing property line. The staff recommended denial of the conditional use permit. When the applicant has come into compliance with EPD then the staff will reconsider its recommendation. No one signed up to speak in opposition to the request. Mr. Dotson was present to make the presentation.

Mr. Dotson stated that the property is being used as a surface mine. Once it's finished it will look like a pond or lake. The issues and complaints have been cleared up. The applicant needed to obtain a conditional use in order to proceed with this project. Plans will be drawn up and submitted to the EPD.

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

Ms. Tatum stated G.B. Lanier, LLC has filed an application with the Bulloch County Zoning Department requesting a rezone from R-40 (Residential 40,000 sq ft lots) to R-25(Residential 25,000 sq ft lots) on approximately 11 acres. He would like to develop a residential subdivision. The property is located on Westside Road. The Planning and Zoning Commission recommended approval of the rezone request with a five to one vote. The staff recommends approval of a rezone to R-25. Five people signed

up to speak in opposition to the request. Mr. Lanier was present to make the presentation.

Mr. Lanier stated that there would be 10 to 14 lots in the subdivision. The property is located across from the Westridge subdivision. The subdivision would have curved roads and street lights.

Mr. Hew Joiner spoke against the rezone request. He has a concern for protecting the value and character of the area. He feels that an R-40 zone does a good job at that. The applicant is only asking for an R-25 zoning in order to get curves and sidewalks.

Mr. Richard Rogers spoke against the rezone request. He is a homeowner in the Westridge subdivision and feels that this rezone will set a precedent.

Ms. Ruth Ann Rogers spoke against the rezone request. She stated that zoning is a protection of property. She asked the Board to reconsider the R-40 to R-25 zoning.

Mr. Kenneth Johnson spoke against the rezone request. He would like to see that area remain R-80.

Mr. Biff Thompson spoke against the rezone request. He stated that a person is aware of the zoning before buying the property. One shouldn't be able to change the zoning to make a profit.

Mr. Lanier stated that he is asking for an R-25 zoning because the type of subdivision that he and his brother wants to build cannot be done under an R-40 zoning. He would like to place curves roads and sidewalks in the subdivision and make it look beautiful. He does not want straight roads in the development.

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

Ms. Tatum stated Thomas Finch, as agent for Theron Rahn Construction, has submitted a sketch plan request for their property located on Josh Smith Road and Burkhalter Road. They want to divide 165.4 total acres into 143 separate parcels. This request involves 3 parcels of land (93A-8, 93-29, & 93-29-001). The Planning and Zoning Commission unanimously recommended denial of the sketch plan request. The staff recommended approval of the sketch plan with the following conditions: (1) obtain the right-of-way and pave Josh Smith Road for the entire length of the property out to the closest paved road; (2) all dwelling units must be single-family detached dwelling

consisting of traditional site built housing meeting state construction codes; (3) only one access point to the subdivision at Burkhalter Road is recommended, unless the access road proposed to the southwest can be realigned with Hightower Road; (4) prior to the submission of the preliminary plan to the Planning and Zoning Commission, the applicant, at their own expense, shall submit a Level II Traffic impact study as recommended in the Bulloch County Transportation Plan (with sufficient narratives, maps and exhibits) which shall be certified by a qualified and registered professional engineer, that at a minimum, includes the following: (a) trip generation analysis: an estimate of AM (7:30-8:30) and PM (5:00-6:00) peak hour trip generated under existing conditions and after project build-out, (b) trip distribution analysis: as 24 hour directional traffic counts and peak period intersection turn movement counts on a typical week day under existing conditions and after project build-out, (c) intersection and roadway segment analysis: assess the need and provide cost estimates for any network or safety improvements for arterial and collector roads in the study area resulting from the impacts created by the proposed development of the subject property, including but not limited to, accel-decel lanes, turn lanes, shoulder widening, signage, signalization or intersection alignments. The cost of any such proposed improvements attributable specifically to the development of the subject property that is not listed in the County's Five Year Surface Transportation Improvement Program or Plan shall be partially or wholly borne by the developer; (5) to enhance access management, all proposed lots should face to the internal road within the subdivision. Driveways along Josh Smith Road and Burkhalter Road from any building lot in the proposed subdivision will be prohibited; and (6) the developer shall submit an engineering plan at the time of preliminary plat submission to demonstrate that adequate storm water management practices or structures shall be installed to control on-site and off-site run-off and sediment. No one signed up to speak in opposition to the request. Mr. Steve Rushing, an attorney, was present to make the presentation.

Mr. Rushing stated that the applicant wanted to build a subdivision on Josh Smith Road. There are two of the conditions being placed on the development that they are having a problem with: condition #1 and condition #4. The traffic study is burdensome. That should have already been taken care of when the area was zoned R-25. As far as

paving Josh Deal Smith, the private developer would not be limited to paying fair market value for the property from the landowners to pave the road. The landowners could request any amount they wished and the developers would have to pay it if they wanted to proceed with the project. Private developers cannot use eminent domain/condemnation. Paving that road would benefit others instead of the developer. It would be a burden to acquire the property needed to pave the road. All other conditions are agreed to.

Commissioner Smith asked how many lots would be in the subdivision. Mr. Rushing stated approximately 143 lots are being planned.

Commissioner Thompson asked what would happen if the right-of-way cannot be obtained. Mr. Rushing stated that the road would not be paved and the subdivision project would be forced to end.

Mr. Couch offered a suggestion to the Board that the applicant could be relieved of the traffic analysis and only pave the portion of Josh Smith Road along the entire length of the subdivision.

After several minutes of discussion, Commissioner Smith offered a motion to sustain the action of the Planning & Zoning Commission. Commissioner Simmons seconded. This motion was withdrawn from the floor.

Another motion was made by Commissioner Smith to approve the sketch plan with the conditions and to pave Josh Smith Road to the intersection of Harville Road and Burkhalter Road. Also obtain a study from the DOT and use their recommendation in lieu of the traffic study. Commissioner Gibson seconded the motion. This motion was withdrawn from the floor.

Commissioner Smith offered a motion to approve the sketch plan with the conditions with an amendment to build the subdivision in two phases. Phase I (northern portion) will be built first. Under Phase II, which is the southern portion under the branch, Josh Smith Road must be paved to Harville Road and a DOT study must be done on Burkhalter Road with the other conditions of the application still enforced. Commissioner Simmons seconded the motion and it carried unanimously.

Sign-in sheets for zoning issues are shown as Exhibit #2006 – 39.

Under the Consent Agenda were the following items for consideration: (1) a resolution to amend the 2002 SPLOST project budget to reflect the re-allocations in the amendments to the 2002 SPLOST agreement with the City of Brooklet that were previously approved at the February 2, and February 21, 2006 meetings – see exhibit #2006 -40; (2) approve three professional services agreements as a part of a master consulting agreement with Burns and McDonnell Engineering of Atlanta, Georgia for design and development of plans and projects for the Statesboro-Bulloch County Airport with local cost share to be obligated from proceeds under CIP-SPLOST project categories: (a) development of a spill prevention and contamination plan – see exhibit #2006 - 41, (b) design of an access road extension and T-Hanger Taxilane Rehabilitation Plan – see exhibit #2006 - 42, and (c) development of the Airport Layout Plan Update – see exhibit #2006 - 43; (3) approve a professional service agreement with Lose & Associates for design and engineering services for the S&S Bike Path and Greenway project with proceeds for said fees and expenses to be obligated from CIP/SPLOST – see exhibit #2006 - 44; (4) approve an agreement with the United States Specialty Sports Association to host the youth baseball world series – see exhibit #2006 - 45; (5) approve two contracts with Pyro Shows to provide fireworks for Swing Into Spring (\$5,000) and Independence Day Celebration (\$15,000) with proceeds being obligated from the recreation department operating fund with costs to be recouped from various local sponsors– see exhibit #2006 - 46 and #2006 - 47; (6) approval of two off-premise alcohol licenses – Mighty Mikes Hot Spot #120 and The Store at Akins Pond. Commissioner Smith offered a motion to approve the Consent Agenda. Commissioner Simmons seconded the motion and it carried unanimously.

There were no items under Old Business.

First item under New Business was a resolution to adopt a Hazard Mitigation Plan. As required by Federal Law 44 CFR part 201, Bulloch County is required to develop with all municipalities a Hazard Mitigation Plan. Commissioner Gibson offered a motion to adopt the resolution for the Hazard Mitigation Plan. Commissioner Jackson seconded the motion and it carried unanimously. See exhibit #2006 - 48.

Next item under New Business was a resolution to adopt the DABC Economic Development Study. The resolution accepts the results of an economic development

study by the Development Authority and adopts the incentives policy or policies recommended in the study with the provision that the DABC may apply the use of the incentives in negotiations with qualified industries, but that approval of specific commitments or agreements is approved by the Board of Commissioners. Commissioner Thompson offered a motion to adopt the resolution. Commissioner Gibson seconded the motion and it carried unanimously. See exhibit #2006 - 49.

Next item under New Business was a resolution to submit the Bulloch County Land Use Plan to the Coastal Georgia Regional Development Center and the Georgia Department of Community Affairs for review. Commissioner Simmons offered a motion to approve the resolution. Commissioner Jackson seconded the motion and it carried unanimously. See exhibit #2006 - 50.

Next item under New Business was a presentation from Ms. Pricilla Deal. She would like to change C.O. Smith Road to Red Fern Lane. There are 6 property owners on the road. She had 85% of the property owner's signatures agreeing to the changes. The county ordinance requires 80%. Mr. Deal, her husband, stated that the gentleman that the road was named after has moved to Tennessee. The landowners feel a better name would be more appropriate. Commissioner Gibson offered a motion to approve the road name change. Commissioner Simmons seconded the motion and it carried unanimously.

Next item under New Business was a discussion of the disposition of the property on which the new Georgia State Patrol building is located.. Mr. Couch stated there currently is a temporary lease on the building. A letter is needed from the Board to the State Patrol indicating that they are ready to deed over the property and building and execute necessary documents. The Board still needs to decide what to do with the old property. It is currently owned by the State. It was formerly owned by the County and the City, so if the State deeds it back to the local jurisdiction, presumably the County and the City would each take a one-half interest. A few agencies have stepped forward asking about the building.

Next item under New Business was the sales tax referendum. The referendum must be on the ballot in July but resolutions and intergovernmental agreements must be signed by April 19. The six-year referendum should be around \$60 -\$63 million. A letter

was received from the Recreation Advisory Committee concerning some of the projects they are looking at. The County probably will not be able to put \$9 million into the Recreation projects. After a meeting with the municipalities, the numbers will be more definite between cities and county.

The last item under New Business was the discussion of jail financing. The County will have to get into some short-term debt financing if the jail project is to start early. A meeting will be held on March 21 with a finance broker from Merchant Capital to talk about debt financing. The County has to decide what risk they are willing to take as far as financing. Different scenarios have to be considered such as if the SPLOST did not pass, the financing would be switched to long term and would be paid through the General Fund. If the County chose to get into debt financing early, a resolution would have to be passed to legally allow the County to take future SPLOST payments to pay back the cost of the jail. The longer you put off the project, the higher the cost will be for the expansion of the jail. Right now, the base cost is \$9 million which does not include financing costs. Mr. Mike Stewart could also give his view concerning debt financing.

Chairman Nevil asked for any public comments or staff comments.

Commissioner Smith stated that he will not run for Seat 2-D in the upcoming election.

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 Jackson seconded the motion and it carried unanimously. Commissioners Gibson, Jackson, Simmons, Smith, and Thompson voted in favor of the motion. See exhibit #2006 -51.

Chairman Nevil asked for other business or comments. The meeting was adjourned unanimously.