

May 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, Staff Attorney Jeff Akins and County Attorney Charles Brown.

Chairman Nevil asked for changes or modification before approval of the General Agenda. Mr. Akins requested one (1) change to the General Agenda: add item three (3) under New Business to discuss BeeBee Road. Commissioner Simmons offered a motion to approve the General Agenda as modified. Commissioner Jackson seconded the motion and it carried, unanimously.

The next item of business was the approval of the minutes of the regular meeting held on April 17, 2007 and minutes of the workshop held on April 17, 2007. Commissioner Gibson offered a motion to approve the minutes of the regular meeting on April 17, 2007 and minutes of the workshop on April 17, 2007. Commissioner Simmons seconded the motion and it carried, unanimously.

Chairman Nevil asked for any public comments. There were no public comments.

The Consent Agenda had five (5) items for consideration: (1) approval of the purchase of two (2) Yamaha Utility Vehicles from Easy Ride Golf Cars at a total cost of \$12,000; (2) approve an Agreement with Challenger Sports Corp for a British Soccer Camp (see exhibit #2007-43); (3) authorize a resolution adopting an Appendage to the Administrative Policies Manual to establish policies and procedures for Capital Projects Management (see exhibit #2007-44); (4) approve a purchase order for pick-up trucks from Rozier Ford at a base cost of \$12,755 with alternate prices for additional features applied according to departmental requirements; (5) adopt a resolution

authorizing an Amendment to the Retirement Plan regarding pre-retirement distributions (see exhibit #2007-45). Commissioner Thompson offered a motion to approve the Consent Agenda. Commissioner Gibson seconded the motion and it carried, unanimously.

The first item of new business, discussion of a community entrance sign, was deferred awaiting the arrival of Mr. Steve Rushing.

The next item of new business was a report on bail bond issues by County Attorney Charles Brown. Mr. Brown presented a memorandum outlining bail bond issues in Bulloch County. He said that criminal offenders have the right to be bonded out of jail with a surety on the bond. He discussed the two types of sureties, professional sureties and private sureties, who must be approved by the Sheriff. Sureties are obligated to assist law enforcement to make sure that an accused appears for a trial or a hearing and if the accused does not appear, the bond is defaulted. Mr. Brown said he has learned that the collection or action on a defaulted bond is the responsibility of the County Attorney and the Sheriff. He said it is important to act on defaulted bonds to assure that the accused is answerable to the charges made against them in the criminal system and also, the county receives the money from these bonds. He discussed the methods used to collect defaulted bonds and said he and Sheriff Anderson plan to aggressively pursue collection of these bonds. Chairman Nevil commented that there is no reason to have a procedure to bond offenders out of jail if it is not enforced and there is no consequence. Commissioner Jackson asked the time frame for initiating the process to collect these bonds. Mr. Brown said he and Sheriff Anderson plan to meet with the professional sureties tomorrow. The sureties will have to meet the Sheriff's stern test if they are to remain a professional surety in Bulloch County. Also, a decision will be made on procedures for collection to be taken against these sureties following that meeting.

Mr. Brown commented on the county's impoundment and euthanasia of animals and said the process is in motion to bring the county into compliance with the state statute.

The next item of new business was the discussion of BeeBee Road. Mr. Akins said in August of 1999 this road was surveyed for paving but only one deed from

Wendell McBride, Chester McBride and Stanley McBride was acquired. Since that time the McBrides have conveyed the property back to Lee Hill who had previously owned the property. Apparently the road will not be paved and they would like to have the right-of-way back in order to divide the property among family members. Mr. Akins said since they donated the right-of-way and there have been no improvements on the road, the county could quitclaim it back to Lee Hill at no cost. It was the consensus of the Board to have a resolution authorizing a quitclaim of this property at the next meeting.

Chairman Nevil asked for comments from the Commissioners or the Staff. Clerk Evelyn Wilson advised that Safe Haven would like for the Board to tour their facility following the morning meeting on May 15th. The tour of Safe Haven will be rescheduled due to conflict with other commitments. County Manager Tom Couch advised that ACCG will conduct a health care workshop on May 10th at the Nessmith-Lane Building.

Chairman Nevil announced that an Executive Session was needed to discuss potential litigation and a personnel matter. Commissioner Tankersley offered a motion to go into Executive Session to discuss potential litigation and a personnel matter. Commissioner Jackson seconded the motion and it carried, unanimously. (See exhibit #2007-46)

The meeting was reconvened. Chairman Nevil recognized Mr. Steve Rushing to discuss a community entrance sign. Mr. Rushing said the Community Improvement Committee of the Chamber of Commerce has been working for some time on locating a site for a "Welcome to Bulloch County" sign. He advised that Gary Barnes, Wayne Deloach and Danny Olliff have donated a site on Highway 301 south. Water and electricity are needed at the site and it is hoped these can be secured through county resources. Mr. Rushing said a set of plans is ready to be submitted to the County Manager and asked that the county embrace this project by providing county labor to implement the plan.

The next item was the Public Hearing for zoning matters. Chairman Nevil asked for any modifications to the Planning and Zoning Agenda. Commissioner Tankersley offered a motion to approve the Planning and Zoning Agenda. Commissioner Simmons seconded the motion and it carried, unanimously.

Chairman Nevil asked Zoning Administrator Randy Newman to present the zoning items.

Mr. Newman presented an application by Ms Annie Dell Rawls requesting a rezone of 15.4 acres on Old Happy Road from AG-5 (Agricultural 5 acres) to R-40 (residential 40,000 square feet). The intent of the rezone is to divide the property between 11 siblings. He advised that the Planning and Zoning Commission denied the R-40 request and approved a R-80 rezone. The Planning and Zoning Commission approved the variance request not to pave the private road. Ms. Cynthia Rawls, agent for Ms. Rawls, was not present. Mr. John Dotson said the sketch plan showed this property divided into eight parcels for family members. Mr. Couch said he had met with Ms. Rawls and encouraged her to change her request to a rezone to R-80 with a variance for the unpaved private road. He advised her that the road would have to be built to the county's standards except for paving. Commissioner Thompson offered a motion to approve the decision of the Planning and Zoning Commission. Commissioner Tankersley seconded the motion and it carried, unanimously.

Mr. Newman presented an application by Sikes Brothers, Inc. requesting a conditional use to operate a borrow pit on 1.5 acres of property located on Old Register Road. The Planning and Zoning Commission recommended approval of the conditional use with one (1) condition: Install a landscape buffer between the property and cemetery. This can be accomplished by: (a) installing a landscaped berm, an evergreen hedge (Leyland cypress, eleganus, hollies, etc) with a minimum plan spacing of 6-8' feet off-center, or a combination thereof; or, (b) installing non-ornamental canopy trees (maple, dogwood, oak, etc) with a minimum 4" caliper spread 75' off center mixed with evergreen hedges capable of growing up to 30' at maturity; or, (c) another similar buffer plan. The actual buffer used shall be approved by the Zoning Administrator prior to installation. Ms. Rachel Edwards was acting as agent. Ms. Edwards said this property was recently purchased by the Sikes brothers and is

adjacent to a borrow pit they own. She stated they have no problem with the condition and the permits required by EPD will be acquired once the borrow pit is approved by the county. Commissioner Gibson offered a motion to approve the conditional use request with the condition recommended by the Planning and Zoning Commission. Commissioner Tankersley seconded the motion and it carried.

Mr. Newman presented an application from Sandra McCorkle requesting a conditional use to have more than one principal use on a single lot. There is currently an office on the property and the applicant is requesting to also operate an automobile sales establishment. The property consists of 5 acres located on Highway 67 south. He advised that the Planning and Zoning Commission recommended approval of the conditional use request with conditions: (1) No more than 3 general purpose automobiles and pick-up trucks may be on the sales lot at a given time and they shall be displayed in an orderly pattern and fashion in organized rows. No boats, RV's or industrial type vehicles may be displayed; (2) All automobiles displayed shall be in a operable condition and be in compliance with the Junk Vehicle Ordinance; (3) Servicing of vehicles shall be prohibited; (4) Parking and display areas shall be at existing office parking lot; (5) No access or driveway shall be permitted on U.S. 67 without DOT approval; (6) One (1) unified freestanding sign for advertising for both businesses 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. Mr. Dan McCorkle was acting as agent. Mr. Andrew Sevor, an engineer for Mr. McCorkle, said they wanted to have consideration for a complete car lot as opposed to the condition limiting the number of vehicles. He stated the purpose of the conditional use request is to allow a used car application license to be implemented with some future event, possibility a used car lot being on the property. There is no immediate plan to have a used car lot. Mr. Couch commented that typically with this type of request there is a site plan with all intended uses but this particular request really does not comply with the application requirements. He asked if a verbal description of the lot layout and how the uses will be oriented could be provided. Mr. Sevor said they weren't quite sure if the car lot will take place but didn't want to have the restriction on the use. He added that at this point the purpose of getting the

conditional use is to obtain the licensing ability. Mr. Couch said the problem with this request is that it does not follow the provision in the Ordinance that requires a site plan with the application. It is really an incomplete application. He suggested a conditional approval for the multiple uses requested in the application with the condition that no construction occur until the Board approves a conceptual site plan. Commissioner Thompson offered a motion to approve the conditional use request with the stipulation that Mr. McCorkle present a conceptual plan before construction of any project on the property. Commissioner Simmons seconded the motion. There was some confusion and discussion of the wording of the motion. Mr. Couch asked for a three-minute recess to allow time for consultation with legal counsel. Commissioner Tankersley offered a motion to recess for three minutes. Commissioner Rushing seconded the motion and it carried, unanimously.

The meeting was reconvened. Mr. Couch recommended approval of the conditional use for two uses on the property subject to the conditions that: (1) uses shall be limited to the existing use of the property and a used car sales establishment; (2) the applicant must submit a conceptual site plan for approval to the Board of Commissioners prior to the commencement of the used car sales establishment. Commissioner Tankersley commented on the condition recommended by the Planning and Zoning Commission and asked if some of these conditions would be imposed at the time the site plan is presented. Mr. Couch said the Board could impose conditions depending on what was included in the site plan. Commissioner Thompson withdrew his original motion and offered a motion to accept Mr. Couch's recommendation to approve the conditional use for two uses with the two conditions as stated. Commissioner Tankersley seconded the motion and it carried, unanimously.

Mr. Newman presented an application from Greg Howze, Bryan Howze and Alan Johnson requesting a rezone from R-80 (residential 80,000 square feet) to R-40 (residential 40,000 square feet). The intent of the rezone is to divide the property into 169 parcels. The property consists of 214 acres located on the corner of Zettwell Road and Five Chop Road. Mr. Newman advised that the Planning and Zoning Commission recommended the request be denied. Mr. Garth Long was acting as agent. Mr. Long confirmed that a sketch plan had been approved for the R-80 zone. Mr. Long made a

request to withdraw the request for the R-40 rezone at this time. Mr. Akins explained that an application could be withdrawn ten days prior to the Board meeting as a matter of right. This request for withdrawal is at the discretion of the Board. If the Board allows the withdrawal, the applicant can reapply immediately, but if the Board chooses to deny the request for a rezone, the applicant can't reapply for another six months. Mr. Newman advised that several people had signed up to speak against this rezone request. There was some discussion of when to allow these people to speak. Mr. Akins advised it was the Board's discretion to allow them to speak before or after the decision on the withdrawal request. Commissioner Gibson offered a motion to allow the applicant to withdraw the rezone request. Commissioner Rushing seconded the motion and it carried with a four to two vote. Commissioner Gibson, Commissioner Rushing, Commissioner Thompson and Commissioner Tankersley voted in favor of the motion. Commissioner Simmons and Commissioner Jackson opposed the motion. Mr. Jimmy Mooney said he lived on Bruce Groover Road and is affected by the traffic. He commented there is a tremendous amount of development on Zettwell Road. He made three points: (1) Every other tract of land in this area has been denied for R-40 and to rezone this tract would be inconsistent; (2) The main reason given for this request at the Planning and Zoning Commission meeting was that the developer wouldn't meet his financial projection because the cost was more than estimated. It is not the responsibility of the County to make sure a developer makes enough money on a project; (3) Plantation Point Subdivision floods with heavy rains and what are the plans for storm water run-off from the increased density of this development. Ms. Carol Simons said she lives on Burkhalter Road and the area behind her home also floods. She commented that if this property is developed, she didn't know where the water would go. She said that R-40 with conditions is still R-40. She asked that zoning remain at R-80. Ms. Jessica Keekly said the traffic is already increasing and there are two main intersections (Highway 80 & Burkhalter Road and Highway 24 & Zettwell Road) which will be affected by any development of this property. She said that she was very distressed to hear that the reason for higher density was to increase their profits. She said the Commissioners have helped maintain the rural character of the area and she asked that the zoning remain at R-80. Mr. Robert Mooney said his

residence is on Bruce Groover Road and one of the problems is traffic. He explained that the intersection of Bruce Groover Road onto Zettwell Road is on a blinded curve which makes it very dangerous. He said he as well as other family members have almost been hit at this intersection. Any increase in traffic will only make it more dangerous. He asked that the Board maintain the rural character that has been established in this area. Mr. Ronald Smith said he lives in Plantation Point and according to the county's topo maps there is 40-50 foot drop-off from the top of the hill. There is no provision for any storm drainage system for this development with the water just being diverted and what will happen to the water. He remarked that he understands that only one phase of the development has been submitted and he is afraid they plan to do phase two at another time to get around the requirement for a storm drainage system. He said it is a real concern for him and his neighbors that they will build this area up and divert the water causing Plantation Point to have more water problems. Mr. Hal Sharpe said the property was approved for the 89 lots and the reason they chose to withdraw their request for the R-40 rezone is to meet with residents of Plantation Point to try to find some resolution to their problems.

Sign-in sheets for zoning matters are shown as exhibit #2007-47.

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.