

May 4, 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. Mr. Couch 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 Thompson, County Manager Tom Couch, Parliamentarian and Staff Attorney Jeff Akins, Deputy Clerk Regina Smith, and Zoning Administrator Cheryl Tatum. Commissioner Gibson and Commissioner Smith were not present.

Chairman Nevil asked for a motion to approve the General Agenda. Mr. Couch stated three changes needed to be made to the agenda. The last item under zoning matters needed to be heard first. A county extension agent employment contract needed to be added to the Consent Agenda. Also, pending litigation needed to be added to Executive Session. Commissioner Jackson offered a motion to approve the General Agenda with the changes. 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 April 18, 2006 and Work Session on April 27, 2006. Commissioner Tankersley offered a motion to approve the minutes of the regular meeting on April 18, 2006 and Work Session on April 27, 2006. Commissioner Thompson 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. One person signed up to speak on the request. Mr. Anderson was present to make the presentation. Mr. Anderson stated that some issues needed to be worked out with an adjoining neighbor and asked that this item be tabled until the next meeting 30 days from now. Mr. Kenny Stone, attorney for Carl Akins (the adjoining neighbor) also stated that the issue needed to be tabled until the next night meeting 30 days from now. Commissioner Simmons offered a motion to table the appeal request until the next regular night meeting. Commissioner Tankersley seconded the motion and it carried unanimously.

Ms. Tatum stated Jesse M. Flake has filed an application for a rezone from AG-5 to R-80 (Residential-80,000 sq ft lots) on 8.75 acres. The intent is to divide the property into 4 lots. The property is located on Gus Denmark Road. The Planning and Zoning Commission unanimously recommended denial of the rezone request. The staff would recommend approval of an R-80 zoning district based on the proposed concept plan build-out density of 4 dwelling units in the submitted concept plan with the following conditions: (1) all dwelling units must be single-family detached dwellings consisting of traditional site built housing meeting state construction codes. However it is noted that there is strong public opposition by adjoining land owners who insist that strict application of the future land use map density ratio for the area remain. Three people signed up to speak on the rezone request. Mr. Flake was present to make the presentation.

Mr. Flake stated that other properties close by have been rezoned to R-80 and he didn't see any reason why his property could not be rezoned to R-80 also.

Mr. Mike Deal spoke against the request. He is an adjacent property owner. He would not have a problem with this if it was 2 tracts instead of 4 tracts.

Dr. Ruth Green spoke against the request. She is an adjacent property owner. She was told by Mr. Flake that he just wanted to dispense with the property.

Mr. Steve Todd spoke against the request. He bought property from Mr. Flake which was zoned AG-5. He would like to see the area remain the same. If he knew the area would change, he wouldn't have purchased the land.

Mr. Deal stated that the other R-80 zone in the area is on his land and a portion was rezoned in order to place a shop on the premises.

Commissioner Jackson asked if the part of the Deal's property that was rezoned R-80 was zoned as being conditional. Ms. Tatum stated that it was not.

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

Ms. Tatum stated that Edna M. Lovett has filed an application with the Bulloch County Zoning department for a conditional use to allow a Personal Care Home on the property. The property is located on Mill Creek Road and consists of 3.94 acres. The Planning and Zoning Commission unanimously recommended approval of the conditional use request. No one signed up to speak in opposition to the request. Ms. Lovett was present to make the presentation.

Ms. Lovett stated that the home would house 6 residences and would have 2 staff members present at all times. The home is scheduled for future renovations and all state requirements will be met.

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

Ms. Tatum stated Rachel Edwards, as agent for Sikes Brothers, has filed the application with the Bulloch County Zoning Department requesting a conditional use permit to allow a borrow pit on the property. The property consists of approximately 14.08 acres and is located on Old Register Road. The Planning and Zoning Commission unanimously recommended approval of the conditional use request. No one signed up to speak in opposition to the request. Ms. Edwards was present to make the presentation.

Ms. Edwards stated that the borrow pit needed to be opened because of the lack of dirt within the area. The closest neighbor is a cemetery. The applicants will get the requirements met from state to obtain permits.

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

Ms. Tatum stated Wesley Parker, as agent for Clayton Tillman, Rod Spann, and George Reeves, has filed an application with the Bulloch County Zoning Department requesting a rezone from AG-5 to R-40 (Residential 40,000 sq ft lots). The intent is to divide the property into 70 lots. The property consists of 118 acres and is located on Pleasant Hill Road. The Planning and Zoning Commission recommended denial of the

rezone request. The staff recommends denial of the request because of concerns about density, potential environmental impact and traffic impact concerns. However, as a means to provide alternatives, and as an option to the developer, the staff would recommend approval for one of the following: (1) an R-80 zoning district, and a 10% amenities bonus density, with mandatory conditions as attached. The following conditions shall be applied with either approved alternative: (1) should the R-80 alternative be approved to allow for residential development with an additional 10% bonus density to be granted, 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 limited to, a clubhouse, pool, tennis courts(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 and programs. The staff recommends the following mandatory conditions, if the R-80 approved: (1) the proposed access road to the east of Pleasant Hill Road at the northern most access point of the property should be looped and connected (and the cul-de-sac eliminated) to intersect at Pleasant Hill Road and the internal road to the west of Pleasant Hill Road; (2) the proposed loop road west of Pleasant Hill Road should be connected through the wetlands, regardless if an ACOE permit is required for the convenience of public safety access and traffic circulation; (3) all dwelling units must consist of traditional site built housing meeting state construction codes; (4) prior to the submission of the 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 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) 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 or reject 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; (5) to enhance access management, all proposed lots or units should face to the internal roads within the subdivision. Driveways along Pleasant Hill Road from any building lot in the proposed subdivision will be prohibited; (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. Four people signed up to speak on the request. Ms. Marsh was present to make the presentation.

Ms. Marsh stated that Scott Stafford was the developer working on this project and he would be working with local realtors and other people. All amenities will be provided for this development. The lots will be 1 to 3 acres. No homes will be assessed from Pleasant Hill Road and a buffer will be added to the road and adjoining properties. The rezone is consistent with the existing uses and zoning of nearby properties. There is adequate response time for emergencies. The property is not suitable for farming because of the slopes. A letter from Chip Smith, an adjacent landowner, was received stating that he has no problem with the rezone request and supports the change. The threatened species is an issue for everyone in the area. A plan will be implemented about the safety and removal of the snakes (Eastern Indigo Snakes). The school system impact will be

minimum but important. Also, the homeowners must pay an assessment fee for the upkeep of the lake. See exhibit #2006 -78 for Chip Smith's letter and exhibit #2006 - 79 for Ms. Marsh's Petitioner's Statement of Constitutional Challenges.

Commissioner Tankersley asked if the developer was willing to wait on Portal to put in the sewage system. Mr. Stafford stated that if he could get the easements that would be needed, he was willing to hook into the city's system. It should be ready in 2 years. Commissioner Tankersley asked how much land in the common area. Mr. Stafford stated that 3 acres make up the common area and 10 acres will be unusable greenspace.

Mr. Wayne Akins spoke against the request. He spoke for several people within the area who are against the request. The issues they have with the development are: (1) the detrimental effects to the quality of life; (2) historic preservation of the area; (3) geological significance of the lake and surrounding area; and (4) the increased runoff into the lake. If the development is passed, he asked that restrictive covenants be imposed and to also limit the number of homes.

Commissioner Tankersley asked Mr. Akins what was the number of homes he had in mind that would be appropriate for the area. He stated approximately 20 houses would be welcomed and that the land could absorb that many.

Commissioner Simmons asked how many homes could be built if the zoning stayed AG-5. Approximately 23 houses could be built.

Commissioner Thompson asked Ms. Tatum to go over the list of the different items that could be placed in an AG-5 zone and an R-80 zone.

Ms. Lisa Goodson passed on speaking.

Mr. Robert Seamans spoke against the request. He stated that this rezoning violates the land use plan. The entire area is AG-5.

Commissioner Tankersley asked if this development would fall under the old or new land use plan. Ms. Tatum stated that what is in the packet they received was the old land use plan. Under the new land use plan, the rezoning falls outside of the area of development.

After a few more minutes of discussion, Commissioner Thompson offered a motion to deny the rezone. Commissioner Tankersley seconded the motion and it carried unanimously.

Ms. Tatum stated Lamar O. Reddick, as agent for Dianne Y. Hickman, has submitted an application with the Bulloch County Zoning Department for a rezone from R-40 (Residential-40,000 sq ft lots) to an R-3 (Multi-Family Residential). The intent is to develop a planned residential housing area. There are 80 3-to-4 bedroom dwelling units proposed. The property contains 50 acres and is located on Harville Road. The Planning and Zoning Commission unanimously recommended approval with the following conditions if the proposed maximum build-out density is greater than 50 but less than 100 dwelling units: (1) 30 days in advance of the sketch plan application to the Planning and Zoning Commission, a pre-application conference with the County staff will be required to work out any site design or infrastructure issues between the County and the developer; (2) 30 days in advance of the 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 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: 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 lands, turn lanes, shoulder widenings, signage, signalization or intersection alignments. The county may accept or reject 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; (3) a master development plan shall be submitted with the sketch plan application showing the maximum build out density, and any phasing of construction as referenced in the Bulloch County Subdivision regulations; (4) 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; or (5) a common interest element maintained by a homeowners association or other conduit 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. The staff recommends denial of the request because of concerns (and/or a lack of uncertainty about maximum build out) about density, potential environmental impact and traffic impact concerns. However, if adequate sewerage can be provided, then the conditions stated by Planning and Zoning Commission will be concurred with. No one signed up to speak in opposition to the request. Mr. Garth Long was present to make the presentation.

Mr. Long stated that this new development will be the mirror image of Planter's Row. There will be 80 units in the development.

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

Ms. Tatum stated that Robert M. Benson, agent for Forest Heights Group LLC, has filed an application with the Bulloch County Zoning Department for a modification of his current conditional use to allow off premise consumption sale of alcoholic beverages. The original request was for on premise consumption sales which they agreed to change to off premise consumption sales only. The Planning and Zoning Commission unanimously recommended approval of the conditional use request with the following conditions: (1) only off premises consumption sales of alcohol will be allowed; (2) landscaping buffer shall be provided between the church building and the buildings on this property. The minimum sufficient opacity shall be deemed to require no less than three (3) feet of plantings and/or hedge in the area immediately adjacent to the property line, measured along the ground surface from the property line to the inside border of said plantings and/or hedge plantings. Hedges of comparable natural plantings shall be of

such variety that an average height of a least six (6) feet could be expected by normal growth within no later than two (2) years from the time of planting. The Zoning Administrator shall make determination of the degree of satisfactory completion of required screening according to a common standard; (3) a pump house of similar materials to the buildings being erected, shall be built around the well and pump. Also, a fence shall enclose the area around the tank; and (4) a fire hydrant as close to the property line as feasible, shall be placed between this development and the Church. This hydrant shall be available for use by the church if it becomes necessary. No one signed up to speak on the request. Mr. Hal Roach was present to make the presentation.

Mr. Roach stated that the applicants wanted to put an alcohol package store on the premises. The exact location was not known at the moment but it would be outside of the distance required to be from a church. Commissioner Jackson didn't agree with allowing the conditional use to go through without knowing the exact location of the store because of the church nearby.

Commissioner Tankersley offered a motion to approve the conditional use request with the conditions stated above. Commissioner Simmons seconded the motion and it passed with a 3 to 1 vote. Commissioner Jackson voted against the motion.

Sign-in sheets for zoning issues are shown as Exhibit #2006 – 80.

Under the Consent Agenda were the following items for consideration: (1) a bid for filters to Statesboro Auto Parts for a fixed term contract; (2) a resolution to execute an agreement with the GaDOT which provides for reconstruction of a part of CR 927 to facilitate an intersection reconstruction project on CR 927 at SR 46 and SR 67 – see exhibit #2006 - 81; (3) speed zone ordinance prepared by GaDOT for on-system and off-system roadways that is given to the Department of Public Safety, for the use of speed detection devices by law enforcement – see exhibit #2006 - 82; (4) lease with Canam Aviators Ins. for a hanger at the airport – see exhibit #2006 - 83; and (5) county extension agent employment application – see exhibit #2006 - 84. Commissioner Tankersley 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 an intergovernmental agreement with Screven County to digitize and maintain GIS layers. The term is for 5 years under the contract. Commissioner Simmons offered a motion to adopt the intergovernmental agreement. Commissioner Jackson seconded the motion and it carried unanimously. See exhibit #2006 - 85.

Next item under New Business was an intergovernmental agreement with the Board of Education for the Sportsfield Lighting at Mill Creek Regional Park. Mr. Chad Avret explained that one of the baseball fields was being renovated to comply with high school standards. The lease on the field will be 25 years. Commissioner Thompson offered a motion to adopt the intergovernmental agreement. Commissioner Tankersley seconded the motion and it carried unanimously. See exhibit #2006 -86.

Last item under New Business was a bid from Y-Delta. Mr. Avret explained that bids were sent out and Y-Delta came back with the lowest bid of \$155,403 to install the sportsfield lighting at Mill Creek. The county will pay for the project upfront but will be reimbursed by the Board of Education. The award is contingent upon the Board of Education approving the intergovernmental agreement. Commissioner Jackson offered a motion to approve the bid award to Y-Delta for \$155,403 being contingent upon the Board of Education approving the intergovernmental agreement. Commissioner Simmons seconded the motion and it carried unanimously.

Chairman Nevil asked for any public comments or staff comments.

Ms. Tatum stated that a permit was issued to an applicant in 2005 to allow them to place a mobile home on a parcel of land that already had a home on it. This property is located on Mallard Pond Road. The land is 4.88 acres but the requirement is 5 acres in an AG-5 zone. She made an error in signing off on the permit but wanted to let the county officials know about it before they heard it from someone else. This issue is being brought up by a family member because of a conflict within the family.

Mr. Couch stated on May 16, there will be a lunch meeting with a consultant along with the regular meeting scheduled for that day.

Chairman Nevil stated an executive session was needed to discuss personnel matters. Commissioner Jackson offered a motion to go into Executive Session to discuss personnel matters. Commissioner Tankersley seconded the motion and it carried

unanimously. Commissioners Jackson, Simmons, Tankersley and Thompson voted in favor of the motion. See exhibit #2006 -87.

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.