

March 4, 2008  
Statesboro, Georgia

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 Simmons gave the invocation and the pledge of allegiance.

Ms. Christy Strickland performed the roll call of the commissioners and staff. The following commissioners and staff were present. Chairman Nevil, Commissioner Jackson, Commissioner Simmons, Commissioner Tankersley, Commissioner Thompson, Commissioner Rushing, County Manager Tom Couch and Staff Attorney and Parliamentarian Jeff Akins, Zoning Administrator Randy Newman, County Planner Andy Welch and County Attorney Charles Brown. Commissioner Gibson was absent.

Chairman Nevil asked for changes or modifications before approval of the General Agenda. County Manager Tom Couch requested the General Agenda be modified to add an Executive Session for the purpose of discussing a personnel matter following the commissioner and staff comments. Commissioner Tankersley offered a motion to approve the General Agenda as modified. Commissioner Simmons seconded the motion and it carried, unanimously.

The next item of business was the approval of the minutes of the regular meeting held on February 19, 2008, the minutes of the Executive Session held on February 19, 2008, minutes of the Workshop on February 14, 2008 and minutes of the Workshop on February 19, 2008. Commissioner Thompson referenced the minutes of the Executive Session on February 19, 2008 and said the dollar amount shown as \$4,000.00 should be \$400,000. Commissioner Simmons offered a motion to approve the minutes of the four meetings with the correction to the minutes of the February 19th Executive Session. Commissioner Tankersley seconded the motion and it carried, unanimously.

Chairman Nevil asked for public comments or petitions. There were no public comments or petitions.

The Consent Agenda had four (4) items for consideration: (1) Resolution authorizing acceptance of roads in phase I of Glen Oaks Subdivision (See exhibit #2008-28); (2) authorization for approval of an access easement for Hope Property & Development, LLC (See exhibit #2008-29); (3) approval of beverage proposal from Coca

Cola (see exhibit #2008-30); (4) approval of contract renewal with Stubbs Oil Company (see exhibit #2008-31). Commissioner Thompson offered a motion to approve the Consent Agenda. Commissioner Rushing seconded the motion and it carried, unanimously.

The first item of New Business was discussion and/or action on the Westside land use issue. Chairman Nevil asked County Attorney Charles Brown to initiate this discussion. Mr. Brown said this concerns the old Westside school property. The person who acquired the property in 2007 filed a petition to rezone the property which the Planning and Zoning Commission recommended be denied. The landowner then took the position that the use which he proposed was grandfathered. It was explained to him that his purposed use was different, more extensive, not of the same character and not grandfathered. At that time a number of neighbors expressed their objections, voicing the concern that it was a rural community and that the Westside Community had traditionally been used for education and not for profit uses. Last week, with the consent of the Commissioners and with help from Mr. Akins, there was a meeting to mediate this dispute. Some restrictions on the use by the owner were proposed to both sides which would accommodate the owner and the neighborhood. That procedure failed. Mr. Brown said their request now is authorization to bring litigation in the Bulloch Superior Court to determine the construction of the Ordinance and its application to this use. The County says the use is not grandfathered and the proposed use is new, expanded, different and distinct and it should be enjoined by the Court. Commissioner Jackson offered a motion to authorize litigation in Superior Court for a declaratory judgment. Commissioner Tankersley seconded the motion and it carried. In discussion Commissioner Thompson asked if the purchase of the property by the neighborhood is an option. Mr. Brown said yes, during the mediation meeting there was discussion on two levels. First, that the County purchase the property for a fire station. The property contains more than six acres and the original purchase price was \$125,000. It was explained to the neighbors and the landowner that, given the acreage and given the fact that the fire plan is not complete, that proposal was premature. Then there was some discussion between the property owner and the neighbors about a possible purchase. The motion authorizing litigation for a declaratory judgment carried, unanimously.

The next item on the agenda was discussion and/or action on the Preliminary Fire Services Plan. Chairman Nevil asked County Manager Tom Couch to initiate this discussion. Mr. Couch introduced and welcomed the new County Fire Chief, Charles “Randy” Walker. He said Mr. Walker would assist Public Safety Director Ted Wynn in presenting the information on the fire service plan and the needed resources. Mr. Wynn said they believe the proposed plan being presented is the most efficient way and most rapid way to benefit citizens with a lower ISO rating. This proposal deals with the current eight fire stations, possible expansion and the lowering of the ISO ratings for as many citizens as possible outside the Statesboro five mile fire district. He said Chief Walker would present the plan. Mr. Walker said he has had the opportunity to visit all eight fire stations and has met all of the fire chiefs except one. He reviewed the five mile district for each of the eight current fire stations and the fire district served by Statesboro. He said if there is a fire in a location not within a five mile district, a fire department will respond. However, for insurance purposes, ISO only recognizes property within five road miles of a fire department. He explained that ISO will recognize a substation using the same roster of volunteers but the key is to be as close to the edge of the five mile radius but still within the five mile radius so it is considered a substation and not a stand alone station. He gave examples of increased coverage by placement of six substations in the five mile radius of several fire stations. He stated that a substation would be very modest, simple accommodations with one bay and some used fire apparatus might be needed as well as some equipment. He explained the proposal for six substations still leaves some gaps in coverage. He said the time element is very important. Portal Fire Department is scheduled for an ISO rating this summer and Mr. Starling has recommended the entire county be surveyed. During a survey, ISO will make recommendations for improvements and will give a grace period for up to one year to implement their recommendations. He asked for any questions. Commissioner Jackson asked if the ISO rating was affected by response time. Mr. Walker said the property has to be in a five mile radius of a fire station but there are benefits for a quick response time. Mr. Couch said it was his understanding that August is the target date and asked about the cost and the time involved. Mr. Walker said Mr. Starling said ISO will survey Portal in June and the survey can be set-up for the entire county. Typically, after a

survey there is about a two month lag time so it will probably be August before an official rating is received. Mr. Wynn said they are not proposing six new fire trucks. Some fire trucks can be moved to substations because some stations have three trucks. He also commented that the Chief will need some assistance from a training officer to maintain training and records which is a very important part of an ISO rating. Mr. Couch asked if the estimated cost was still \$150,000-\$200,000 to startup the six substations. Mr. Wynn said some churches may participate in the land acquisition but the cost of property is still the unknown. Mr. Couch discussed funds available from SPLOST monies and said there needs to be some discussion of a milage rate versus a fire fee. Mr. Couch asked if it was feasible to have an expenditure budget for operations and capital needs for the next Commissioners' meeting. Mr. Wynn said yes, a budget could be ready by the next Board meeting. Commissioner Thompson asked if the 2 tracts of land given by Mr. Charlie Ellis and the tract given by Robbie Bell had been studied to know if these three tracts will be beneficial. Mr. Wynn said he thinks two of the tracts will work but they haven't been pinpointed yet. Chairman Nevil asked if churches donate land or give a long term lease. Mr. Walker said there are different options and this will have to be negotiated on a case by case basis.

Chairman Nevil asked for comments from the Commissioners or the staff. Mr. Couch presented a copy of the Agreement for the "Flying J" project. He said the City Attorney hand delivered this agreement this morning and the City asked that it be considered as soon as possible. He proposed a called meeting and workshop next Tuesday morning (March 11<sup>th</sup>). The called meeting and workshop was set for Tuesday morning and an agenda will be prepared.

Chairman Nevil asked for other business or comments. He said an Executive Session was needed to discuss a personnel matter. Commissioner Thompson offered a motion to move the meeting into Executive Session for the purpose of discussion of personnel matters. Commissioner Jackson seconded the motion and it carried, unanimously. See exhibit #2008-32

Commissioner Tankersley offered a motion to recess following the Executive Session until 6:30 p.m. Commissioner Rushing seconded the motion and it carried.

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The meeting was reconvened for the Public Hearing on zoning matters. Chairman Nevil asked Zoning Administrator Randy Newman to present these items.

Mr. Newman presented an application by Mr. Harold Finch requesting a rezone from AG-5 (agricultural-5 acres) to R-40 (residential 40,000 square feet). The intent of the rezone is to be able to divide a 5.15 acre tract into two parcels to sell the residence on the property. The property is located on Rocky Ford Road. The Planning and Zoning Commission recommended approval of the rezone. No one signed up to speak on this matter. Commissioner Thompson offered a motion to approve the rezone request. Commissioner Rushing seconded the motion and it carried, unanimously.

Mr. Newman presented an application by Ms. Lisa Hodges requesting a rezone from R-2 to R-3. The intent of the rezone is to be able to divide the multi-family dwellings for sale. The property consist of 20.5 acres and is located on Highway 67. The Planning and Zoning Commission recommended approval of the rezone with conditions: (1) Within the subdivision, all approved residential lots and structures shall access internally to new roads built within the subdivision, with no driveway access permitted on Highway 67; (2) If the proposed internal roadway system is proffered by the applicant as being privately owned and maintained by a common interest element, any proposed future public dedication requires that the roads meet county standards at that time. No public funds shall be invested to correct any construction or condition deficiencies to meet such standards, unless a county special assessment tax improvement district is approved by affected property owners; (3) 30 days 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 (5:00-6:00P) 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 during existing conditions and after project build-out; (c) Intersection and Roadway Segment Analysis: Assess the need and provide cost estimates for any further network or safety improvements for arterial

and collector roads in the study area resulting from the impacts created by the proposed subdivision 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; (4) 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. Mr. John Dotson was acting as agent. No one signed up to speak on this rezone. Mr. Dotson said when this property was purchased it was zoned R-2 and planned for duplexes. The infrastructure is complete and a centralized sewerage will be installed. Health Department regulations prohibit the division of a R-2 lot and that is the reason for the request for a rezone to R-3. Commissioner Tankersley offered a motion to approve the rezone request with stated conditions. Commissioner Simmons seconded the motion and it carried, unanimously.

Mr. Newman presented an application by Sumner & Sumner Properties, LLC requesting a rezone from AG-5 (agricultural-5 acres) to R-3 (multi-family dwellings) on 22.79 acres out of a 33.76 acre parcel. The intent of the rezone is to build multi-family dwellings to be sold individually. The property is located on Burkhalter Road off Highway 80 East. The Planning and Zoning Commission made no recommendation. Mr. Joey Maxwell was acting as agent. Two people signed up to speak on this item. Mr. Maxwell said the front portion of this property is zoned Highway Commercial and the corner of the property is the location of the PoJo's Convenience Store. He said this R-3 is requested to allow a multi-family complex. He presented slides of the proposed duplexes. He discussed storm water detention, wetlands and the centralized drain fields. He stated the septic system will be designed and approved by EPD. Mr. Maxwell yielded to the opposition and reserved his remaining time for questions. Mr. Bill Roberts said he was speaking on behalf of himself and his neighbors. He gave a power point presentation outlining reasons not to approve the rezone. He highlighted the fact that wetlands consists of 9.2 acres which puts 42 family units on thirteen acres. Reason not to approve this rezone: (1) there is no reason the property cannot be utilized as

currently zoned; (2) the change is inconsistent with zoning patterns in nearby areas; (3) lower property values; (4) development doesn't fit into the area; (5) Brooklet feeder system is already at or over capacity; (6) traffic in the area; (7) this area maybe unsuitable for more intensive development. He reviewed all the conditions required for this development in the Planning and Zoning report. He commented that the Planning and Zoning Commission had enough questions to prevent them from making a recommendation. He presented pictures of water flow onto the Hagan property and said one of the biggest concerns is that this development will add more water flow. He said his pond catches some of the drainage of this property and the rest goes into the creek and then onto the Hagan property. He said their request is that the negative effects be considered and this rezone be denied. Mr. Todd Manack yielded to Mr. Maxwell. Mr. Maxwell said he agreed there was a drainage problem but it is already there today and it is caused by development in the area. This development requires storm water management and it will not add anymore water flow. The land use plan designates this area as residential and it meets the land use plan. He said they did a traffic study and agree the interchange needs to be improved. They approached the Department of Transportation to seek guidance to improve the intersection. Department of Transportation advised them not to make any changes to the road because D.O.T. plans to widen Highway 80 and will improve the interchange at that time. Commissioner Tankersley commented on the water drainage issue and asked if they certify that no more water will leave this property. Mr. Maxwell said yes, they do calculations to show that no water is going out and the plan is reviewed by the county staff and it is a state mandated criteria. Chairman Nevil asked if water is directed to the holding pond through ditches or pipes. Mr. Maxwell said drainage is piped to the pond. He discussed the size of the holding pond and the ability to expand water collection if needed. Commissioner Thompson said that Mr. Roberts has a pond that is downhill from this property and commented on permitted uses for AG-5 which could have a more negative impact on his property. Mr. Roberts said there is something in between AG-5 and R-3 and other categories that would be a better fit. Commissioner Rushing offered a motion to approve the rezone request with conditions: (1) An additional 10% bonus density may be granted, provided at least one of the following amenities shall be installed by the

applicant; (a) A pedestrian sidewalk system within the development; (b) An internal streetscape consisting of native, non-ornamental canopy trees (maple, dogwood, oak, etc) with a minimum 4" caliper spaced 75' off center. The streetscape may optionally be integrated with amenities a or c; (b) A county maintained street light district; (c) 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; (d) 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; (2) All dwelling units shall consist of traditional site built construction meeting state building codes. Manufactured housing shall be prohibited; (3) To enhance access management within the subdivision, all approved residential lots and structures shall access internally to new roads built within the subdivision, with no driveway access permitted on Burkhalter Road; (4) If the proposed internal roadway system is proffered by the applicant as being privately owned and maintained by a common interest element, any proposed future public dedication requires that the roads meet county standards at that time. No public funds shall be invested to correct any construction or condition deficiencies to meet such standards, unless a county special assessment tax improvement district is approved by affected property owners; (5) All well structures shall have a visual landscape or wall/fence buffer equal to the height of the roof line; (6) All water system lines shall be set on the back slope of the ditch where rural ditches are used; right-of-way encroachment permits will be required by the County Engineer for any water system installation work on Burkhalter Road; (7) 30 days 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 further 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; (8) 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. Commissioner Tankersley seconded the motion and it carried, unanimously.

Sign-in sheets for zoning matters are shown of Exhibit 2008-33

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