

November 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. County Manager Tom 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 Smith, Commissioner Thompson, County Manager Tom Couch, Staff Attorney & Parliamentarian Jeff Akins and Zoning Administrator Cheryl Tatum. Commissioner Gibson and Commissioner Tankersley were absent.

Chairman Nevil asked for changes or modification before approval of the General Agenda. Mr. Couch said there was no modification but, because of the change in the format of the meeting, the Board would adjourn to the Conference Room for the Executive Session to be held prior to the Zoning Agenda. Commissioner Smith offered a motion to approve the General Agenda as amended. Commissioner Simmons seconded the motion and it carried unanimously.

Chairman Nevil advised that there were two presentations on this agenda. Representatives of the Bulloch County Hospital Authority were present to give their annual report. Mr. Arthur Howard, Chairman of the Hospital Authority, presented the 2006 tax relief check in the amount of \$1,445,985.14 and said it was approximately \$100,096. more than 2005. He discussed the amount of earnings and grants for this year. Mr. Howard stated that his term expired September 2006 and said he had enjoyed his thirteen years of service with the Hospital Authority and the Board of Commissioners. Mr. Howard introduced members of the Hospital Authority, new Chairman Anna Swicord, Vice-Chairman Lee Cromley, Secretary-Treasurer Buddy Rabitsch and member Bill Stubbs.

Chairman Nevil thanked Mr. Howard and the Authority for this report and for their support of the Board of Commissioners.

Chairman Nevil said the second presentation was a proclamation by the Board to Mr. Howard in recognition of his service to the Hospital Authority. Mr. Couch read the

proclamation expressing the Board's appreciation for Mr. Howard's service to the Hospital Authority. Chairman Nevil presented the proclamation to Mr. Howard.

The first order of business was the approval of the minutes of the regular meeting on October 17, 2006 and Executive Session on October 17, 2006. Commissioner Thompson offered a motion to approve the minutes of the regular meeting on October 17, 2006 and the Executive Session on October 17, 2006. Commissioner Smith seconded the motion and it carried unanimously.

Under the Consent Agenda were the following items for consideration: (1) trails grant contract with Department of Natural Resources for \$100,000 – see exhibit #2006-164; (2) carpet cleaning contract with Divine Clean Care for \$3,990; (3) Board/Committee Appointments: Animal Shelter Advisory Committee – Dr. Janice Grumbles; Recreation Advisory Committee – Mr. Tim Robbins and Mr. Warren Ward; Department of Family & Children Service Board – Ms. Jo McKanna. Commissioner Simmons offered a motion to approve the Consent Agenda. Commissioner Jackson seconded the motion and it carried, unanimously.

An item of new business was discussion of the sole source procurement of a fire truck for the Clito Fire Department. Chairman Nevil asked Mr. Couch to present information on this proposed purchase. Mr. Couch said that the Public Safety Division has requested consideration of a sole source procurement to purchase a 2006 Top Mount Pumper from Fireline, Inc. for Clito Fire Department at a cost of \$144,890. This truck will replace a 1976 Kenworth which has been in disrepair for some time. He advised there were some undesignated funds available from the 02 SPLOST and 07 SPLOST which will have to be designated for this purpose. He asked Public Safety Director Ted Wynn to summarize the need for this truck. Mr. Wynn introduced members of the Clito Fire Department, Chief Morris Prince, James Dyches, Michael Dyches and Tyler Thompson. He said Clito Fire Department needs a new truck, the 1976 truck has been undependable over the last year and seems to be deteriorating rapidly. He presented pictures of the new truck and described its capabilities. He said members of the Clito Fire Department have seen this truck and it is available for immediate delivery. He asked for questions. Chairman Nevil asked what was proposed for the 1976 truck. Mr. Wynn said it would be surplus and advertised for sale. Commissioner Thompson

offered a motion to approve the purchase of the 2006 Top Mount Pumper from Fireline, Inc at a cost \$144,890, to amend the SPLOST budget to use undesignated funds for this purchase and authority to advertise the 1976 truck for sale. Commissioner Simmons seconded the motion and it carried, unanimously.

Commissioner Smith asked if anything had progressed on a master plan for fire coverage for the entire county. He said there were areas of the county which do not have any fire protection. Mr. Couch said he and Mr. Wynn had discussed the prospect of using Mr. Starling for an ISO study. He advised that Mr. Starling's standard contract is about \$26,000 or more. This cost would probably have to come from undesignated SPLOST funds. Commissioner Smith offered a motion to proceed with an ISO Study and plans for fire coverage for the entire county. Commissioner Thompson seconded the motion and it carried. Mr. Couch will put out an informal request for proposals and bring the results to the Board in a December meeting.

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

Chairman Nevil asked for any comments from the Board or the Staff. Mr. Couch reported on a bid for grassing for the field improvements at Mill Creek Park from Mill Branch Turf Farm in the amount of \$9,923.76. He advised the Board of upcoming meeting dates: (1) officers of Briggs & Stratton will be at Meinhardt Vineyard at 6:30 p.m. on Thursday, November 9th, and would like for two Commissioners to be attend this meeting; (2) a lunch meeting on Friday, November 10th with Representative Lane; (3) a lunch meeting on Tuesday, November 14th, with Representative Butch Parrish. Dates for meetings with Senator Jack Hill and Representative Jon Burns are to be scheduled. A meeting is being planned with The Ports Authority between Thanksgiving and Christmas. A couple of dates will be suggested for final coordination with the Ports Authority and the Board.

Chairman Nevil stated an Executive Session was needed to discuss personnel matters and potential land acquisition. Commissioner Jackson offered a motion to go into Executive Session to discuss personnel matters and potential land acquisition. Commissioner Smith seconded the motion and it carried. Commissioners Thompson, Smith, Jackson and Simmons voted in favor of the motion. See exhibit #2006-165

The meeting was reconvened for the Public Hearing for zoning items. Chairman Nevil asked Zoning Administrator Cheryl Tatum to present these items.

Ms. Tatum said the first item was a Text Amendment Request. Mr. William Bailey presented this text amendment request on behalf of Mr. Benjamin Eichholz. She said this text amendment would allow for campers to be utilized as temporary dwellings on property in an AG-5 zoning district during the time a house is being constructed. She explained that anyone in an AG-5 zoning district who wanted to put a camper, a mobile office or a manufactured home on their property to be utilized as a temporary dwelling would have to have a conditional use approved on a case-by-case basis by the Board of Commissioners. She said if this is approved, section 503c.12 and 14 would have to be deleted from the Code of Ordinances. Ms. Tatum advised the text amendment request was that no more than two (2) temporary units may be occupied per parcel, but the Planning and Zoning Commission recommended no more than one (1) temporary occupancy unit may be occupied per parcel. Commissioner Smith asked what the sewage system would constitute. Ms. Tatum said according to Brad Wiggins of the Health Department there is a problem with holding tanks being emptied and sewage being transported, but she also thought there was a problem with a camper being connected to a septic tank system because of Health Department regulations. She said she as well as Mr. Wiggins feel that for environmental reasons it would be better for the camper to be connected to a septic tank system. There was some discussion on the sewage disposal system. Commissioner Smith suggested that a connection to a septic tank system be required. Commissioner Jackson asked if there was a time limit to complete a home before the camper is moved. Ms. Tatum said once a building permit is issued there is a six months period to begin construction and once construction is started it cannot cease for a period of six months or the permit is null and void. There is no time limit for completion if construction does not cease for a period of six months. Ms. Tatum said this text amendment stated the temporary occupancy unit must be removed no later than thirty (30) days after receiving an approved certificate of occupancy for the principal residential structure. She stated that if it took three years to complete the residence then the temporary unit has to be moved within a thirty-day period unless it is a

recreational unit for personal use. Commissioner Smith said he would like to see the temporary permit issued for no longer than one year with a reapplication required at the end of the one-year. Mr. Smith said a fee should be charged for the temporary unit. Ms. Tatum said a \$50 fee could be charged under a non-permitted inspect Chairman Nevil asked what would it cost and what would be the procedure if they reapplied. Ms. Tatum said it would be the same procedure, a \$250 conditional use charge, presented to Planning & Zoning and the Commissioners. There was some discussion of time involved in completion of a residence and the length of time permitted for a temporary unit. It was decided that if the temporary unit was not removed after a one-year period, the Zoning Administrator could grant an additional one-year extension. There was discussion of no more than one (1) temporary occupancy unit. Ms. Tatum explained there could be either one camper or one manufactured home or one mobile office. Mr. Akins questioned the item pertaining to occupants of the temporary unit which, as written, stated the units would be occupied by the permanent occupants of the principal use under construction and any work crew employed by the owner-occupant. He said if the temporary unit is limited to one unit, wording of this item should be changed to say either the permanent occupants of the principal use under construction or any work crew would occupy it. There was some discussion of the wording (shall versus may) for the requirement of a bond or letter of credit in amount up to \$3000. It was decided to leave the wording (may) as written with the requirement to be accessed on a case-by-case basis.

Chairman Nevil asked for public comments on the Text Amendment. Mr. Bill Bailey said the only thing he wanted to comment on was the number of occupants in a unit. Campers can sleep four, five, up to seven people based on the fire marshal code. He also wanted two (2) temporary occupancy units to be allowed instead of one (1) as recommended. He said he had his camper for his family and another camper for his crew. Mr. Bryon Twigg asked if he would be allowed to purchase and own more than one recreational vehicle to be stored on his property. Would he be limited to one camper or one motor home? Another question was if he was constructing a building, would he be allowed to have a temporary living unit, storage shed and also have a mobile office. It was explained that if the Board decides to have only one (1) temporary unit, that unit could be a camper or a manufactured home or a mobile office, not a combination of two.

A unit for storage only is allowed. Mr. Twigg was also advised that he could own more than one recreational vehicles for personal recreational use.

Chairman Nevil asked Mr. Akins to review changes made to the proposed Text Amendment. Mr. Akins gave revised wording for the proposed Text Amendment. Commissioner Smith offered a motion to approve the Text Amendment with revisions stated by Mr. Akins. Commissioner Simmons seconded the motion and it carried, unanimously. See exhibit #2006-166.

Ms. Tatum said that Mr. William Bailey, agent for Mr. Benjamin Eichholz, had submitted an application requesting a conditional use to allow the existing campers to remain on the property as temporary dwellings. The property consists of 5.25 acres and is located on Blankenbaker Road. She advised that the Planning and Zoning Commission approved the conditional use to allow one (1) camper to remain on the property with a condition that construction of the residence must be completed within six months. One person spoke in opposition at the Planning and Zoning meeting. One person was present at this meeting to speak in favor of the request. Ms. Tatum said Commissioner Smith came to the site today while she was taking pictures. She presented pictures of the house under construction, pictures of the campers and general conditions of the area. Ms. Tatum recognized Mr. William Bailey.

Mr. Bailey said he would like approval to continue with the progress they were making. He referred to the picture of the house construction and said there should be no problem with completion in the six months period. He also referred to pictures of the water around the campers and said one camper was no longer occupied and could be moved. He commented on the portable sewerage tanks and said they had some problems lines today. He said the tanks are pumped out every week. He referred to the water on the ground and said this is ground water not sewerage. His explanation was that there was a basement in the house and around the basement is a drain that runs to a manhole, that manhole has a sump pump which pumps the water up. He said he and Ms. Tatum had discussed connecting the campers to a septic tank but there were some issues with doing that. He advised that construction on the house should be completed by January and all the campers will be gone. He said he and his family occupies one camper and his superintendent and family occupy the other camper. Mr. Baron Twigg said he was next

door and he never had a problem with the campers being on the property. He said the water in the pictures was rainwater and ground water being pumped from around the basement.

Chairman Nevil asked for comments from the Board. Commissioner Smith said he had two complaints from residents in this neighborhood. One was a complaint from a neighbor who lives some distance away. They just happened to have been late to work when someone came into their driveway and tore up the front yard by turning around in the yard. The neighbor followed the person back to Mr. Bailey's property to ask why the person had come into their driveway and that is when they saw the conditions shown in the pictures. Also, it never was made clear why the person had come into their driveway, which is a quarter mile away. Another resident in the area has also complained about the raw sewerage. Commissioner Smith said he went to the site today and was appalled at what he saw. He said while he was on the site neither of the dump tanks were connected to the campers and there was raw sewerage running out of the lines. He added the smell was horrific. He referred to the pictures shown by Ms. Tatum and said what was seen on the ground was raw sewerage; it was not ground water being pumped out of the house. Commissioner Smith said this was a flagrant violation of the county ordinance.

Mr. Bailey responded to Commissioner Smith's comments. He said there was no damage resulting from the turning around in the neighbor's yard and that the vehicle had a transmission problem and would not go into reverse. He explained they did have a problem with a drain today and that is the reason one of the campers was disconnected from the dump tank.

Commissioner Smith offered a motion to deny the conditional use request and require that all the campers be moved from the property within one week. Commissioner Jackson seconded the motion and it carried, unanimously.

Ms. Tatum said Ms. Jacqueline Boykin had submitted an application requesting a rezone from AG-5 to R-40 (residential 40,000 sq. ft.). The intent is to divide the property into three parcels. The property consists of 5.28 acres located on Five Chop Road. She advised that the Planning and Zoning Commission recommended denial of the request. She said there were some people who opposed the request at Planning and Zoning

meeting. She said when the rezone application was submitted she was unaware of code violations on the property. She gave a report from the Code Enforcement Officer that revealed an accumulation of junk and debris, an abandoned vehicle and an abandoned mobile home, uncut grass and weeds. A follow-up visit by the Code Enforcement Officer stated that the grass and weeds had been cut, the junk and debris had been removed, but the abandoned vehicle and mobile home were still on the property. Ms. Tatum recognized Ms. Boykin.

Ms. Boykin said they had started to clean up the property prior to making the request. The car belongs to her mother and they plan to dispose of the mobile home. Ms. Tatum advised that if the car had a current license plate and was insured, it would not be considered abandoned. Ms. Boykin said her son is a single parent who worked at night and he needs her help with his daughter. Her mother is a widow and also needs her help. This is the reason they are requesting three parcels. She said this is family property and they do not plan to ever sell the property. Mr. James Boykin commented he needs his mother's help with his daughter and he wanted to build a house near his mother for his daughter's sake. Ms. Boykin presented a sketch showing division of the three parcels. Mr. J.L. Morgan referred to the aerial photo and pointed out the abandoned mobile home, another mobile home and the house on the property. He said the house was James Boykin's great grandmother's house that the family wants to preserve. The only way to keep this house and have two more homes is to request a rezone to R-40. Commissioner Smith commented if they had just a little more land, they could have an R-80 zone. Mr. Morgan said it is just eight tenths of an acre short which is the only thing preventing the three residences. Ms. Edna Miller pointed out her residence across the road and said her husband is concerned about the loss of the original home site. She added that everyone wants the house to remain on the property. She said that they have no objection to the three houses on the property. Commissioner Thompson asked if there could be a condition placed on the property, that it be rezoned as R-40 but limit the number of residences to three with no future request for further division. Mr. Couch referred to the sketch of the three parcels and said if the lines were redrawn, lot 2 and lot 3 could be R-80 and lot 1 be R-40. Ms. Tatum suggested a rezone of R-80 with a variance to the lot size on one lot. Mr. Couch said Five Chop Road is unpaved and

asked if the applicants would be willing to reserve a thirty foot easement along Five Chop Road for future road paving.

Commissioner Thompson offered a motion to approve the rezone to R-80 on two lots with a lot size variance on one lot with conditions of site build homes on all three lots and the reservation of a thirty foot easement along Five Chop Road for future paving. Commissioner Smith seconded the motion and it carried.

Ms. Tatum said that Kevin Zetterower has submitted an application requesting a rezone from AG-5 to R-25 (residential 25,000 sq.ft.). The intent of the rezone is to remove the mobile home park and divide property for single-family dwellings. The property consists of 10.28 acres and is located on Clito Road. She advised the Planning and Zoning Commission denied the R-25 rezone but approved a R-40 zone with conditions. The condition was that all residences must be site built homes. Ms. Tatum said Mr. Zetterower agreed to the R-40 rezone. No one had signed up to speak. Commissioner Simmons offered a motion to approve the R-40 rezone with condition that all residences must be site built homes. Commissioner Jackson seconded the motion and it carried.

Ms. Tatum said the next item was rezone request by Wash Mitchell. She said a serious medical condition has developed and the applicant has written a letter asking that rezone request be withdrawn. Commissioner Smith offered a motion to allow the rezone request to be withdrawn. Commissioner Simmons seconded the motion and it carried.

Ms. Tatum said Beasley White Developers has requested an amendment to a condition on a rezone approved on May 3, 2005. The rezone was approved for R-3 and one of the conditions was that the well be moved between lots 6 & 7 (the entire radius) to allow for future intersection changes at Burkhalter & Josh Hagin Roads. The property consists of 6.15 acres and is located on Burkhalter Road and Josh Hagin Road. Ms. Tatum reviewed conditions recommended by the staff: (1) to facilitate traffic flow on Burkhalter Road during peak periods and for proper spacing of right turns into the development between the proposed road and the intersection at Pretoria Rushing Road, installation of an improved two-way 50 foot right-turn approach and departure tapers with nine-foot offsets and lane separation stripes shall be required; (2) to facilitate

installation of the community water system for the development, a water line will be allowed to encroach and intersect the right-of-way provided that it is done without a road cut and with a jack and bore technique, as-built plans and profiles must be submitted and approved for a right-of-way encroachment permit, along with any surety to the County Engineer and work must be supervised by the Engineer or Transportation Department: (3) appropriate low-to-medium growth landscaping, with plantings materials to be approved by the Zoning Administrator, shall be installed along for the length of the development along Burkhalter Road. Ms. Tatum recognized Mr. Joey Maxwell to make the presentation.

Mr. Maxwell said the proposed well in the rezone plans was located close to the intersection and a condition of the Planning and Zoning Commission was for the well to be moved between lots 6 & 7. He advised that due to the size of the septic system and the radius that has to be maintained from the wellhead to the absorption fields they elected to move the well across Burkhalter Road to another portion of the property. He said this would move the well away from the septic system and away for the intersection.

Commissioner Thompson offered a motion to approve the relocation of the well with conditions. Commissioner Simmons seconded the motion and it carried.

Sign-in sheets for zoning issues are shown as Exhibit #2006-166.

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