

December 2, 2008
Statesboro, GA

Regular Meeting

The Board of Commissioners met at 5:30 p.m. in the Community Room of the North Main Annex. Chairman Nevil welcomed guests and called the meeting to order. Chairman Nevil gave the invocation and the pledge of allegiance.

Ms. Maggie Fitzgerald, Clerk of the Board, performed the roll call of the commissioners and staff. The following commissioners were present: Chairman Nevil, Commissioner Rushing, Commissioner Thompson, and Commissioner Gibson. The following staff were present: County Manager Thomas Couch, Staff Attorney Jeff Akins, Statesboro Bulloch County Parks and Recreation Director Mike Rollins, and Zoning Administrator Randy Newman.

Chairman Nevil asked for changes or modifications of the General Agenda. County Manager Thomas Couch asked to address the Board and stated that the General Agenda needed to be modified to include, under New Business, the purchase of the Flow Rider for the Splash in the Boro expansion project. Commissioner Rushing offered a motion to approve the General Agenda with one modification. Commissioner Gibson seconded the motion, and it carried unanimously.

The next item of business was the approval of the minutes for the Regular Meeting held on November 16, 2008, the Special Called Meeting held on November 20, 2008. Clerk of the Board Maggie Fitzgerald stated that one correction had been made to the Special Called Meeting minutes that were presented to the Commissioners. Commissioner Thompson offered a motion to approve the minutes of the meetings as presented with one correction. Commissioner Rushing seconded the motion, and it carried unanimously.

Chairman Nevil asked for public comments from the audience at large or in writing. There were no petitions received in writing. Arlene Hendrix, of Portal, asked to address the Board to inform the Commissioners of her property issues. Mrs. Hendrix stated that her house had been burglarized several times and that she needed more help from the Sheriff's Department. With no other public comments, Chairman Nevil moved on to the next item on the Agenda.

A Presentation from Probate Judge Lee Deloach was the next item on the Agenda. Judge Deloach asked to address the Board, and stated that he met with City Clerk Sue Starling and City Manager Shane Haynes to discuss the possibility of establishing a Board of Elections. Judge Deloach stated that Mrs. Starling, Mr. Haynes, and the City Council were in favor of the establishment of the Board. Judge Deloach continued stating that smaller counties surrounding Bulloch County have recently established Elections Boards. After further discussion, Chairman Nevil stated that it is time to bring this issue back to the Agenda in order to decide when and if Bulloch County can establish a Board of Elections. With no further discussion, Judge Deloach asked to be excused from the meeting to attend to other business.

The next item on the agenda was to approve the Consent Agenda as presented: (1) To grant thirty-three (33) Alcoholic Beverage License renewals pursuant to the Bulloch County Code of Ordinances; and (2) To authorize the County Manager to Execute a Purchase Order based on a sole source procurement for a Mat Racer as a part of the Splash in the Boro expansion with Whitewater West of Columbus, Ohio, in the amount of \$466,352.00, with funds to be appropriated from the Aquatic Center Enterprise Fund, until such time that reimbursement occurs from the Construction Escrow and Financing Account (See Exhibit #2008-143). Commissioner Thompson offered a motion to approve the Consent Agenda as presented. Commissioner Gibson seconded the motion, and it carried unanimously.

With one item added to the Agenda for the New Business Agenda, Chairman Nevil stated that the first item of New Business was the discussion and/or action for the County Manager to execute an agreement with Hydrotech Systems, LTD., for the purchase of the Flow Rider as a part of the Splash in the Boro expansion in the amount of \$657,216.00, with funds to be appropriated from the Aquatic Center Enterprise Fund, until such time that reimbursement occurs from the Construction Escrow and Financing Account (See Exhibit #2008-144). Commissioner Thompson offered a motion to approve the execution of the agreement. Commissioner Rushing seconded the motion, and it carried unanimously.

Chairman Nevil asked if there were any comments from the staff or Board. County Manager Couch asked to address the Board, and gave the Commissioners an

informational copy of a Capital Projects Change Order for Lavender and Associates. Mr. Couch stated the change order for \$183,932.00 was a neutral cost because now Lavender and Associates would install the Flow Rider and Matt Racer instead of the manufacturers, and the purchase price of these items had been reduced by this amount. Mr. Couch further stated that, pursuant to the County's purchasing policy and the contract with Lavender, it is not necessary for the Commissioners to approve this change order. Rather, the Chairman and County Manager have approved the change order and it is now being reported to the Commissioners for their information.

Mr. Couch also stated that he would like to hold a Workshop before the next meeting to discuss road issues and DOT funding, and would like the commissioners to let him know an acceptable date for the workshop. The Commissioners agreed to hold the Workshop after the December 16th meeting. Clerk of the Board Maggie Fitzgerald asked to address the Board, and reminded the Commissioners about the Employee Christmas Party and the Splash in the Boro Groundbreaking, registering for the ACCG conference in February, and registering for UGA's Ag Forecast Breakfast. Public Safety Director Ted Wynn asked to address the Board, and reminded the Commissioners about the Animal Control/Humane Society Employee Appreciation Dinner. Chairman Nevil asked for further comments. Hearing none, Chairman Nevil stated that the next item of business was to recess until 6:30 pm, and then reconvene for the Zoning Meeting. Commissioner Gibson offered a motion to recess until 6:30 pm. Commissioner Rushing seconded the motion, and it carried unanimously.

The meeting was reconvened for the Public Hearings regarding Zoning and Land Use matters at 6:35pm. Chairman Nevil asked for any modifications before the approval of the Zoning and Land Use Agenda. County Manager Couch stated that one modification needed to be made to the Agenda because Carlene Akins requested that her Conditional Use Request, item number 3, be removed. Commissioner Gibson offered a motion to approve the Zoning and Land Use Agenda with one modification. Commissioner Rushing seconded the motion, and it carried unanimously. Chairman Nevil asked Zoning Administrator Randy Newman to present the four zoning items.

Zoning Administrator Randy Newman presented an application submitted by C. Ricky Nevil requesting a conditional use to construct a Precision Agricultural GPS

Guidance Tower. The property consists of 51.5 acres and is located on Reedy Branch Road. The Zoning Commission and Staff recommended the approval of the request pending results from the tower consultant David Snavley. Mr. Newman stated that after receiving Mr. Snavley's report, it was determined that a variance for the required setbacks was necessary for the request. Acting as agent, Mr. John Brett with Ag Technologies stated that most of the area on the property that would be affected by the tower is wetlands and would not be an issue for residential structures. Commissioner Thompson offered a motion to approve the conditional use request and variance. Commissioner Gibson seconded the motion, and it carried unanimously.

Mr. Newman presented an application submitted by James E. Davis for a conditional use request to improve an existing tower and add approximately 80 to 90 feet to a 90 foot tower for Precision Agricultural GPS signal. The property consists of 49.53 acres and is located on Ivanhoe Junction Road. The Zoning Commission recommended the approval of the request. The Zoning Commission and Staff recommended the approval of the request pending results from the tower consultant David Snavley. Acting as agent, Mr. John Brett with Ag Technologies stated that all the structures located within the fall zone of the tower are agricultural structures and not residential structures. Commissioner Rushing offered a motion to approve the conditional use request. Commissioner Thompson seconded the motion, and it carried unanimously.

Mr. Newman presented an application submitted by Bigwad Properties, LLC., for a rezone request from HC (Highway Commercial) to R-3 (Multi-family dwellings) in order to build multi-family units. The property consists of two parcels totaling 8.35 acres and is located on Highway 67. The Zoning Commission recommended the approval of the request with the following conditions striking #2 and #3: Density Bonus: (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). (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 be limited to, a clubhouse, pool,

tennis court(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. Architecture: (1) ~~All structures shall consist of brick or brick veneer facades only on all four sides with exception to accent and trim materials.~~ (2) ~~Roofing materials shall be architectural style asphalt or shingles only.~~ Landscaping, Buffers and Screening: (1) Commercial refuse containers, if used, shall be located in a manner not visible from any public street and screened or walled from view. Pressure treated wood, or vinyl coated chain link fencing with integral slats may be used for gates on refuse or recycling containment areas. The refuse container shall be placed on a concrete pad. (2) All building frontages shall have a foundation plantings between the exterior wall and parking areas. (3) To minimize the visual impact from the road, the developer shall install a minimum fifteen (15) foot wide screened landscaped buffer along the length of the Highway 67 and extending along the south-southeast property line adjacent to the Cone Estate for a length of one-hundred fifty (150) feet, using one of the following design concepts to be approved by the Zoning Administrator: (a) Installing a landscaped berm with an informal planting of a variety of types and sizes of shrubs equal to eight (8) feet in height; or, (b) installing an opaque decorative fence at least eight (8) feet in height constructed of either: concrete, stone, split-faced masonry or other similar material and landscaping comprised of an informal planting of a variety of types and sizes of shrubs and trees; or, (c) installing a decorative “see-through” fence with pillars and wrought iron style material and landscaping comprised of an informal planting of a variety of types and sizes of shrubs and trees; or, (d) installing a mix of native non-ornamental canopy trees (maple, dogwood, oak, etc.) with a minimum 4" caliper spaced 75' off center combined with either a row of evergreen hedges between the trees, or massed in a curvilinear pattern capable of growing up to 48" at maturity. (2) All well structures, if constructed shall have a visual screen consisting of an evergreen hedge or hedge/wall or fence combination equal to the height of the structure at its tallest point (or, the vertical building line). Access Management: (1) To enhance access management, all

structures shall access internally to Sawgrass Trail. No driveway access shall be permitted on Highway 67. (2) Except for approved access points, the streetscape along Sawgrass Trail shall be preserved and maintained. (3) The access from the parking bays for the buildings proposed on the south-southeast side of Sawgrass Trail shall be prohibited to prevent erratic vehicular maneuvers. An access drive with sufficient throat length, width and storage shall be required for access. (4) All internal streets, parking bays driveways and access points shall be privately owned and maintained. Stormwater Management: (1) Prior to receiving authorization for site work, the developer shall submit a Stormwater Management Plan for approval by the County Engineer demonstrating that stormwater shall be absorbed or detained on site to the extent that the controlled release rate of stormwater runoff from all developments shall not exceed the pre-development stormwater runoff rate, unless it can be shown that no significant adverse downstream impacts will result from higher rates. Acting as Agent, Mr. John Dotson stated the property is located next to the Hammocks subdivision and wants a different look from that subdivision by using hardy plank and metal roofs. Commissioner Thompson offered a motion to approve the rezone with conditions, and striking conditions number 2 and number 3. Commissioner Rushing seconded the motion, and it carried unanimously. Sign-in sheets for zoning matters are shown in Exhibit #2008-145.

The last item on the Zoning and Land Use Agenda was a text amendment to the Zoning Ordinance (See Exhibit #2008-146). Planning and Zoning Director Andy Welch stated that the Definition section of the Zoning Ordinance needed to be changed, several definitions were added, and some definitions needed to be clarified. No one commented during this public Hearing. Commissioner Thompson offered a motion to approve the text amendment to the Zoning Ordinance. Commissioner Gibson seconded the motion, and it carried unanimously.

Chairman Nevil asked for further discussion or comments from the staff or the board. Hearing none, Commissioner Gibson offered a motion to adjourn the meeting. Commissioner Rushing seconded the motion, and it carried unanimously.

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of the Board