

September 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. Commissioner Anthony Simmons 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 Simmons, Commissioner Tankersley, Commissioner Jackson, Commissioner Rushing, and Commissioner Thompson. The following staff were present: County Manager Thomas Couch, Staff Attorney Jeff Akins, County Planner Andy Welch, Public Safety Director Ted Wynn, Financial Director Harry Starling, County Engineer Kirk Tatum, Director of Statesboro Bulloch County Parks Recreation Mike Rollins, Transportation Director Eddie Smith, and Zoning Administrator Randy Newman.

Chairman Nevil asked for changes or modifications of the General Agenda. No changes or modifications were stated. Commissioner Simmons offered a motion to approve the General Agenda. Commissioner Tankersley seconded the motion, and it carried unanimously.

The next item of business was the approval of the minutes for the Regular Meeting held on August 19, 2008. Commissioner Tankersley offered a motion to approve the minutes of the meeting as written. Commissioner Simmons 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. Lt. Col. Thomas J. Bright, the new Battalion Commander of Statesboro's National Guard 48th Brigade Special Troops Battalion (BSTB), introduced himself to the Chairman and the Board of Commissioners. Lt. Col. Bright stated that he will be leader of the BSTB for two years and will take his troops to Afghanistan next spring for one year. Chairman Nevil welcomed Lt. Col. Bright to Bulloch County and wished him the best for the future.

The next item on the agenda was to approve the Consent Agenda as presented: (1) authorize the County Manager to execute a purchase order under a sole source procurement for Computer Aided Dispatch (CAD) and mapping equipment on behalf of the E-911 Department in the amount of \$64,186.00 with proceeds appropriated as approved from the E-911 Fund Operating budget; (2) authorize the County Manager to execute a purchase order under a sole source procurement for a professional services agreement for the Parks and Recreation Master Facilities Plan update with Lose and Associates of Nashville, Tennessee, in the amount of \$70,000.00, with proceeds as appropriated as approved from SPLOST/CIP Budget for Project #PR-09-7; (3) authorize the County Manager to execute a purchase order under a sole source procurement for a professional services agreement for the Fletcher Park Master Facilities Plan with Lose and Associates of Nashville, Tennessee, in the amount of \$10,000.00, with proceeds as appropriated as approved from SPLOST/CIP Budget for Project #PR-09-06 (See Exhibit #2008-120); and (4) approve the appointment of Ms. Beth Sands to the Parks and Recreation Advisory Committee. Chairman Nevil asked for any discussion of the Consent Agenda. Commissioner Thompson asked to move item #2, authorize the County Manager to execute a purchase order under a sole source procurement for a professional services agreement for the Parks and Recreation Master Facilities Plan update, of the Consent Agenda to the New Business Agenda as item #4 for further discussion. Commissioner Simmons offered a motion to approve the Consent Agenda with the modification of item #2. Commissioner Jackson seconded the motion, and it carried unanimously.

The only item of Old Business was the discussion and or action to consider a petition by Mr. Russell Williams for the proposed rerouting of County Road #305, also known as Starling Road. County Manager Thomas Couch stated that this item was discussed at the July 1, 2008, meeting and was deferred for further study by Transportation Director Eddie Smith and County Engineer Kirk Tatum. Transportation Director Eddie Smith stated that he met with Mr. Russell Williams and they agreed upon a revision of the rerouting of the road to include only one 90 degree turn. Commissioner Jan Tankersley suggested using a four-way stop to slow down the traffic on Starling Road, which was Mr. Williams's reason for rerouting the road. Mr. Smith stated that a

four-way stop would slow down traffic and solve the problem of rerouting the road and trying to get it paved. With no further discussion, Commissioner Tankersley made a motion to try a four-way stop at the intersection of County Road #305 and #284. Commissioner Simmons seconded the motion, and it carried unanimously.

The first item of New Business on the Agenda was the discussion and/or action to authorize the Chairman of the Board to enter into a Right-of-Way Agreement regarding County Road #138, also known as Key Akins Road. County Manager Thomas Couch stated that this agreement, proposed by Carl Akins, is between Carl Akins, the Keys, and Bulloch County. Mr. Couch added that in exchange for the County reducing the right-of-way from 80 to 60 feet, Mr. Akins will convey the necessary right-of-way from his property to the county. After some discussion between the Chairman and Commissioner Rushing regarding the purpose of paving this road, Staff Attorney Jeff Akins stated that the agreement should be deferred to the second meeting in September in order to add more contingency language to the agreement. Mr. Akins explained that the agreement needed to state that even if the County acquires all the necessary right-of-ways, it would be the sole discretion of the Commission to pave the road or not pave the road. Chairman Nevil asked for any more comments or discussion regarding this item or the recommendation of the Staff Attorney. Hearing none, Commissioner Tankersley made a motion to defer this agreement to the second meeting in September. Commissioner Jackson seconded the motion, and it carried unanimously.

The second item of New Business on the agenda was the discussion and or action to authorize legal action to demolish an unsafe and uninhabitable structure located at 4016 Carolina Trail in Parkway Place Subdivision. County Manager Thomas Couch stated that he has received numerous complaints about the house and that the house burned approximately three years ago and has yet to be repaired or demolished. Mr. Couch stated that code enforcement has made numerous unsuccessful attempts to contact the owners to fix the structure. Mr. Couch added that O.C.G.A. 41-2-7 states the County can seek an order through the Magistrate Court authorizing the County to demolish the structure and place a lien on the property, but this process will take several months. Building Inspector/Code Enforcement Officer Sidney Alston handed out pictures of the structure and explained that he has been working this case for a year and a half and has

made numerous unsuccessful attempts to contact the property owner, Eddie Byrd Jr., but through his investigation, he knows someone is picking up mail from the property. Mr. Alston stated that insurance company has not paid the claim and the claim is in litigation. Public Safety Director Ted Wynn stated that the Sheriff's Department had received numerous calls about children playing in the house and that Fire Chief Randy Walker inspected the house to see if he could secure the house from entry, but the damage was too severe to secure. Staff Attorney Jeff Akins stated that demolishing the home is a last resort. Commissioner Jackson stated that the Byrd's are picking up their mail and have received any notices or letters placed in their mailbox. Without further discussion, Commissioner Thompson made a motion authorize legal action to demolish the structure. Commissioner Rushing seconded the motion, and it carried unanimously. (See Exhibit #2008-121)

The third item of New Business was the discussion and/or action to dispense with the reading and adopt a resolution to increase the Per Diem for Jurors. County Manager Thomas Couch stated that O.C.G.A. 15-12-7 provides that the grand jury fixes the expense allowance for jurors within a range of \$5.00 to \$50.00 per diem, subject to approval of the governing body. Mr. Couch explained that the grand jury for the May 2008 term voted to increase the juror per diem from \$25.00 a day to \$50.00 a day, but based on budgetary considerations, it is recommended that the Commissioners approve a \$33.00 per diem a day to jurors. Chairman Nevil, Commissioner Thompson, and Mr. Couch discussed who has the final authority and how the county would fund the increase. Chairman Nevil asked for further comments or discussion. Hearing none, Commissioner Thompson made a motion to adopt a resolution increasing the juror per diem to \$33.00 a day. Commissioner Jackson seconded the motion, and it carried unanimously. (See Exhibit #2008-122)

The fourth and final item of New Business was the discussion and/or action to authorize the County Manager to execute a purchase order under a sole source procurement for a professional services agreement for the Parks and Recreation Master Facilities Plan update with Lose and Associates of Nashville, Tennessee, in the amount of \$70,000.00, with proceeds as appropriated as approved from SPLOST/CIP Budget for Project #PR-09-7. This item was moved to the New Business agenda from the Consent

Agenda upon the request of Commissioner Thompson. Commissioner Thompson asked if this item could be deferred to the second meeting in September and requested that Director of Statesboro Bulloch County Parks Recreation Mike Rollins give a report to the Commissioners regarding all the remaining projects that were included in the 2000 Master Plan. Mr. Rollins explained the purpose of having a Master Plan and stated that he would have a report ready for the next meeting. Chairman Nevil asked for further comments or discussion. Hearing none, Commissioner Thompson made a motion to defer this item for the next meeting. Commissioner Simmons seconded the motion, and it carried unanimously.

Chairman Nevil asked if there were any comments from the staff or board. Clerk of the Board Maggie Fitzgerald asked to address the board to invite the Commissioners to attend the Downtown Statesboro Farmer's Market on Saturday, September 6th, and to advise the Commissioners about the Portal Turpentine Festival Parade (October 4th) and the Kiwanis Fair Parade (October 13th). Public Safety Director Ted Wynn advised the Commissioners of the situation with Hurricane Hanna and Tropical Storm Ike. County Manager Thomas Couch asked to table further comments until after the Planning and Zoning meeting. Commissioner Tankersley made a motion to recess until 6:45 pm. Commissioner Simmons seconded the motion, and it carried unanimously.

The meeting was reconvened at 6:50 p.m. for the Public Hearings regarding Zoning matters. Chairman Nevil asked for any modifications before approval of the Zoning and Land Use Agenda. With no modifications of the Zoning and Land Use Agenda, Commissioner Simmons offered a motion to approve the Zoning and Land Use Agenda. Commissioner Tankersley seconded the motion, and it carried unanimously. Chairman Nevil asked Zoning Administrator Randy Newman to present the two zoning items.

Mr. Newman presented an application submitted by W.H. III and Annette Smith requesting a rezone from AG-5 to R-25 (residential 25,000 square feet). The property consists of two parcels totaling 149.4 acres and is located on Highway 46. Mr. Don Marsh is acting as the agent. The Zoning Commission recommended approval of the R-25 rezone request with the following conditions: Bonus Density can be granted for Amenities – (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 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 programs. Conditions to be met prior to issuance of Final Permitting as Determined by the Zoning Administrator – (1) Construction Standards: All dwelling units shall consist of traditional site built construction meeting state building codes. Manufactured housing shall be prohibited. (2) Buffers and Landscaping: A permanent screening buffer shall be established along the perimeters of the development consistent with Section 407 of the zoning ordinance to minimize impact on adjoining properties and insulate road noise or impacts along, I-16, Lanier Road and CR 927/Old Highway 46. All well structures shall have a visual landscape or wall/fence buffer equal to the height of the roof line. All subdivision entrances shall have landscaped islands. The buffers and landscaping plans shall be approved by the Zoning Administrator. (3) Access Management and Lot Orientation: 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 CR 927/Old Highway 46 or Lanier Road. (4) Public Road Dedication: 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) Infrastructure: 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 CR 927/Old Highway 46. (6) Traffic Impact Study and Access Evaluation: **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 Traffic Impact Study as required by the County Roads Highways and Bridges Administrative Policies (with sufficient narratives, maps and exhibits) which shall be performed by a certified by a qualified and registered professional engineer. Upon acceptance and approval by the County Engineer, the applicant shall be bare the expense of installing any recommended improvements required by the study or the County Engineer. (7) Stormwater Management: **With submission of the preliminary plat**, the developer shall submit an engineering plan to demonstrate that adequate storm water management practices or structures as prescribed by the Georgia Stormwater Management Manual to be implemented as necessary to control on-site and off-site run-off and sediment.

Mr. Newman stated that two people signed up to speak for the rezone and three people signed up to speak against the rezone request. Mr. Don Marsh, acting as the agent, spoke for the rezone request. Mr. Marsh described the location of the property and stated that there would be 124 lots with site built homes; it would be a restricted subdivision with a privately owned water system and septic tanks for each home. Mr. Marsh stated that there would not be any access to the homes from Lanier Road, but only from the interior lots located in the subdivision. Mr. Marsh stated they would hire an engineer to develop a storm water management plan.

Matthew Wise was the first person signed up to speak against the rezone request. Mr. Wise represented the Bay District Association and stated that he is the owner of Wise Nursery. Mr. Wise gave the Commissioners a packet of pictures and explained that he opposes the rezone because the subdivision will present a big demand for county services. Mr. Wise stated that the following county services will be strained: (1) road maintenance and traffic, (2) police and security issues, (3) schools are at maximum capacity, (4) volunteer fire department, and (5) waste management. Mr. Wise also stated that land owners near this property are concerned that the development will raise their property taxes, this development will change the character of the area, and adjoining land

owners are concerned about the flooding this development could create. Mr. Wise stated that with heavy rains, his Nursery's property already floods and this development could make that problem even worse. Mr. Conrad Coolidge spoke after Mr. Wise and stated that he owns 10 acres of wetlands that adjoins the Smith property. Mr. Coolidge handed the Commissioners a packet that included several different maps from the Tax Assessors website. Mr. Coolidge stated that the increase in density would be too much for the area and described the soil in the area of the Smith property as conducive to flooding. Mr. Aaron Belcher was the next person to speak against the rezone request. Mr. Belcher stated that he hoped the Commissioners would reverse the decision of the Zoning Board.

The first person to speak in favor of the rezone request was Mrs. Laura Marsh, with the law firm of Franklin, Taulbee, Rushing, Snipes, and Marsh. Mrs. Marsh stated that this land is not good row cropping land and has been planted with timber for the last 15 years. Mrs. Marsh explained that this property is located adjacent to I-16 and Ash Branch Rd. exit in the southeastern portion of the county which is experiencing significant growth and is slated for growth according to the County's Future Land Use Concept Map. Mrs. Marsh finished by asking the Commissioners to please follow the Land Use Plan and allow the Smith's to proceed with their development of stick built homes. Mr. Chuck Lee was the second person to speak in favor of the rezone request. Mr. Lee stated that AG-5 has not provided the protection of agriculture that he thought it would. Mr. Lee stated that he changed his mind about the development after speaking to Mr. Smith and is now in favor of the development. Mr. Ralph Sparks spoke next and stated that there were 169 voters here and he thanked everyone for coming and thanked the Commissioners for listening to the citizens. Mr. Coolidge spoke again and stated that he wanted to protect the greenbelt and the agriculture land in this area.

The last person to speak for this development was Mrs. Annette Smith. Mrs. Smith explained the past, present, and the future of her family property, and stated that she and her husband need to retire. Mrs. Smith stated that she felt this property was not good farming land and they decided to develop it to save other good farming land in the area from being developed.

Chairman Nevil called the public hearing to a close and asked for a motion regarding the rezone request. Commissioner Thompson made a motion to deny the

rezone request from AG-5 to R-25 (residential 25,000 square feet). Commissioner Tankersley seconded the motion. Commissioner Thompson, Commissioner Tankersley, and Commissioner Rushing voted for the motion. Commissioner Jackson and Commissioner Simmons voted against the motion. The motion request passed with a 3 to 2 vote.

Mr. Newman presented an application submitted by Tracy Waters requesting a rezone from MHP (Manufactured Home Park) to R-3 (Multi-Family Dwellings). The intent is to build three duplexes and be able to divide into six parcels for sale. The property consists of 1.6 acres and is located on Pulaski Highway and Skye Drive. The Zoning Commission recommended approval of the R-3 rezone request with the following conditions: (1) Construction Standards: All dwelling units shall have predominantly brick facades on all four sides of the structures (except for trim) with colors compatible to those structures at Pulaski Villas. (2) Buffers and Landscaping: A permanent screening buffer shall be established along the rear lot line of the development consistent with Section 407 of the zoning ordinance to minimize impact on adjoining properties. Any well or water system structures other than fire hydrants shall have a visual landscape or wall/fence buffer equal to the height of the roof line. The entrance along Skye Drive shall have landscaped islands. A linear streetscape along Skye Drive and Pulaski Road consisting of native, non-ornamental canopy trees (maple, dogwood, oak, etc.) with a minimum 4" caliper spaced 75' off center; hedges or a hedge/berm combination or decorative fencing up to six feet in height may be substituted for the tree line. The buffers and landscaping plans shall be approved by the Zoning Administrator. (3) Access Management and Lot Orientation: To enhance access management, all approved residential lots and structures shall access internally to the proposed private drive, with no driveway access permitted on Pulaski Road. (4) Public Road Dedication: 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) Infrastructure: 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 any County Road. (6) Stormwater Management: **With submission of the conceptual site plan**, the developer shall submit an engineering plan to demonstrate that adequate storm water management practices or structures as prescribed by the Georgia Stormwater Management Manual to be implemented as necessary to control on-site and off-site run-off and sediment.

Mr. John Dotson of Maxwell Reddick Engineering, acting as the agent for the request, stated that Tracy Waters purchased the property with two older mobile homes and a run down shed and that all three structures will be removed. Mr. Dotson stated that Mr. Waters will build three buildings, divide each building, and sell off the six parcels. Without any further comments or discussions, Commissioner Tankersley made a motion to approve the rezone request with the listed conditions. Commissioner Simmons seconded the motion, and it carried unanimously. Sign-in sheets for zoning matters are shown in Exhibit #2008-123.

County Manager Thomas Couch asked to address the Board to finish the Comments from the Staff and/or Board. Mr. Couch stated that the Commissioners needed to come to a resolution for the connector road located near the Agri-Business Center and that they needed to vote on one of the recommended names for the second meeting in September, even if it is a temporary name. Next, Mr. Couch informed the Commissioners about a meeting at City Hall on Thursday, September 4th, to discuss a proposal for some noncontiguous annexations for the City of Statesboro. Mr. Couch's last comment was to inform the Commissioners that a workshop is planned for the second meeting in September to discuss development issues and the proposed fee schedule.

Clerk of the Board Maggie Fitzgerald asked to address the Board to introduce Mrs. Christy Strickland as the new Deputy Clerk. Ms. Fitzgerald stated that she will be out of town for the second meeting in September in order to attend training in Athens and that Mrs. Strickland will be acting as Clerk.

Commissioner Roy Thompson addressed the Board to invite the Commissioners to attend a Whitesville Community Meeting on September 10th, at 11:30 am.

Chairman Nevil asked if there were any other comments from the staff or board. Hearing none, Commissioner Simmons offered a motion to adjourn the meeting. Commissioner Jackson seconded the motion, and it carried unanimously.

J. Garrett Nevil, Chairman

Attest: Maggie Fitzgerald, Clerk of Board