

September 4, 2007
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. Commissioner Simmons 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 Gibson, Commissioner Thompson, Commissioner Rushing, County Manager Tom Couch, Staff Attorney Jeff Akins, and Zoning Administrator Randy Newman.

Chairman Nevil asked for changes or modification before approval of the General Agenda. Mr. Couch requested one (1) change to the General Agenda: defer the proposal for general banking services until the next meeting. Commissioner Simmons offered a motion to approve the General Agenda as amended. Commissioner Jackson seconded the motion and it carried, unanimously.

The next item of business was the approval of the minutes of the regular meeting held on August 20, 2007, the executive session held on August 20, 2007 and the workshop held on August 20, 2007. Chairman Nevil asked for any correction or additions to the minutes. Commissioner Gibson offered a motion to approve the minutes as printed for the three meetings. Commissioner Rushing seconded the motion and it carried, unanimously.

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

The Consent Agenda had one (1) item for consideration: Appointment of Roy Thompson, Donald Nesmith, Neal Dunn, Lynda Williamson, Warren Ball, Neal Nunn and Mike Rollins to the Foundation for Parks and Recreation Board of Directors

Chairman Nevil asked for any discussion of the Consent Agenda. Commissioner Simmons offered a motion to approve the Consent Agenda. Commissioner Tankersley seconded the motion and it carried, unanimously.

The first item of New Business was an amendment to the Bulloch County Code of Ordinances. This amendment was to Section 8-26(1)c of the Code of Ordinances. Commissioner Thompson offered a motion to adopt the amendment to the Code of Ordinances as presented. Commissioner Gibson seconded the motion and it carried, unanimously. See exhibit #2007-83

The next item of New Business was discussion and/or action to authorize the County Manager to solicit a request for proposal for a line of credit instrument serving as a tax anticipation note. Chairman Nevil asked Mr. Couch to initiate this discussion. Mr. Couch stated that there was a slight adjustment in the proposal to dismiss solicitation for the line of credit based on legal advice. The solicitation would be made for a tax anticipation note for a set amount which would be tax exempt. He said a cash flow analysis was being prepared to establish the amount of the note which may be up to \$4,000,000. Chairman Nevil questioned if the funds would be drawn as needed. Mr. Akins advised that it would be for a set amount which would be all borrowed. Mr. Couch said the benefit will be getting the tax exempt status and eliminating the fees normally associated with a line of credit. There was some discussion of a line of credit versus a note for a set amount. Mr. Akins said there are Constitutional provisions that govern borrowing by counties and it was better to borrow a set amount. He advised the note has to be paid by the end of the calendar year. Commissioner Thompson offered a motion to authorize solicitation of bids from local banks for a tax anticipation note for calendar year 2007 in an amount not to exceed \$4,000,000. Commissioner Rushing seconded the motion and it carried.

The next item on the agenda was appointment of a voting delegate for the ACCG Fall Conference. Commissioner Simmons offered a motion to appoint Commissioner Tankersley as the voting delegate at the ACCG Fall Conference. Commissioner Gibson seconded the motion and it carried.

The next item was an Alcoholic Beverage License Application for Paul Douglas Jelden for an off-premise license at Fast Stop. Commissioner Thompson stated that Mr. Jelden was a designee and questioned what happens if Mr. Jelden is terminated. Mr. Akins advised that the owner would have to appoint another designee and complete the application process. Mr. Akins added that a company, in this case a

corporation, has to have a designee to be responsible for the license. Commissioner Simmons offered a motion to approve the application. Commissioner Jackson seconded the motion and it carried.

The next item was an Alcoholic Beverage License Application for James N. Revell for an off-premise license for The Country Store. Commissioner Jackson said the applicant noted that he had been arrested for misdemeanor gambling but there wasn't such a thing as misdemeanor gambling in the State Code. Chairman Nevil referenced an order from the Clerk of Court's Office which stated that the charge was reduced from a felony to a misdemeanor. Commissioner Rushing offered a motion to approve the application. Commissioner Tankersley seconded the motion. Commissioner Rushing, Commissioner Tankersley and Commissioner Simmons voted in favor of the motion. Commissioner Jackson, Commissioner Gibson and Commissioner Thompson voted to oppose the motion. Voting to break the tie vote, Chairman Nevil voted in favor of the motion. The application was approved.

The next item was discussion of naming a road constructed by the county which is adjacent to the Agribusiness Center and connects Langston Chapel Road to Highway 301 South. Chairman Nevil asked Commissioner Gibson to initiate this discussion. Commissioner Gibson said the E911 Center was trying to have all roads in the county named but this road has not been named since it was completed. He advised that he had met with the family that donated the land for the road and they wish to have the road named the Thigpen Parkway. Commissioner Gibson offered a motion to name the road Thigpen Parkway. Commissioner Thompson seconded the motion. In discussion Commissioner Simmons said that several years ago he thought the Board had made a decision not to name roads for citizens. Chairman Nevil said this is the first time a name for the road has been proposed and there may be more appropriate names. Commissioner Simmons commented that naming a road is not as simple as it may seem and it certainly needs more thought. Commissioner Tankersley offered a subsidiary motion to indefinitely postpone the main motion. Commissioner Simmons seconded the subsidiary motion and it carried. Commissioner Tankersley, Commissioner Simmons, Commissioner Jackson, Commissioner Rushing and

Commissioner Thompson voted in favor of the motion. Commissioner Gibson voted to oppose the motion.

Chairman Nevil asked for comments from the Commissioners or the staff. Commissioner Thompson presented pictures of the Highway 301 bridge river landing and gave descriptions of trash, vandalism and other unlawful activities at the landing. There was some discussion of the activities at this landing and the fact that something needs to be done to discourage these activities.

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

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

Mr. Newman presented an application submitted by Sandra McCorkle requesting a conditional use on 20.3 acres of property located on Old Groveland Road. The intent of the conditional use request is to have a borrow pit on the property. The Zoning Commission recommended approval of the conditional use with the following conditions: (1) In two (2) years the zoning administrator will review the conditional use and either deny or approve a two (2) year extension; (2) a natural fifty (50) foot buffer will remain on the property. Mr. Newman recognized Mr. Steve Rushing acting as agent for Ms. McCorkle. Mr. Rushing stated that Mrs. McCorkle's husband, Dan McCorkle, is a developer and needs a supply of dirt for his own business. Mr. Rushing reviewed the four standards for a conditional use request. He said the area of the borrow pit will be only five acres out of the 20 acres and there will be a fifty foot natural buffer around the pit. The pit will be 1500 feet off the road and will not be visible from the road. Mr. Rushing said a conditional use from the county is required before they can begin the application process with the State. He requested the conditional use request be approved. Mr. Roger Allen said he lives in this area on Old Groveland Road and compared the noise made by the dump trucks to a jet plane.

He said that Old Groveland Road is a county maintained road which is being damaged by the dump trucks and which is not rated for the weight of 55,000 pounds that is legal for dump trucks. He commented on the number of children in the area and the danger with the dump trucks when school buses are stopped to pickup children. He said that Mr. Rushing had said this will be a limited, part-time pit and if that is the case, limit the time the dump trucks can run from 9:00 a.m. to 3:00 p.m. He said these dump trucks will destroy the quiet rural setting of this area. Mr. C.A. Bland said he was an adjoining property owner on Nevils-Groveland Road and he was very concerned about the borrow pit. He questioned the impact of the pit to adjoining property owners, the impact to the road, the traffic and the good earth. He also questioned if the borrow pit would decrease the adjoining property values and if it will have an impact on the water table of adjoining property. Mr. Robert Lanier said he was an adjoining property owner and that he had no problem with the borrow pit or the dump trucks. He said that several of the people who had signed the petition against the borrow pit were told it was going to be a landfill and that is the reason they signed the petition. He said Mr. McCorkle has done everything that he has said he would do. Commissioner Rushing referenced the condition for checking the borrow pit in two years and asked if this would continue every two years. Mr. Newman explained that the pit will be checked in two years and the conditional use can continue for another two years but will end after the two-year extension. The time limit for this conditional use will be no longer than four years. Commissioner Thompson asked the difference in surface mining and digging a pond. The information provided states that when finished this will be a pond. Mr. Newman said he could have obtained a permit from the Corp of Engineers to dig a pond but choose to apply for a borrow pit. Mr. Akins explained that the Georgia Code defined surface mining as the material being used on other projects and being transported off site to be used commercially. Mr. Rushing said the purpose of the borrow pit is to use the sand for other developments but when that is completed the area will be cleaned up and perhaps made it into a pond so there will be 20 acres of usable property. He referenced the two-year condition and said they would prefer not to have a limit on the time for removing the sand but if the Board preferred this condition, they would like consideration for the two years to begin after

the state permit is obtained. Mr. Dan McCorkle said at some point he plans to build one home on this property and it will not be mined up to the borders. He said he could have started digging a pond and hauling the dirt out but he intended to be in compliance with all the laws of the community. He commented that he had a good foundation in this community and he will continue to maintain that foundation. Chairman Nevil asked how much weight the dump trucks carry. Mr. McCorkle said the trucks carry about 14 tons and have been good stewards of the roadway. He added that they don't run excessive weight and the trucks are in compliance with insurance requirements and weight controls. Commissioner Tankersley asked how late do the trucks run on a typical day. Mr. McCorkle said their trucks run only on an as needed basis and a typical day is from 8:00 a.m. to 4:00-5:00 p.m. Commissioner Simmons offered a motion to approve the conditional use request with conditions recommended by the Zoning Commission. Commissioner Thompson seconded the motion and it carried, unanimously.

Mr. Newman presented an application submitted by Magnolia Place Investments requesting a rezone from R-40 (residential 40,000 square feet) to R-25 (residential 25,000 square feet). The intent is to divide the property into 70 lots for single-family dwellings. The property consists of 55.43 acres and is located on Old Register Way. The Zoning Commission recommended the application be denied. Maxwell Engineering was acting as agent. Mr. Garth Long of Maxwell Engineering said he thought the Zoning Commission recommended denial of the application based on the Land Use Plan but in looking at the Plan this particular site is just across the road. Mr. Long said the project is in the agricultural preservation plan but it is already out of agricultural use because it has been rezoned to R-40. He added that placing more houses in this location would preserve other agricultural lands. Mr. Long asked if there was no consideration for adjustments or exceptions in the Land Use Plan. Mr. Couch responded that it was a policy plan and not necessarily a "no-never" plan. The Board has allowed some R-80 in agricultural areas for well-designed subdivisions outside the Statesboro – Brooklet developmental areas and to a lesser degree outside the Portal – Register developmental areas. Mr. Long referred to the staff's notation that the land was not suitable for more intensive development than what

has been permitted and asked if that was with regard to traffic studies and wetland delineations. Mr. Couch said he thought there were some areas identified where the soils are probably suitable for building. Mr. Long commented that the Smith Creek Subdivision was further out in the county and it was zoned R-25. Commissioner Tankersley responded that the new Comprehensive Land Use Plan established development areas around Statesboro, Brooklet, Portal and Register and evaluations are done differently. The Plan gives the Board some comfort level in knowing there are areas that encourage higher density with less density further out in the county where services are more limited. Mr. Long said that they thought this development would be an improvement for the area and asked the rezone be approved. Chairman Nevil questioned if this property was just recently approved for a R-40 rezone. The response was that this property was rezoned from AG-5 to R-40 in March 2006. Commissioner Thompson asked how many mobile homes were just across the road in Cedar wood Acres. Mr. Newman said probably twenty to twenty-five. A comment was made that the number was probably seventy to seventy-five. It was noted that this manufactured home park was established prior to zoning. Commissioner Gibson referenced the environmental impacts which said the property consists of a number of different soil types, some of which are suitable and others which are not with the less suitable soils being in the mid section of the property. He asked how the acreage unsuitable for development is determined. Mr. Long said a certified soil scientist would certify the soils. Commissioner Gibson asked if this has been done. Mr. Long said he thought the soil survey had been done for the R-40. Mr. Ronnie Cooper said he owned property on Sam Tillman Road and his front yard would face the back of this development and he wasn't interested in looking into the backyard of twelve houses. He said across the road there is a commercial business (Silver Creek) which is open late at night and has outdoor concerts. He said he understood that this business was there first but the residents of this development would probably all call with complaints about the noise. He said he was very concerned about the impact that seventy houses and seventy septic tanks would have on the area water quantity and quality. Mr. Bill Edwards, owner of the property, said there is a limited amount of land in the county and he didn't see building a house on a one-acre lot when the property could be

reduced to one-half acre lots to accommodate more houses. The decisions made today will effect happenings in future years. Commissioner Gibson offered a motion to deny the rezone request. Commissioner Tankersley seconded the motion. Commissioner Gibson, Commissioner Tankersley and Commissioner Rushing voted in favor of the motion. Commissioner Simmons, Commissioner Jackson and Commissioner Thompson voted to oppose the motion. Chairman Nevil said that a R-40 rezone has been approved for this property and a higher density subdivision in this area would not be as high quality living as the R-40 zone. Voting to break the tie vote, he voted in favor of the motion to deny the rezone request. The rezone request was denied.

Mr. Newman presented an application from Billie Morgan requesting a rezone from AG-5 (agricultural 5 acres) to R-40 (residential 40,000 square feet). The intent of the rezone is to divide the property into 2 lots to give her daughter-in-law additional property. The property consists of 2.24 acres located on Highway 46. He said the Zoning Commission recommended the application be denied but they did request that the Staff and Board search for a way to help these types of applicants. Mr. John Dotson, agent for Ms. Morgan, said this rezone application was the only available avenue at the time it was submitted. He said recent communications with the Zoning Department has revealed that there are some changes being considered that, if approved, would allow this transaction without a rezone. He asked that this application be tabled until the next meeting. Mr. Couch suggested consideration be given for this to be a Board generated text amendment instead of an applicant generated text amendment to relieve the applicant of the tabling fee. Commissioner Tankersley offered a motion to table the rezone request until the next meeting with the fee waived. Commissioner Simmons seconded the motion and it carried, unanimously.

Sign-in sheets for zoning matters are shown as exhibit #200784

Chairman Nevil asked for comments from the Board or the Staff. Mr. Couch clarified the proposed interest rate from BB&T was federal funds minus 10 bases point instead of 15 bases points as given in the information on banking services.

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