

April 1, 2008
Statesboro, GA

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. County Manager Thomas Couch gave the invocation and the pledge of allegiance.

Mrs. Christy Strickland performed the roll call of the commissioners and staff. The following commissioners and staff were present: Chairman Nevil, Commissioner Gibson, Commissioner Thompson, Commissioner Simmons, Commissioner Tankersley, Commissioner Jackson, County Manager Thomas Couch, Staff Attorney and Parliamentarian Jeff Akins, County Planner Andy Welch and Zoning Administrator Randy Newman.

Chairman Nevil asked if there were any modifications to the General Agenda before approval of the General Agenda. County Manager Thomas Couch requested a modification under new business to add an agreement for Flying J. Commissioner Gibson offered a motion to approve the general agenda with the modification. Commissioner Tankersley seconded the motion and it carried unanimously.

The next item was to approve the minutes of the March 11, 2008 called meeting, the March 11, 2008 workshop and the March 18, 2008 regular meeting. Commissioner Tankersley offered a motion to approve the minutes of these three meetings. Commissioner Thompson seconded the motion and it carried unanimously.

Chairman Nevil asked if there were any public comments. There were not any comments from the audience or received in writing.

The next item on the agenda was a public hearing concerning the road abandonment of County Road # 229, Hawkshaw Lane. Clarence and Beulah Brown submitted a petition for the road to be closed. Mr. Brown stated they wanted to build a house on the property and cannot meet setbacks because they cannot place the residence at the rear due to the wetlands on the property. Mr. Brown stated the trailer on the property will be removed. Mr. Brown stated he wanted to close the road but would allow the county to move the road to allow traffic access. Chairman Nevil stated the road could be aligned to come in at a right angle on Highway 46. Eddie Smith, Transportation Director, stated the Georgia Department of Transportation would require the road to be aligned if paved. Staff Attorney, Jeff Akins, stated the resolution that is presented to the board is not appropriate for rerouting the road because it is only for the abandonment. Eddie Smith stated if a culvert is required to be put in it could be expensive but there could be other options.

The next item on the agenda was to approve the consent agenda (1) The February 2008 Financial Report and Summary (Exhibit #2008-043) and (2) Alcohol Beverage License for Pojo's #2. Commissioner Simmons offered a motion to approve the consent agenda. Commissioner Jackson seconded and the motion carried unanimously.

The next item on the agenda under New Business was the proposed abandonment of CR 229, also known as Hawkshaw Lane Commissioner Gibson offered a motion to approve the rerouting of the road as discussed in the public hearing. Commissioner Simmons seconded and the motion carried unanimously.

The next item under new business was to authorize the Paving Project at the Parks and Recreation Department Maintenance Facility. Mike Rollins, Parks and Recreation Director was present to speak on the request. He stated it is for the maintenance department at the aquatic center. He stated the project needs to be expedited due to the upcoming summer season. He stated that Ellis Wood Contracting, Inc is willing to maintain the same price as previously quoted and will complete the project in a timely manner. Commissioner Tankersley offered a motion to approve contract as submitted. Commissioner Thompson seconded and the motion carried unanimously. (See Exhibit 2008-044)

The next item under new business was to authorize a contract with David Markey and Associates to develop an RFP (Request for Proposal) document for the aquatic center. Mike Rollins stated David Markey and Associates designed Phase I of the aquatic center and is familiar with the characteristics of the project so he would be best at estimating the cost of this project. Commissioner Thompson offered a motion to approve the contract. Commissioner Gibson seconded and the motion carried unanimously. (Exhibit 2008-045)

The next item under new business was to authorize an agreement with Flying J. Mr. Couch stated paragraphs six and seven of the original agreement had been modified by Flying J. Flying J has also modified the time margin from 90 days to 120 days for notification if they decide to back out of the project. Commissioner Thompson offered a motion to approve the modified agreement with Flying J. Commissioner Tankersley seconded and the motion carried unanimously. (Exhibit 2008-046).

Chairman Nevil asked if there were other comments from the board or staff. Mr. Couch stated the Coastal Georgia Regional Development Center requested to have a workshop with the board concerning the proposed regional Public Transportation System. Andy Welch, County Planner, stated they requested to meet Monday, April 14, 2008. They are requesting the board to approve and sign a resolution for the regional Public Transportation System at the Tuesday, April 15, 2008 meeting. Commissioner Jackson offered a motion to approve the workshop on April 14,

2008 with the Coastal Georgia Regional Developmental Center, City of Statesboro, and Georgia Southern University concerning the regional Public Transportation System with the condition that all information is provided in a timely manner to allow the board to review it.

Commissioner Thompson stated he has been contacted by citizens concerning sub-stations for the sheriff's deputies. Mr. Couch suggested this could be discussed in the budget meeting.

Mr. Couch stated he recommended reordering the agenda to move the executive session to follow the zoning hearing. Commissioner Simmons offered a motion to approve the modification and adjourn for a brief recess. Commissioner Jackson seconded and the motion carried unanimously.

The meeting was reconvened at 6:40 p.m. for the Public Hearings on zoning matters. Chairman Nevil asked for any modifications before approval of the Zoning and Land Use Agenda. Commissioner Thompson offered a motion to approve the Zoning and Land Use Agenda. Commissioner Gibson seconded the motion and it carried unanimously. Chairman Nevil asked Zoning Administrator Randy Newman to present the zoning items.

Mr. Newman presented the first item on the agenda. RE Stubbs submitted an application requesting to rezone 3 acres out of a 23.75 acre tract from R-80 (residential 80,000 square feet) to HC (Highway Commercial). The applicant is also requesting a conditional use to operate a woodyard. The property is located on Highway 301 South. Jeff Stubbs & Billy Olaf were acting as agents. They stated the procedure of the woodyard. Mr. Olaf stated he did not feel the noise level would be heard from the Highway 301 South. He stated once the wood had been chipped it would go on a semi truck and be hauled away. He said he didn't think there would be debris that would affect the environment. Mr. Robert Shearwood was present to speak in opposition of the request. He stated he resides in Hazelwood Subdivision and is concerned with the noise and debris. He stated he would like the area to stay residential. Ms. Sandra Francis was present to speak opposing the request. She stated she was also concerned with noise and debris. Mr. Jim Livingston stated he was opposed to the request and agreed with what had been said. Mrs. Jean Livingston stated she is opposed to the request. She stated she is for economic growth but would like to request the woodyard be away from residential zoning districts. Mr. Thomas Buckoff stated he was opposed to the request and also is concerned with the noise and debris. Mr. Bill Self stated he is opposed to the request and is in agreement with what everyone has stated concerning noise and debris. Mr. Jimmy Franklin was present opposing the request. He submitted a memo explaining his reasons. (See Exhibit 2008-047). He stated the property does not front Highway 301 South and according to the zoning ordinance a Highway Commercial zoning district has to

front a major arterial, secondary arterial, or collector roadway. He stated this property did not meet these requirements. Ms. Jean Marie Deloach stated her property adjoins this property. She submitted photos of the site. She stated she is concerned with rodents, fire hazards, noise and environmental issues. Mr. Morgan Miles stated he is opposed to the request. Commissioner Thompson offered a motion to deny the request. Commissioner Tankersley seconded the motion and it carried unanimously.

Mr. Newman presented the next item on the zoning agenda. Jason Lanier filed an application requesting a conditional use to operate a home occupation within an accessory building. The current landscaping business has been in operation on the property since November 2005. The property consists of 1.84 acres and is located at Summerwinds Place. Mr. Lanier stated he has a landscaping business and they leave around 8:00 a.m. and do not return until approximately 5:00 p.m. He stated his shop is behind his residence and since the planning and zoning meeting he has added to his existing privacy fence. Mr. John Keen was present to speak in opposition to the request. He stated Mr. Lanier has more than two employees. He stated he is concerned with additional traffic in the area. Commissioner Simmons offered a motion to approve the conditional use request with the following conditions **and the applicant agreeing to meet the Home Occupation Guidelines: (1) All employee traffic must enter and exit from the rear of the property.** *Home Occupation Guidelines* **(1)** No home occupation shall employ more than two persons who do not reside in the dwelling located on the premises. **(2)** The home occupation must be incidental and subordinate to the residential use of the dwelling and must not change the residential character of the property. **(3)** No display of products shall be visible from the street. **(4)** The following and similar uses shall be considered home occupations, but are not limited to this list: accountant, addressing service, architect, art instructor, beauty shop (with no more than one operator), drafting, dressmaking, insurance agent, manufacturing agent, music instruction, (students: limited to two (2) students at a time), teacher, notary public, photographer, real estate agent, and tax consultant. The following and similar uses are considered appropriate uses of accessory buildings for home occupations: artist or craftsman's work area, photographic darkroom, clock repair shop, gunsmith shop, laboratory, potters shop, and basket weaver's shop. **(5)** No internal or external alterations shall be permitted which would change the fire rating for the structure. **(a)** If an accessory structure is used for the business, the size of the accessory structure is limited to 25% of the square footage of the residential building. It shall be located behind the residential building with setback requirements of no less than 20 feet from the property line and 30 feet from the side yard. **(b)** One (1) nonilluminated name plate, not more than two (2) sq. ft. in area may be attached to the building which shall contain only the name of

the occupation conducted on the premises. (c.) A home occupation shall be operated in such a manner as not to be a nuisance to adjacent residential structures. This shall apply to noise, lighting, traffic, and unsightly outside storage, where applicable. (6) No outside storage of materials or supplies used in connection with the home occupation shall be permitted. (7) All parking for the home occupation shall be located on the property and only on the side or rear yards. (8) Only vehicles designed and used primarily as passenger vehicles (including pickup trucks) shall be used in connection with home occupations in residential zoning districts. Commissioner Jackson seconded the motion and it carried unanimously.

Mr. Newman presented the next item on the zoning agenda. Hayward & Jayson Cribb submitted an application request to rezone from AG-5 to R-25 (residential 25,000 square feet). The intent of the rezone is to divide the property into approximately 19 parcels for single family dwellings. The property consists of 2 parcels totaling 18.8 acres and is located on GW Oliver Rd and Oak Ridge Point. Mr. Jim Anderson is acting as agent. Mr. Anderson stated due to personal reasons they request to defer until the May 6, 2008 meeting. Commissioner Thompson offered a motion to approve to defer the request. Commissioner Tankersley seconded the motion and it carried unanimously.

Sign-in sheets for zoning matters are shown as Exhibit 2008-48

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 Tankersley seconded the motion and it carried, unanimously. See exhibit #2008-49

Chairman Nevil reconvened to the general agenda to discuss procedures for a potential change in commissioners' compensation. There was also discussion about the new cell phone policy. Mr. Couch stated the rough draft of the policy states the county can issue cell phones to elected officials. It would be up to the board to decide on the policies.

Chairman Nevil asked if there were any other comments from the staff or board. Commissioner Tankersley offered a motion to adjourn the meeting. Commissioner Jackson seconded the motion and it carried unanimously.

J. Garrett Nevil, Chairman

Attest