

January 03, 2008
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 Walter Gibson gave the invocation and the pledge of allegiance.

Ms. Marcia Collins, 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, County Planner Andy Welch, County Attorney Charles Brown, and Zoning Administrator Randy Newman.

Chairman Nevil asked for changes or modifications before approval of the General Agenda. Mr. Couch requested one change to the General Agenda: (1) change the order of presentations under the Presentations category to allow the proclamation for Evelyn Wilson to be placed before the presentation given by the Heart of Georgia RDC. Commissioner Tankersley offered a motion to approve the General Agenda as amended. Commissioner Simmons seconded the motion and it carried, unanimously.

The next item of business was the approval of the minutes of the regular meeting held on December 18, 2007 and workshop held on December 18, 2007. Chairman Nevil asked for any corrections or additions to the minutes. Commissioner Gibson offered a motion to approve the minutes as printed, Commissioner Jackson seconded the motion and it carried, unanimously.

Chairman Nevil asked for public comments. There were none.

Chairman Nevil asked County Manager Thomas Couch to present Ms. Evelyn Wilson with a Proclamation in honor for her long service upon retirement as County Clerk of Bulloch County.

Chairman Nevil introduced Mr. Alan Mazza of Heart of Georgia Regional Development Center was present to discuss the proposed realignment of RDC boundaries and potential consideration for Bulloch County Annex municipalities. Mr. Mazza

presented a PowerPoint presentation giving the background and achievements of Heart of Georgia Altamaha RDC.

There were no items on the Consent Agenda.

There was no Old Business on the Agenda.

The first item of New Business was the discussion and/or action regarding the appointment of Vice Chairman for the 2008 calendar year. Chairman Nevil asked Mr. Couch to present this item. He said each year the seat of Vice Chairman is filled on a rotation basis according to the Bulloch County Ordinances and it is time for District 1B to fill the seat. Commissioner Gibson made a motion to approve Commissioner Simmons as Vice Chairman. Commissioner Tankersley seconded the motion and it carried, unanimously.

The next item of New Business was the discussion and/or action for acting upon a) authorization for interim appropriations from the fire district budget for mobilization costs for the proposed county fire departments; and, b) grant authorization to the county manager for emergency purchasing powers pursuant to the county purchasing policies. Chairman Nevil asked Mr. Couch to present this item. Mr. Couch on December 4, 2007 the Board acted to go forth with the establishment of a professional county fire department. The county is proposing to establish manned fire stations on a 24/7 basis. In addition to the proposed fire budget and work plan; he suggested coming back with the fully documented plan and a resolution to firm up the appropriations. He said there is approximately \$82,000.00 we need to do some mobilization with. Nearly all of that will go to personnel primarily. Commissioner Thompson pointed out that the total expense for the FY 2009 Urban District is \$902,302.00 which is still less than the City's proposal of \$963,000.00. He also said if we went with a single county wide rate it would be 97 hundredths of a mil. In the five mile tax district it would be a savings to them of 1.13 hundredths of a mil. Anyone else in the county that can have an ISO rating of four over a nine or ten would be a savings to them on insurance premiums of 40 percent. Commissioner Tankersley made a motion to authorize appropriations on the interim fire budget and to grant authorization to the County Manager for emergency purchasing powers. Commissioner Simmons seconded the motion and it carried, unanimously. See Exhibit #2008-1.

The next item of New Business was the discussion and/or action regarding the U.S. Antennae Settlement. Chairman Nevil asked Jeff Akins to present this item. He said this was litigation initiated by U.S. Antennae when the Board of Commissioners denied their conditional use application. The county prevailed on motion for summary judgment with the District Court. They appealed to the 11th Circuit Court of Appeals who ordered the parties to mediate. Before formal mediation an agreement was made to move the location of the tower. In the Release Agreement, paragraph 1, it will involve a Consent Order in District Court specifying that Bulloch County will issue a tower/building permit at a specific location given with latitude and longitude coordinates. U.S. Antennae will have to pay a permit fee. In paragraph 9, it requires them to use a "Med-dual" lighting system that will emit a white strobe by day and red lights at night. Paragraph 10 requires them to pay the county \$12,231.16. Commissioner Simmons made a motion to approve the Release Agreement. Commissioner Jackson seconded the motion, and it carried, unanimously. See Exhibit #2008-2

Chairman Nevil asked for other business or comments. Mr. Charles Brown upon request met with ACCG regarding fire service delivery. He gave a brief summary of his meeting. Commissioner Thompson thanked Mr. Ted Wynn, Mr. Kirk Tatum, and Mr. Thomas Couch for their actions regarding a possible caution light at Highway 46 and Nevils Denmark Road. They contacted the Department of Transportation to have a traffic sturdy on this intersection. Commissioner Simmons offered a motion to recess. Commissioner Jackson seconded the motion and it carried, unanimously.

The meeting was reconvened at 6:55 p.m. for the Public Hearings on zoning matters. Chairman Nevil asked for changes or modifications to the Zoning and Land Use Agenda. Chairman Nevil asked Zoning Administrator Randy Newman to present the zoning items. Mr. Newman presented an application submitted by R&H Development requesting a rezone from AG-5 (Agricultural 5 acres) to R-25 (Residential 25,000 square feet). The intent is to divide the property into 134 parcels for single family dwellings. The request consists of 2 parcels totaling 113 acres located on T.H. Lee Road. The Zoning Commission recommended approval of the conditional use with the following conditions: (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; (2) All dwelling units shall consist of traditional site built construction meeting state building codes. Manufactured housing shall be prohibited; (3) To enhance access management on Clito Road, the applicant/developer shall acquire and dedicate necessary right-of-way and dedicate such right-of-way in favor of Bulloch County, to install a right-turn deceleration lane and a right hand passing lane that is warranted by the developer's traffic study to service the turns from Clito Road onto the TH Lee Road; (4) 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 shall be permitted on T. H. Lee Road; (5) 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; (6) The applicant developer shall dedicate thirty (30') feet of right-of-way in favor of Bulloch County from the approximate location or survey pin where the sixty (60') foot wide proposed road way ends where the proposed park is located to the end of the development noted on the zoning plan submission as Lot 85; (7) T. H. Lee Road shall be paved from Clito Road from the approximate location or survey pin where the sixty (60') of proposed roadway ends where the park is proposed. An inverted crown construction along T.H. Lee Road shall be prohibited; (8) an

additional entrance/access roadway shall be installed between lots 86 and 87. Also, an additional entrance between 28 and 29; (9) All well structures shall have a visual landscape or wall/fence buffer equal to the height of the roof line; (10) 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 TH Lee Road; (11) Condition(s) for Preliminary Plat Submission

The developer shall submit an engineering plan at the time of preliminary plat submission to demonstrate that adequate storm water management practices or structures shall be installed to control on-site and off-site run-off and sediment. Mr. Jim Anderson is acting as Agent. He wanted to clear up three problems the staff had with the rezone request. (1) it was not consistent with the Bulloch County Land Use Plan. He said that the industry in that area was closed and the neighbors wanted residential development instead of industrial development; (2) a second access point off of Clito Road. At this point the access is off of T.H. Lee Road. They proposed to put in a stub street that will dead end into the Altman property in the event of future development; and (3) proximity to the airport. He said according to the direction of the runways there is not a problem with traffic patterns or noise. They have proposed to put the buyers on official notice that they are buying land 6/10 of a mile from the airport. Mr. Anderson said that all adjacent land owners are in agreement with this request. There are also willing to pave 1/3 of a mile of dirt road at their expense. Commissioner Rushing asked if the remainder of unpaved dirt road will have reserved easements for future paving. Mr. Anderson confirmed that. Mr. Steve Rushing spoke stating that according to the Development Authority there were no prospects for industry in that area. Mr. Charles Altman who is an adjacent land owner said that he wanted residential development next to his farmland and does not want the traffic from industry. Mr. J.L. Hinton was concerned with the area becoming residential. Commissioner Thompson offered a motion to approve the rezone with conditions as stated. Commissioner Jackson seconded the motion. All were not in favor. Commissioner Thompson, Commissioner Rushing and Commissioner Jackson were in favor. Commissioner Gibson, Commissioner Simmons, and Commissioner Tankersley were opposed. Chairman Nevil voted to deny the rezone.

Mr. Newman presented an application submitted by HB and Doris Lanier requesting a rezone from R-25 (residential 25,000 square feet) to R-3 (multi-family dwellings). The intent is to place multi-family dwellings on the property consisting of approximately 20 acres. The property is located on the corner of Langston Chapel Road and Burkhalter Road. Mr. Steve Rushing is acting as Agent. The Zoning Commission recommended approval of the rezone with the following conditions: (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; 2) All dwelling units must consist of traditional site built housing meeting state construction codes; 3) To minimum the impact on contiguous property, the developer shall install a solid opaque fence or a landscape buffer along the length of the eastern and southern boundary of the property with an average minimum height of six (6) feet at installation. This can be accomplished by: a) installing a landscaped berm and/or evergreen hedge combination; or, b) installing non-ornamental canopy trees (maple, dogwood, oak, etc.) with a minimum 4" caliper spaced 75' off center with evergreen hedges capable of growing up to 30" at maturity. The buffer shall be approved by the Zoning Administrator; 4) 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) All well structures shall have a visual landscape or wall/fence buffer equal to the height of the roof line; 6) A dry hydrant shall be installed at the expense of the applicant with an access easement reserved from the Hershel Drive at a suitable location subject to the approval of the Public Safety Director; 7) The applicant/developer shall dedicate necessary right-of-way in favor of Bulloch County and contribute \$25,000 to mitigate planned improvements for the intersection of Burkhalter Road and Langston Chapel Road; 8) Condition(s) Prior to Sketch Plan Submission A maintenance agreement will have to be signed for the road/driveway that will provide access to the buildings; 9) Condition(s) for Preliminary Plat Submission The developer shall submit an engineering plan at the time of preliminary plat submission to demonstrate that adequate storm water management practices or structures shall be installed to control on-site and off-site run-off and sediment. Mr. Rushing gave a brief history of the development of the surrounding properties. Commissioner Tankersley offered a motion to approve the rezone with conditions as stated. Commissioner Thompson seconded the motion and it carried, unanimously. Sign-in sheets for zoning matter are shown in Exhibit # 2008-3.

J. Garrett Nevil

Attest