

**COUNCIL MEETING
AUGUST 2, 2005-9:00 A.M.**

A regular meeting of the Statesboro City Council was held August 2, 2005 at 9:00 A.M. Present were Mayor Pro tem Joe Brannen who conducted the meeting in the absence of Mayor William S. Hatcher, Council members Gary Lewis, Tommy Blitch, and Will Britt. Councilman John Morris was absent. Also present were City Manager George Wood, City Attorney Sam Brannen, Director of Finance and Administration Judy McCorkle, City Engineer Maz Elhaj, and Planning Director Jim Shaw.

APPROVAL OF THE JULY 19, 2005, REGULAR MEETING MINUTES

Councilman Blitch made a motion, seconded by Councilman Lewis to approve the minutes of July 19, 2005, as presented. Councilmen Blitch, Lewis, and Britt voted in favor of the motion. The motion carried by a 3-0.

RECOGNITION - MRS. ESTELLA WASHINGTON, ADMINISTRATIVE ASSISTANT, WATER/WASTEWATER DEPARTMENT

Mayor Pro tem Brannen recognized Mrs. Estella Washington, Administrative Assistant of the Water/Wastewater Department, for completing the Advanced Human Resource Management Association Certification from the Georgia Government of Personnel Association at the Carl Vinson Institute at the University of Georgia. He presented her with a plaque.

PUBLIC HEARINGS

MRS. MARTHA S. COLEMAN & MRS. SUSAN LAIRCEY REPRESENTING THE G.C. COLEMAN ESTATE-REZONING OF APPROXIMATELY 67 ACRES (MR. DONALD NESMITH WITHDREW HIS REQUEST, AND DOES NOT WANT TO BE ANNEXED AT THIS TIME)

Mayor Pro tem Joe Brannen reported Mrs. Martha S. Coleman and Mrs. Susan Laircey, representing the G.C. Coleman Estate, are requesting the initial zoning of their recently annexed property of approximately 67 acres fronting GA 67 and Burkhalter Road to a combination of CR-Commercial Retail for the portions fronting GA 67, and R-4 High Density Multi-family Residential for the portions in the rear tract. (Mr. Donald Nesmith has withdrawn his request, and does not want to be annexed at this time).

Mr. Wood reported the developer plans did not go as he anticipated and he does not want to pursue the annexation. The owners of the Coleman Estate have indicated they would like to proceed with the rezoning of their tract. Mr. Wood made a recommendation to allow the zoning as shown on the plat. The proposed R-4 portion of the tract is a lot of wetlands.

The Planning Board recommended approval of the request. Mr. Donald Nesmith's adjacent tract was annexed assuming the Coleman's tract would be sold, and he has asked not to be annexed, which the decision is up to the Council. Mr. Wood made a recommendation to allow the withdrawal of the annexation.

Mrs. Susan Laircey spoke in favor of the request stating they would like to continue with the initial zoning of their recently annexed property. Mr. Wood informed her that the County has to agree to the annexation of their property; because without Mr. Nesmith's property it is not contiguous but the State law indicates it could be taken in if the property owner wants it, the City wants, and if the County agrees. No one spoke in opposition to the request. Councilman Blich made a motion, seconded by Councilman Lewis to approve the request to zone the initial annexed property of the G.C. Coleman Estate as indicated, and to exempt Mr. Nesmith's tract from the initial annexation. Councilmen Blich, Lewis, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

MR. GARTH LONG – VARIANCE REQUEST/CORNER OF MULBERRY AND EAST GRADY STREET (107 EAST GRADY)

Mayor Pro tem Brannen reported a request was submitted by Mr. Garth Long for a variance for a duplex at the corner of Mulberry Street and East Grady Street (107 East Grady Street). Mr. Wood said this request has not been withdrawn as indicated on the agenda. He also reported Mr. Long discussed the building setbacks 12 1/2 feet from the front and side of the corner lot. Parking would be on the left side, and the City staff and the Planning Board are in agreement with this. The design shows one entrance off South Mulberry and possibly on East Grady St.

Joey Maxwell of Maxwell Engineering, representative for Mr. Garth Long, reported Mr. Long met with the City staff about tearing down and removing the small duplex, which was an eyesore. Mr. Maxwell said Mr. Long misunderstood his directions which is the reason he is asking for a setback variance. Mr. Maxwell said without the setback variance Mr. Long could not replace what he had there before. No one spoke in opposition to the request. Councilman Britt made a motion, seconded by Councilman Blich to approve the variance request for a duplex at the corner of Mulberry Street and East Grady Street. Councilmen Britt, Blich, and Lewis voted in favor of the motion. The motion carried by a 3-0 vote.

MR. JEFF LACEY-REZONING OF A 20 ACRE TRACT ON JONES MILL ROAD AND BEHIND THE KMART STORE

Mayor Pro tem Brannen reported the request submitted by Mr. Jeff Lacey to rezone a 20-acre tract fronting on Jones Mill Road and behind the Kmart Store from CR-Commercial Retail to R-4 High Density Multi-family Residential has been withdrawn.

MRS. ELIZABETH SMITH – REZONING OF A 0.46 ACRE PARCEL FROM R-3 RESIDENTIAL TO CR-COMMERCIAL RETAIL (PROPERTY CURRENTLY A CONVENIENCE STORE)

Mayor Pro tem Brannen reported Mrs. Elizabeth Smith is requesting to rezone a 0.46 acre parcel bounded by Proctor Street and West Main Street from R-3 Residential to CR-Commercial Retail. The property is currently a convenience store.

Mr. Wood reported Mrs. Smith would like to split a single tract of land into two parcels for a minor subdivision. Parcel A would remain residentially zoned. Parcel B, which is an existing convenient store, has been vacant over a year and has lost its non-conforming use. The building can not be used and needs to be rezoned or given a conditional use variance. Mr. Wood recommended rezoning the parcel to CR. No one spoke in favor or in opposition to the request. Councilman Lewis brought forth concerns about the underground gas tanks located across the street from Statesboro Pointe Subdivision which he considers hazardous. He recommended not approving the request due to the hazardous situation that should be looked into. Mr. Wood plans to look into this matter. City Attorney Sam Brannen reported the underground storage tanks are governed by the State of Georgia who regulates them.

Councilman Blich said this could go into a Phase I and Phase II study if it is an environmental problem and could be costly to the owner. Mr. Wood said he would notify the state. Councilman Lewis asked if an explosion occurs, whose problem it would be. He said he is very concerned about the health and welfare of the citizens. Attorney Brannen said it is best to turn this over to the State so they can monitor it and take whatever steps are necessary because the City does not want to get involved with regulating contaminated soil. Councilman Lewis said the tanks are less than 50 yards from the subdivision.

Councilman Lewis made a motion to deny the request, which was seconded temporarily by Councilman Blich. Attorney Brannen recommended following the zoning law applicable to the property rather than based on some environmental concerns. Councilman Blich withdrew the second to the motion. Councilman Lewis asked how long it would take to notify the State. Mr. Wood said he will submit a letter tomorrow. Councilman Lewis withdrew his motion. Councilman Britt made a motion, seconded by Councilman Lewis to approve the request. Councilmen Britt, Lewis, and Blich voted in favor of the motion. The motion carried by a 3-0 vote.

VERNA BENNETT/MULTIPLE VARIANCES FOR DANI'S PLAYGROUND AND LEARNING CENTER AT 208 INSTITUTE STREET

Mayor Pro tem Brannen reported Mrs. Verna Bennett is requesting multiple variances to allow the expansion of Dani's Playground and Learning Center at 208 Institute Street. Mr. Wood reported the Planning Board made a recommendation to approve the request contingent upon meeting the following guidelines, which must be implemented at the time of construction.

- 1) Purchase land from Clay Beaver on the corner of Institute and Bulloch Street to provide off-street parking.
- 2) The building would be 2 ft. from the driveway.
- 3) The existing driveway would be 10 ft. wide instead of 12 ft. and paved.
- 4) The parking space next to the building must be eliminated.

Mrs. Verna Bennett was present to answer questions from Council. No one spoke in opposition to the request. Councilman Lewis made a motion, seconded by Councilman Blitch to approve the request for multiple variances contingent upon the steps listed above being implemented at the time of construction. Councilmen Lewis, Blitch, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

ADOPTION OF RESOLUTION # 2005-24 SETTING THE MILLAGE RATE FOR AD VALOREM (PROPERTY) TAXES FOR THE 2005 CALENDAR YEAR

Mr. Wood reported a public hearing was held and no one from the public attended. The millage rate remains the same rate as last year, which he recommended adopting. He and the Mayor will meet with the County to agree on one due date for City and County taxes.

Councilman Blitch made a motion, seconded by Councilman Britt to adopt resolution #2005-24 setting the millage rate at 6.921 for ad valorem (property) taxes for the 2005 calendar year. Councilmen Blitch, Britt, and Lewis voted in favor of the motion. The motion carried by a 3-0 vote.

RESOLUTION #2005-25 TO APPOINT MUNICIPAL ELECTION OFFICIALS

Director of Finance and Administration Judy McCorkle reported one of the requirements of the election procedures is appointing municipal election officials. Mrs. McCorkle made a recommendation for the City Council to appoint her as the Election Superintendent; Cynthia Mixon, Janis Raymond, and Kathy Smith as the Absentee Ballot Clerks for the November 8, 2005 General Election.

She reported the Notice of Election will be published Sunday, August 21 and Thursday, August 25, 2005. The qualifying fee for Mayor will be \$555 and for each Council seat \$225. Qualification for the election begins Monday, September 12 – 16 from 8:30 a.m. to 4:30 p.m. daily. Councilman Blitch made a motion, seconded by Councilman Britt to adopt resolution #2005-25 appointing the municipal election officials as recommended. Councilmen Blitch, Britt, and Lewis voted in favor of the motion. The motion carried by a 3-0 vote.

PROPOSAL OF GOLDER ASSOCIATES FOR ENGINEERING WORK AT THE LAKEVIEW ROAD LANDFILL FOR FISCAL YEAR 2006

Mr. Wood reported this proposal would be for the post closure operations at the Lakeview Landfill. The City budgets about this amount every year, which is paid out of the Solid Waste Disposal Fund from the 1997 SPLOST. He recommended continuing consulting with Golder Associates for another year. Councilman Blitch made a motion, seconded by Councilman Lewis to authorize the Mayor to execute documents accepting the proposal of Golder Associates for engineering work at the Lakeview Road Landfill for Fiscal Year 2006. The estimated total project cost is \$135,000. Councilmen Blitch, Lewis, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

PROPOSAL OF HUSSEY, GAY, BELL & DEYOUNG, INC. FOR CONSULTING SERVICES RELATED TO THE CITY’S GROUNDWATER WITHDRAWAL PERMIT APPLICATION TO EPD

Mr. Wood reported this is a proposal for a not-to-exceed fee of \$5,500 for Hussey, Gay, Bell, & DeYoung to help with the groundwater withdrawal permit. We are on the Florida Aquifer and have to get permission from the State of Georgia periodically in order to do this. The City would like to get an increase of 10 mg per day in groundwater withdrawal.

Councilman Lewis made a motion, seconded by Councilman Blicht to authorize the Mayor to accept the proposal from Hussey, Gay, Bell, & DeYoung, Inc. for consulting services related to the City’s Groundwater Withdrawal Permit Application to the Georgia Environmental Protection Division. Councilmen Lewis, Blicht, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

ACCEPTANCE OF THE LOWEST BID TO COMPLETE THE PAVING PROJECTS AT THE WEST MAIN PARKING LOT, CHANDLER ROAD, SUCCESS COURT, AND THE WASTEWATER TREATMENT PLANT

Mr. Wood reported City Engineer Maz Elhaj came up with a good idea to combine four small projects into one paving project. He recommended accepting the low bid in the amount of \$276,413.13 from Morgan and Woods, Inc. Mr. Elhaj was asked if any negative comments were received. Mr. Elhaj said references were notified and no negative comments were given. Councilman Lewis made a motion, seconded by Councilman Blicht to accept the lowest bid of \$276,413.13 from Morgan and Woods Inc. to complete the paving projects at the West Main Parking Lot, Chandler Road, Success Court, and the Wastewater Treatment Plant. Councilmen Lewis, Blicht, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

APPROVAL OF AN APPOINTMENT TO THE STATESBORO CONVENTION AND VISITORS BUREAU

Mr. Wood reported Mr. Andy Burns submitted a letter regarding stepping down as a member of the Statesboro Convention and Visitors Bureau in August, as well as recommending appointing Ms. Jenny Starling as his replacement. Councilman Britt made a motion, seconded by Councilman Lewis to accept Mr. Burns’s recommendation. Councilmen Britt, Lewis, and Blicht voted in favor of the motion. The motion carried by a 3-0 vote.

**STAFF REPORTS:
CITY MANAGER – INTRODUCTION OF MR. JIM SHAW AS THE CITY OF STATESBORO PLANNING DIRECTOR**

Mr. Wood introduced Mr. Jim Shaw as the City of Statesboro Planning Director. Mr. Shaw has a Masters Degree and has 15 years of experience in City Planning. He recently served as the Planning Director in the City of Bristol, Tennessee.

CITY OF STATESBORO WASTEWATER DISCHARGE

Mr. Wood gave an update on the City of Statesboro Wastewater Treatment Plant Total Maximum Daily Load (TMDL) and the National Pollutant Discharge Elimination System (NPDES) Permit. He reported the City of Statesboro has to apply for an NPDES Permit in order to discharge, which the Environmental Protection Division (EPD) has put limitations on the amount of flow from the Wastewater Treatment Plant, due to various elements that create pollution. Our River Basin is the Ogeechee River Basin. Mr. Wood said the EPD should be able to determine the amounts of elements the Ogeechee River Basin can tolerate to remain clean; the maximum daily load of each element, and how it would be allocated for point sources and non-point sources. The problem is non-point sources that are hard to manage and control, which the State has not allocated monies to do.

He also said the EPD plans to cut the City of Statesboro's BOD in half; from 10 mg per liter to 5 mg per liter, which is a 50% deduction; in addition to reducing the ammonia limit from 2 to 1. He said the City feels the limitations are not valid, and he would like to submit a request to the EPD for a copy of each permit issued to the Ogeechee River Basin to see if others are under the same limits. The EPD is also requesting as part of the permit for the City of Statesboro to hire a consulting engineer to do a detailed assessment of watersheds covered inside and outside the City limits. He said City Attorney Sam Brannen feels the regulations do not meet the Georgia Constitution.

Mr. Wood said the City has been given a 30 day comment period. He is proposing to submit a detailed letter to the State to be brought before the Council at the next meeting. He would also like to meet with other City Managers and Wastewater personnel who are in the same river basin. The question is the validity of data; is it valid scientific data? The City feels the data is based on assumptions. Once the permit is issued and signed off, the City would have a time line to submit a plan on how we are going to fix it. The most important thing is that they have taken away the criteria and requirements that test the criteria in the water.

Mr. Wood said letters were received last week from the EPD. He has met with the City Attorney and Hussey, Gay, Bell & DeYoung Engineers have begun research. He would also like to submit a letter protesting it, and would like to hold a public hearing in Bulloch County, as well as notifying State Senate and State Representatives. He said the EPD mentioned looking at new limits some time ago, but not shifting the burden on the City. Wayne Johnson, Water/Wastewater Superintendent, said the big impact would be trying to expand the City, which would be a tremendous burden and expense we are not in a position to handle.

**DIRECTOR OF FINANCE & ADMINISTRATION – HOTEL/MOTEL TAX
AUDIT REPORTS**

Director of Finance and Administration Judy McCorkle reported there were three hotels operated by the same provider that had significant problems during the hotel/motel tax audit. The manager missed the deadline for submitting information and additional time was given by the City.

RENOVATIONS OF THE FINANCE DEPARTMENT

Mrs. McCorkle reported the City approved \$45,000 in the CIP for the renovations of the Finance Department. A plan of the renovations was reviewed by the Mayor and Council.

OTHER BUSINESS

PEANUT BOIL/WATER MELON CUTTING

Director of Public Works Bobby Colson reported 1,140 people attended the event.

ADJOURNMENT

Being no further discussion, Mayor Pro tem Brannen adjourned the meeting at 10:15 a.m.