

**CITY COUNCIL MEETING
MARCH 21, 2006**

A regular meeting of the Statesboro City Council was held March 21, 2006, at 6:00 p.m. Present were Mayor William S. Hatcher. Council Members John Morris, Gary Lewis, Joe Brannen, and Tommy Blich. Absent were City Manager George Wood and Councilman Will Britt. Also present were City Attorney Sam Brannen, Director of Finance and Administration Judy McCorkle, City Engineer Maz Elhaj and Planning Director Jim Shaw.

APPROVAL OF MINUTES-MARCH 7, 2006

Councilman Brannen made a motion, seconded by Councilman Blich to approve the minutes of March 7, 2006. Councilmen Brannen, Lewis, Morris and Blich voted in favor of the motion. The motion carried by a 4-0 vote.

PUBLIC HEARING-FREDA JOHNSON

Planning Director Jim Shaw requested a zoning change for 17 Gordon Street, 20 Gordon Street, 2 Lott Street, 4 North Crescent Circle and 15 North Crescent Circle. He said they were all properly advertised.

Mr. Shaw said the zoning change is being requested to allow the construction of a housing development for individuals in the 55 and older age group. The request involves five neighboring properties. The three lots that front North Crescent Circle each have a single-family residence. The property at 17 Gordon Street has multiple residential structures in a compact arrangement. The property across the street has playground equipment. The majority of the two Gordon Street properties are already zoned R-4. The southernmost 40 to 50 feet of both properties are zoned R-15. This will make the zoning district boundary coincide with the property lines. The other three properties are zoned R-15.

Mr. Shaw stated there is a requirement for buffering adjacent to or across the street from single-family residences. Two lots abut single-family zoning R-15 North Crescent and 20 Gordon Street. They will require a ten-foot wide buffer with shrubs, a fence or an evergreen screen. A fifteen foot front yard buffer with a mixture of trees and evergreen shrub is required on the lots that have frontage on Crescent Drive and North Crescent Drive.

He said this age group is a growing sector of the population and sometimes have special needs for housing that cannot be provided with traditional housing options. Mr. Shaw said the Planning Commission unanimously recommends approval subject to the conditions consisting of the residents being 55 or older and screening options and buffer.

Mayor Hatcher asked if anyone was in favor of the request. Ms. Freda Johnson spoke saying there is a big need for housing for this age group. She stated this would beautify the street, provide a nice and clean living environment for people and they would have affordable housing.

Councilman Brannen said he wanted to commend Mrs. Johnson for selecting this area as it will make a large improvement. Councilman Blich also said it would make a big improvement but asked where would the previous residents go during construction. Ms. Johnson said they would have to look for other places to live. He asked how much time will be allowed for them to move. Ms. Johnson said probably six months. Mayor Hatcher asked if there would be any problems with screening. Ms. Johnson said no, that is the only way she would have it.

Councilman Lewis asked if they can't find a place in six months who is responsible for them because you can't put them on the streets. City Attorney Sam Brannen said each person is responsible for themselves. Mayor Hatcher said it is tough to put someone on the streets so we will work with them. Councilman Lewis said yes, we will work with them.

Councilman Blich made a motion, seconded by Councilman Morris, to approve the rezoning of 17 Gordon Street, 20 Gordon Street, 2 Lott Street, 4 North Crescent Circle and 15 North Crescent Circle from R-15 to R-4.

Mayor Hatcher asked if anyone was against the request. No one spoke.

Councilmen Lewis, Morris, Brannen and Blich voted in favor of the motion. The motion carried by a 4-0- vote.

DARRELL HOLTON- Mr. Shaw stated request #RZ-06-02-02- to rezone from R-4 to CR Darrell Holton on behalf of JB Development LLC was withdrawn. Mr. Holton withdrew at his own request.

RUSSELL MOORE- Mr. Shaw requested an 11 foot variance of a 15 foot side yard setback requirement and a variance of the parking requirements for a restaurant at 1803 Chandler Road. He stated the property has a small building on the northern portion of the property. The present owners would like to use it for a restaurant. The food would be consumed off-site or at tables and chairs placed outside the building. The building is located approximately 15 feet from the edge of the access road pavement from Southern Villa Apartments and approximately 4 feet from the property line. The setback requirement is 15 feet.

The main building houses the Cork& Bottle convenience store which has self-service fuel pumps. The convenient store requires 10 spaces, there are 12 marked but some may not meet the specified requirements. He said the restaurant would require additional parking spaces. The parking requirement is one space for every four seats and one space for every two employees. This would mean one table with four seats and one employee would make the property reach its limit for existing parking. Mr. Shaw stated a lack of parking could lead to customers parking on the Southern Villas parking area.

He said the Planning Commission feels the property has been maximized and the tight arrangement of spaces and access lanes makes maneuvering on the property difficult. The Staff recommends denial of the request.

Mayor Hatcher asked if there was anyone to speak in favor of the request. Mr. Tony Wilburn spoke. He said their intentions are to start with a pick-up and delivery restaurant and eventually add to the building and to expand the parking. He presented a petition with 101 names that would like to have the restaurant.

Mr. Shaw stated 2 additional parking spaces will be required. Councilman Brannen asked what will be the hours. Mr. Wilburn said they would start at lunch until 5:00 p.m. Monday thru Friday but on weekends they would stay open until later.

Councilman Lewis asked if 2 spaces are all that's needed. Mr. Shaw said that is correct. Mr. Lewis said no problem.

Mayor Hatcher asked if anyone was against this Public Hearing. There was no reply.

Councilman Lewis made a motion to approve the request. There was no second. The motion died due to lack of a second.

Councilman Blich made a motion, seconded by Councilman Morris to deny the request due to not enough parking spaces. Councilman Morris said we need to see a plan where 2 additional spaces can be added.

Councilman Brannen, Morris, Blich voted to deny the request. Councilman Lewis voted in favor of the request. The request was denied by a 3-1 vote.

MOTION TO ADOPT AN ADMINISTRATIVE POLICY FOR NOTIFICATION OF ADJOINING PROPERTIES OF ZONING AND VARIANCE APPLICATIONS

Planning Director Jim Shaw stated Georgia law requires notification of the public hearing for zoning changes, annexations and special uses. The notice must be accomplished by posting a sign on the subject property and publication of an advertisement in the local newspaper no less than 15 days and no more than 45 days prior to the public hearing. He stated these two methods probably do not provide adequate notice. Nearby property owners may not be aware of a request. Most people do not read the legal section of the newspaper and therefore are not aware of the variances, zoning, and land use changes that could affect their property.

Mr. Shaw said the Statesboro Planning Commission has expressed an interest in knowing the thoughts of people who live close to a property that is under construction. Allowing nearby property owners the opportunity to speak to the Planning Commission could bring to light issues not known by them or the applicant.

Posting a sign announcing the Planning Commission meeting, like is done before a City Council meeting, would create confusion when the meeting schedule is accelerated and the public hearing is advertised prior to the Planning Commission meeting. Mr. Shaw stated if signs were posted for both meetings, individuals could be confused by the two signs.

Mr. Shaw said the best notification process is direct notification by mail. The use of certified mail is costly and time consuming. Notification by standard first class mail is the best

method. Cost is kept to a minimum and offers a better chance of the notice reaching the recipient.

Mr. Shaw recommends adopting a policy, called a “courtesy notice” prior to consideration of requests by the Planning Commission. This policy consists of:

1. The notice will be sent by first class mail approximately one week prior to the Planning Commission.

2. Staff will depend upon the records of the Bulloch County Tax Assessor for determining the properties that meet the definition above and for the name and address of the property owner.

The notice will be a form letter that includes a summary of the application with the applicant’s name, the request and location. The letter will state the Planning Commission will be considering the request and making a recommendation to the Mayor and City Council.

3. At the beginning of each Planning Commission meeting public comments will be heard for each request, but the public hearing will be held by the Mayor and City council. It will be recommended that everyone attend the public hearing. The abutting property owner, if different, will not be sent a separate notice of the public hearing to be held by the Mayor and City Council.

Mr. Shaw stated all comments would be appreciated. He said we are doing what state law requires.

Councilman Blicht made a motion, seconded by Councilman Brannen to approve the Administrative Policy for Notification of Adjoining Properties of zoning and variance applications.

Councilmen Brannen, Lewis, Blicht and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

AMENDING THE STATESBORO MUNICIPAL CODE REGARDING ALCOHOL BEVERAGES

City Attorney Sam Brannen proposed amending the code to allow businesses on the outside of Hwy 301, the by-pass and Hwy 67 to serve alcohol even though they were not 600 feet from the college. The 4 and 5 traffic lanes serve as a barrier in lieu of the proximity requirement.

Councilman Brannen made a motion, seconded by Councilman Lewis, to adopt the First Reading Ordinance #2006-02: An ordinance to amend the Statesboro Municipal Code regarding alcohol beverages. Mayor Hatcher said prior to the next regular meeting we will have a public hearing for the second reading.

Councilmen Brannen, Lewis, Morris and Blich voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT RESOLUTION #2006-05: A RESOLUTION EXEMPTING CERTAIN VEHICLES FROM MARKING REQUIREMENTS FOR ONE YEAR, PER O.C.G.A. 36-80-20

Mayor Hatcher said the public hearing had been at the March 7, 2006 City Council meeting. It was discussed that certain employees' vehicles paid for from car allowances provided as part of their compensation are exempt for one year. They are the City Manager, Director of Water and Wastewater, Assistant Director of Water and Wastewater, Director of Natural Gas and the City Engineer.

Councilman Brannen made a motion, seconded by Councilman Morris to adopt Resolution #2006-05: A Resolution exempting certain vehicles from marking requirements for one year, per O.C.G.A. 36-80-20

Councilmen Brannen, Lewis, Blich and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT ON FIRST READING ORDINANCE #2006-03: AN ORDINANCE TO AMEND THE STATESBORO MUNICIPAL CODE REGARDING THE HOTEL/MOTEL TAX

City Attorney Sam Brannen stated there was an improper code section in the current ordinance relating to a typographical error within the amendment dealing with a citation to state law. The Statesboro Municipal Code is amended by deleting the existing language in Section 74-32 and replacing it with the following language. "The proceeds of the tax will be used in accordance with O.C.G.A. Section 48-13-51 (a) (3)." He said it would become effective immediately upon its adoption.

Councilman Morris made a motion, seconded by Councilman Lewis, to adopt on First Reading Ordinance #2006-03: An ordinance amending the Statesboro Municipal Code regarding the Hotel/Motel Tax.

Councilmen Brannen, Morris, Lewis, and Blich voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT RESOLUTION #2006-08: A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY OF THE CITY AS SURPLUS AND AUTHORIZING ITS DESPOSAL.

Mayor Hatcher stated there are two lists of personal property that has become obsolete, broken or worn out and needs replacing. He stated, according to O.C.G.A. 36-37-6, in order to free up space for the newer equipment or to recoup any salvage value, the property listed must be declared surplus and authorized for disposal.

Councilman Brannen made a motion, seconded by Councilman Blich to adopt resolution #2006-08 declaring certain personal property of the City as surplus and authorizes its disposal.

Councilman Blicht, Lewis, Brannen and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT RESOLUTION #2006-09: A JOINT RESOLUTION OF THE BULLOCH COUNTY BOARD OF COMMISSIONS AND THE MAYOR AND CITY COUNCIL OF STATESBORO HONORING THE 2005 AAA STATE CHAMPION STATESBORO HIGH SCHOOL FOORBALL TEAM

Mayor Hatcher said on December 2, 2005, the Statesboro High School Blue Devils defeated North Side-Warner Robins 13-10 to win their second AAAA State Championship in five years. He said they won on a last minute field goal with the fans at Paulson Stadium erupting in celebration. It was a culmination of a perfect season, as the team went undefeated in all fifteen games. Mayor Hatcher stated with each game the Blue Devils represented their school and community with athletic excellence, school pride, and adherence to the highest standards of teamwork and true sportsmanship.

Coach Steve Pennington and the entire Coaching Staff were recognized for the tireless efforts in guiding the Blue Devils through an outstanding season, while teaching these young men the values of teamwork, dedication, hard work and perseverance.

Mayor Hatcher stated the Bulloch County Board of Commissioners and the Mayor and City Council of Statesboro congratulate the 2005 State High School Blue Devils Football Team, Coach Steve Pennington, and the entire staff for winning the 2005 AAAA Georgia High School Football Championship. He said the City is planning a celebration for them in April.

Councilman Blicht made a motion, seconded by Councilman Morris, to pass Resolution #2006-09 honoring the 2005 AAAA State Champion Statesboro High School football team.

Councilman Blicht, Brannen, Lewis and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

DISCUSSION OF THE LETTER FROM THE GEORGIA DEPARTMENT OF TRANSPORTATION PLANNING ADMINISTRATOR NOT ENDORSING ANGULAR PARKING ON EAST MAIN STREET, AND A MOTION ON WHETHER TO ALLOW ANGULAR PARKING ON EAST MAIN STREET

Mayor Hatcher read a letter written by City Manager George Wood in response to a letter from the Georgia Department of Transportation's Transportation Planning Administrator, Joseph P. Palladi stating why angular parking of East Main Street is not advisable.

He stated few streets going east-west in Statesboro go for many blocks which makes other streets channel into West Main and East Main to connect across town, therefore, this increases the amount of traffic on the east-west route.

Mr. Palladi said angular parking has a higher influence on roadway operations than parallel parking. On angular parking the operator must be able to see through and around the adjacent parked vehicle to see if other vehicles are approaching. Also, the backing up of vehicles

into the lane takes more time and delay and vehicles coming from the opposite direction may turn left into the parking spaces delaying traffic creating opportunities for accidents.

He said the goal of the Streetscape project is to reduce delay, provide a more walkable downtown and provide pedestrians a more open and safe environment and the angled parking seems counterproductive to these goals. Mr. Palladi stated the additional delays and accident potential from angled parking cannot be endorsed by the Department of Transportation.

Mr. Wood stated 4 experienced civil engineers said this alternative is not safe, the City Engineer, Hussey, Gay, Bell and DeYoung, Inc., Maxwell-Lane Engineering, Inc. and GDOT Transportation Planning Administrator. He stated the Burnseds have not presented any information from a licensed engineer contracting the four engineers on this specific project. He also stated if someone gets seriously injured all of this documentation would prove conclusively in court and the City Council had knowledge of its unsafe nature and approved it anyway. Mr. Wood urged Council to consult with the City Attorney before voting.

Mr. Wood stated he had talked to Mr. Wright Aldridge, Jr., PE, who is an engineer with Moreland Altobelli Associates, Inc. His firm is under contract with GDOT to review the Streetscape projects of Georgia. He is the Transportation Enhancement Project Manager that must approve our Streetscape Project. Mr. Wood asked him if he would approve the Streetscape Plan with this angular parking alternative. Mr. Aldridge said since it had not been endorsed by GDOT, he could not approve it in the Streetscape Plan.

Mr. Wood states there are two options: 1) to allow angular parking, turning down the \$530,000 Streetscape Grant or fund it fully from City funds. 2) adopt a motion to select the original version of the Streetscape Plan with parallel parking, notify Mr. Aldridge's office as soon as possible and continue using the \$530,000 Streetscape Grant.

Councilman Blich made a motion, seconded by Councilman Morris, to deny angle or reverse parking based on safety and the lose of the \$530,000 grant and to accept the original version of the Streetscape Plan.

Councilman Brannen stated we have done all we can do. Councilman Lewis said yes we have done everything we can do and we do not have \$530,000. Councilman Morris asked wasn't it going to be 2 additional parking spaces and didn't we approve the back parking plan. Mayor Hatcher said yes. Councilman Blich stated we previously said whatever it said when it came back, yes or no, is what we will do.

Councilman Blich, Lewis, Brannen and Morris voted to deny the motion. The motion carried by a 4-0 vote.

MOTION TO AUTHORIZE THE MAYOR TO EXECUTE THE DCA FORM CERTIFYING THAT A HOMELESS GRANT TO THE AMETYST PROJECT, INC. MEETS OUR PLANNING REQUIREMENTS, AND IS RECOMMENDED FOR FUNDING

Mayor Hatcher referred to a letter from the Amethyst Project, Inc. stating they provide emergency and long term assistance for people with HIV/AIDS in Bulloch, Candler and Evans counties. He said this provides a safe place where HIV people can secure their medicine and stay healthier.

It stated although many people do not wish to acknowledge the homeless issue, it is critical in many situations because of the number of homeless and drifters that are infected with HIV/AIDS. Homeless HIV positive people sometimes create opportunities for living arrangements by providing sexual favors and in some cases protection is not used and HIV will continue to spread through Bulloch County. Georgia is ranked 5th in the country for new HIV cases. The medication is \$1000 a month.

Mayor Hatcher said we have supported this for many years in the past, and it is a good program.

Councilman Brannen made a motion, seconded by Councilman Blich, to authorize the Mayor to execute the DCA Form certifying a homeless grant to the Amethyst Project, Inc. which meets our planning requirements and is recommended for funding.

Councilmen Blich, Morris, Lewis and Brannen voted in favor of the motion. The motion carried by a 4-0- vote.

MOTION TO APPOINT PLANNING DIRECTOR JIM SHAW TO THE KEEP BULLOCH BEAUTIFUL BOARD AS ONE OF THE CITY'S FOUR APPOINTEES

Councilman Morris made a motion, seconded by Councilman Lewis to appoint Planning Director Jim Shaw to the Keep Bulloch Beautiful Board as one of the City's four appointees.

Councilmen Brannen, Morris, Lewis and Blich voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE THE CITY'S \$2,328 PARTICIPATION IN THE CGRDC CONTRACT WITH THE GEORGIA TECH CENTER FOR QUALITY GROWTH AND REGIONAL DEVELOPMENT TO DEVELOP UPDATED EXISTING AND PROPOSED POPULATION PROJECTIONS.

Planning Director Jim Shaw referred to a letter from Coastal Georgia Regional Development Center's Executive Director Vernon D. Martin, AICP.

Mr. Martin said the growth rate of the urban surrounding Savannah, Hinesville and Brunswick and the increase in the number of retirees migrating to the region, is changing our rural coastal area into an ex-urban and suburban area. It is a challenge to anticipate the population growth for adequate future services including transportation, schools, parks, utilities, infrastructure and housing, but it is believed the projections are much lower than actually exists.

He stated reasonable population projections require a quantitative and qualitative approach for predicting future conditions. Georgia Tech's Center for Quality Growth and

Regional Development has been contracted to develop and update the existing and proposed population projection.

Mr. Martin stated the total cost for the coastal region is \$57,250 and is prorated for each city and count based on the 2000 Census data, our share is \$2,328 and this will be a great benefit for Statesboro.

Mr. Shaw stated he and Mayor Hatcher approve of it. Councilman Brannen, seconded by Councilman Lewis, made a motion to approve the \$2,328 for the City's portion to participate in the CGRDC contract with Georgia Tech Center for Quality Growth and Regional Development to develop updated existing and proposed population projections.

Councilmen Brannen, Lewis, Morris and Blich voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$19,594 TO GODWIN PUMPS FOR A SELF-PRIMING 800 GPM DIESEL PUMP SET FOR THE WATER AND WASTEWATER DEPARTMENT

Director of Water/Wastewater Wayne Johnson stated this is an automatic, self-priming diesel pump set to be used in case of an emergency and we lose power. He said it was higher than budgeted, but other things came under budget.

Councilman Blich made a motion, seconded by Councilman Morris, to award a bid in the amount of \$19,594 to Godwin Pumps for a self-priming 800 gpm diesel pump set for the Water and Wastewater Department. Councilmen Blich, Morris, Lewis and Brannen voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$33, 279.20 TO ROZIER FORD FOR TWO 2006 ½ TON PICKUP TRUCKS FOR THE WATER AND WASTEWATER DEPARTMENT

Director of Water/Wastewater Wayne Johnson recommended to award a contract to Rozier Ford for the purchase of two 2006 ½ ton pickup trucks to be used in the Water/Wastewater Department. These will replace two older trucks which will be handed down in the department. Mr. Johnson said the money was in the CIP.

Councilman Brannen made a motion, seconded by Councilman Blich, to award a bid in the amount of \$33,279.20 to Rozier Ford for two 2006 ½ ton pickup trucks for the Water/Wastewater Department.

Councilman Brannen, Blich, Morris and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

STAFF REPORTS

Director of Finance and Administration Judy McCorkle stated in the Alcohol Control

Board Meeting that April 18, 2006 is the date set for the appeals hearing for the Stop and Go. Solicitor Keith Barber suggested denying this request due to a discrepancy in the background report.

Councilman Morris, seconded by Councilman Lewis, made a motion to deny the request made by the Stop and Go. Councilmen Brannen, Blich, Lewis and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

Mrs. McCorkle reminded Council of the 50th Anniversary of GMC/FOA to start March 29, 2006. They chose Statesboro to hold this celebration.

ADJOURNMENT

Being no further discussion, Mayor Hatcher adjourned the meeting at 7:55 p.m.