

**COUNCIL MEETING
DECEMBER 20, 2005 – 6:00 PM**

A regular meeting of the Statesboro City Council was held December 20, 2005, at 6:00 p.m. Present were Mayor William S. Hatcher, Council members John Morris, Gary Lewis, Joe Brannen, Tommy Blich and Will Britt. 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 MINUTES-DECEMBER 6, 2005

City Manger George Wood requested that the following corrections be made to the December 6, 2005 Council meeting minutes:

Page 2 - change “asked if he has an alcohol license” to “if he as a substantial interest in this matter”.

Page 5 - change “this portion would be given to the City to use for mitigation process” to “A portion of this 13.8 acres could be given to the Board of Education to use for wetlands mitigation”.

Page 6 – change “resignation letter” to “retirement letter”

Page 6 – change “Hwy 301” to “Veterans Memorial Parkway”.

Councilman Brannen made a motion, seconded by Councilman Morris to approve the minutes of December 6, 2005 as corrected. Councilmen Brannen, Morris, Lewis and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

RECOGNITIONS:

CHIEF JOE BEASLEY – RETIREMENT

Mayor Hatcher read a Resolution honoring Fire Chief Joe Beasley for his tenure serving on the Statesboro Fire Department starting in February 1976 and promoted to Chief in November, 1978. During his tenure of service he has overseen outstanding growth and accomplishment for his Department. On behalf of the City, Mayor Hatcher thanked him for the many years of dedication and a job well done. Councilman Brannen made a motion, seconded by Councilman Britt to adopt the Resolution on the Retirement of Chief Joe Beasley. Councilmen Blich, Britt, Morris, Brannen and Lewis voted in favor of the motion.

GOVERNMENT FINANCE OFFICIERS ASSOCIATION’S DISTINGUISHED BUDGET PRESENTATION FOR THE FY 2006 BUDGET

Mayor Hatcher stated we received this award last year and again this year and only fourteen or fifteen cities are granted this honor. He presented the award to Director of Finance and Administration Judy McCorkle who recognized Cindy West, Allison Chambers, Annette Waters and Patti Akins of the City’s Finance Department and thanked them for their hard work and dedication. This award is the highest form of recognition in governmental budgeting and represents a significant achievement for the City.

PUBLIC HEARINGS:

a) Case No. A 05-09-09: Chuck Perry, on behalf of CEDaR Development LLP, designation requesting annexation by the 100% method of 1.16 acres located at 16779 Highway 80 West, and initial zoning from the County's R-40 designation to the City's CR-Commercial Retail designation.

Planning Director Jim Shaw reported the Statesboro Planning Commission recommended approval of the request, and it was properly advertised. This case has been heard before with an error, but the proposal is not changing. The applicants are requesting to annex this property at the same time they are developing 3 ½ acres to the South.

Mayor Hatcher asked if anyone was in favor or against this request. With no response he declared the public hearing closed.

A motion to approve the request for annexation and the zoning change from the County's R-40 designation to the City's CR- Commercial Retail was made by Councilman Brannen and seconded by Councilman Morris. Council members Lewis, Blicht, and Britt voted in favor of the motion and it was approved. The request was approved.

b) Case No. RZ 05-10-02: Mr. Harold A. Bowman for Mrs. Ethel McCorkle, Planning Director Jim Shaw stated that a letter had been submitted asking for withdrawal of this request. The request was withdrawn.

c) Case No .RZ 05-11-01: Mr. Sam DiPolito on behalf of Mr. Charles Tsang, requesting a rezoning from R-4(High Density Residential) to CR (Commercial Retail) for a 6.046 acre tract located at 109 Harvey Street

Planning Director Jim Shaw reported the Staff and Statesboro Planning Commission recommended denial of this request, and it was properly advertised. This property is presently the University Pointe Apartments, an L-shape property on Harvey Drive with frontage of Chandler Drive. The owner would like to convert the property into commercial use later. At present the only commercial property is the GSU property across Harvey Drive, which is used for parking, not commercial use. The recent study by City staff discouraged R-4 to encourage redevelopment for new multifamily residential units. . The proposed development could encourage additional traffic, light and noise on two-lane streets that experience large amounts of traffic.

Mr. Sam DiPolito spoke on behalf of the request stating the 144 apartments are outdated and offer no amenities. They have a 100% occupancy rate but feel that in time this property could be better used as commercial. His client would like to develop a commercial retail center at the location and feels the present traffic flow from Harvey, Chandler and Knight Drive would not increase. Mayor Hatcher asked if there was anyone present that was in favor of the request or against the request. With no response he closed the Public Hearing.

Councilman Brannen made a motion, seconded by Councilman Blicht to deny the request. Councilman Brannen ask why are they making this request at this time. Mr.

DiPolito stated they wanted to start now and do this project over a long period of time. He also said that he does not agree with Planning Director Shaw's analogy of the traffic situation. Councilman Morris stated that he thinks this is a plus for the area. Councilman Britt stated that he would like to see a plan before a rezone is requested. Mr. DiPolito stated they plan to place a small retail store on the back ½ acre and, maybe in the future, tear down the apartments and build four small units on the back corner. City Manager George Wood stated the highest and best use is residential, keep it at R-4, and not give parking permits because students can walk to class. Councilmen Britt, Lewis and Morris voted in favor of the motion. The motion was approved by 5-0- vote and the request was denied.

d) Case No. RZ 05-11-02: Mr. Joey Maxwell, on behalf of Pineridge Apartments, LLC, requesting a rezoning from R-4 (High Density Residential) to PUD (Planned Unit Development) with an R-4 overlay for property located at 410 South College Street

Planning Director Jim Shaw reported the Staff and Statesboro Planning Commission recommended this request be approved. This request was properly advertised. A request was made for property occupied by Pine Ridge Apartments. The current owner wishes to convert them into condominium ownership so the individual units can be sold and the property maintained by the homeowner. Mayor Hatcher asked if there was anyone present that was in favor of the request or against the request. Mr. John Dotson was present, on behalf of Pineridge Apartments, to answer questions from Council. No one spoke in opposition to the request. Mayor Hatcher closed the Public Hearing.

Councilman Britt made a motion, seconded by Councilman Lewis to approve the request. Councilmen Brannen, Blich and Morris voted in favor of the motion. The motion carried by a 5-0 vote and the request was approved.

e) Case No. V 05-11-03: Mr. Daniel Craig Rigdon requesting a variance of the 20 feet side yard setback to allow a building 9 feet from the south property line for property located at 808 South Main Street

Planning Director Jim Shaw reported the Staff and Statesboro Planning Commission recommended this request be approved and it was properly advertised. Mr. Daniel Craig Rigdon spoke in favor of the request and is requesting a variance of a 20 foot side yard setback to allow a building 9 feet from the south property line to construct an automobile body shop and to provide adequate access for larger vehicles to enter and exit along the north side of the building. It should be moved approximately nine feet from the south rather than the required twenty feet. Mayor Hatcher asked if there was anyone present to speak against this request. With no opposition the Public Hearing was closed.

Councilman Morris made a motion, seconded by Councilman Lewis, to approve the request. Councilmen Brannen, Britt, and Blich voted in favor of the motion. The motion carried by a 5-0 vote and the request was approved.

f) Case No. RZ 05-12-01: Mr. John A. Dotson, on behalf of JESCO Development LLC, requesting a rezoning from CR (Commercial Retail) to PUD (Planned Unit Development) with a CR overlay for property containing 4.30 acres located at 439 and 441 South Main Street

Planning Director Jim Shaw reported the Staff and Planning Commission recommended approval of the request and it was properly advertised. He stated the City Council had already approved a zoning change from R-20 and HOC to CR for the majority of this property in November 2004 and a zoning change from R-20 to CR for the remainder in February 2005. The owner wished to use a condominium ownership scheme and allow sale of the individual building or spaces. In order to do that the property must be zoned PUD. Mr. John Dotson spoke in favor of this request saying his intent is to develop the property to use for offices, retail shops and restaurants. If rezoned it would allow the buildings to be sold separately. Mayor Hatcher asked if anyone opposed this request. With no opposition he declared the Public Hearing closed.

Councilman Brannen made a motion, seconded by Councilmen Morris to approve the request. Councilmen Britt, Lewis, and Blich voted in favor of the motion. The motion carried by a 5-0 vote and the request was approved.

ADOPTION ON FIRST READING ORDINANCE #2005-15 ANNEXING 1.16 ACRES OF PROPERTY LOCATED AT 16779 HIGHWAYS 80 WEST

City Manager George Wood stated the Mayor and City Council have received a petition for annexation from E. Dewey Newton, who is 100% owner of this property and would like to annex the property into the corporate limits of the City of Statesboro. Mr. Wood stated the rezoning will take effect when the property is annexed into the city.

Councilman Blich made a motion, seconded by Councilman Morris to approve the request. Councilmen Brannen, Lewis and Britt voted in favor of the motion. The motion carried by a 5-0 vote and the ordinance was adopted on first reading.

AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE BULLOCH COUNTY BOARD OF COMMISSIONERS AND THE DEVELOPMENT AUTHORITY OF BULLOCH COUNTY REGARDING THE EXTENSION OF UTILITIES INTO THE GATEWAY INDUSTRIAL PARK, PHASE II, AND THE SPLOST FUNDING FOR IT

Mr. Wood stated in order to develop the 294 acre tract of land in Phase II of the Gateway Industrial Park, the city needs to extend its water and sewer system to the property with adequate capacity to serve potential industries. In 2002, with the one percent (1%) Special Purpose Local Option Sales Tax, the City and County entered into an intergovernmental agreement with the Development Authority of Bulloch County to provide a portion of the SPLOST revenues to certain projects including a 116 acre tract for Phase II of the Gateway Industrial Park. However, the tract of land to be used for this project is now 294 acres. Therefore, the agreement needs to be amended to cover the added cost to install utilities for this larger acreage. The Authority will reimburse the City for the total costs of the project. If the amount is larger than the remaining 2002

SPLOST balance and the 2007 SPLOST referendum fails, the balance will be paid from land sales. The County will call for a referendum to renew and extend the 1% SPLOST for a period of 5 years, but may go to six years if all parties agree, commencing on October 1, 2007.

Councilman Britt made a motion, seconded by Councilman Brannen to approve the request. Councilmen Blich, Brannen, Lewis and Morris voted in favor of the motion. The motion carried by a 5-0- vote and the agreement was approved.

DISCUSSION AND ACTION ON THE ANGLE PARKING REQUEST OF NOEL BURNSD ON E. MAIN STREET

City Manager George Wood stated Maxell-Lane Engineering and Hussy, Gay, Bell & Deyoung have been asked to review this project. Both parties performed a traffic study and are in agreement that angular parking is not safe with the present traffic flow. He also stated that Mr. Burnsed is requesting another alternative and wants the Engineering Department to review it and make a recommendation for the January 4, 2006 council meeting.

Councilman Brannen made a motion, seconded by Councilman Lewis, to table the request until the January 2, 2006 meeting. Councilmen Blich, Lewis and Morris voted in favor of the motion. The motion carried by a 5-0 vote and the discussion and action was tabled.

MOTION TO APPROVE THE SOLE SOURCE PURCHASE FOR COMPATIBILITY REASONS OF HARDWARE AND SOFTWARE TO UPGRADE THE CITY'S MAIN SERVER FROM TBS IN THE AMOUNT OF \$26,498

Judy McCorkle, Director of Finance and Administration stated the AS400 is the main server that supports the software that provides the City's financial reporting programs. It has not been upgraded in (5) five years and the upgrade is needed at this time to allow the City to make necessary upgrades in these programs. TBS provides the soft ware for our tax and licenses, purchasing, accounts payable, utility billing, budgeting and financial reporting programs. She stated we need hardware compatible with the software which is the AS400 from IBM. TBS was the low bidder in the amount of \$26,498. This will also allow us to use the new laser printers and can do newsletters and a full page of utility bill rather than a post card for our customers.

Councilman Blich made a motion, seconded by Councilman Brannen, in favor of the motion. Councilmen Britt, Lewis and Morris voted in favor of the motion. The motion carried by a 5-0 vote and the purchase was approved.

MOTION TO APPROVE A BID ON THE WEST MAIN STREET EXTENSION PROJECT TO THE "IN THE GROVE SUBDIVISION"

Wayne Johnson, Director of Water & Wastewater, presented bids for the sewer extension to the "In The Grove" subdivision. Blair Construction was low bidder in the amount of \$108,832.89. This is the last main interceptor to be replaced and will handle

the future growth on the Westside of town. Mr. Johnson stated this is the area where the worst infiltration and inflow problem remains.

Councilman Brannen made a motion, seconded by Councilman Lewis, to award the bid to Blair Construction in the amount of \$108,832.89. Councilmen Morris, Blich, and Britt voted in favor of the motion and the motion carried by a 5-0 vote. The bid was awarded Blair Construction.

APPROVAL OF THE RECONFIGURATION OF THE INTERSECTION OF OLD REGISTER ROAD AND VETERANS MEMORIAL PARKWAY AS RECOMMENDED BY THE CITY ENGINEER

Maz Elhij, City Engineer, stated due to the number of accidents at this intersection, the City and Georgia Southern University administration have joined together to inquire about safety and how to minimize accidents. They, along with the Georgia D.O.T., agree a traffic signal is needed at Akins Blvd. and the Veterans Memorial Parkway. This will be installed when the four-lane project of the Bypass is completed. All motorists exiting from Old Register Road and entering Veterans Memorial Parkway will be limited to a right turn only and will be prohibited from crossing Veterans Memorial Parkway or turning left.

Attorney Van Poole represented Southside Service Center, Larry Bryant of Hackers, and a number of people opposing the project. He said the net effect would be the closing of two roads, closing of an intersection, and will set up a dangerous intersection. It also would diminish the value of the property and the value of business. Such a drastic change would be the same as an unconstitutional taking without due process or compensation. Mr. Wood recommended tabling the request for further study.

Councilman Morris made a motion, seconded by Councilman Lewis, to table the request. Councilmen Britt, Brannen and Blich, voted in favor of the motion. The motion carried by a 5-0 vote and the request was tabled.

SELECTION OF INTERIOR PAINT COLORS FOR THE REPAINTING OF PORTIONS OF THE CITY HALL INTERIOR

Judy McCorkle, Director of Finance & Administration, brought before the Mayor and Council the interior paint colors recommended for repainting the interior of City Hall. The suggested color scheme will be blue and gold tones that will be compatible with the carpet and curtains in City Hall.

Councilman Blich made a motion, seconded by Councilman Brannen, to approve the colors recommended by Mrs. McCorkle. Councilmen Britt, Lewis and Morris voted in favor of the motion. The motion carried by a 5-0 vote and the colors were approved.

STAFF REPORTS:

CITY MANAGER-GENERAL PUBLIC RURAL TRANSPORTATION SYSTEM

Mr. Wood discussed this rural transportation system recommended by the RDC. He stated it would operate like a demand system where people would call as needed and

that the main problem will be funding. Some Federal and State funds are available for capital but it is now open ended as to who pays the bill for this entitlement. Mr. Wood said that the RDC has voted to go to Phase 2 of this project.

**DIRECTOR OF FINANCE & ADMINISTRATION-COMMUNITY RETREAT,
SWEARING IN OF COUNCILMEN**

Director of Finance & Administration, Judy McCorkle reminded Mayor and Council that the date of the next council meeting is Wednesday, January 4, 2006, due to the New Years Day holiday.

She also, stated that Judge Lee Deloach would swear in the three incumbents for re-election and gave the dates of the Chamber Community Retreat as February 24 and February 25, 2006.

EXECUTIVE SESSION – PERSONNEL

Councilman Morris made a motion, seconded by Councilman Brannen, to enter into an executive session for the purpose of discussing a personnel matter. Councilmen Morris, Brannen, Lewis, Blich, and Britt voted in favor of the motion and the motion carried by a 5 -0 vote.

EXECUTIVE SESSION

An Executive Session of the City Council was held on December 20, 2005 to discuss a personnel matter. Present were Mayor William Hatcher, Council members John Morris, Gary Lewis, Joe Brannen, Will Britt and Tommy Blich. Also present were City Manager George Wood, City Attorney Sam Brannen, Director of Finance & Administration Judy McCorkle. No action was taken and the meeting adjourned at 7:55 p.m.

RECONVENED SESSION

A regular meeting of the City Council reconvened after the Executive Session. Mayor Hatcher announced that a personnel matter was discussed in executive session and no action was taken.

ADJOURNMENT

Being no further business, the meeting adjourned at 8:00 p.m.