

**COUNCIL MEETING
MAY 16, 2006-6:00 P.M.**

A regular meeting of the Statesboro City Council was held May 16, 2006 at 6:00 p.m. Present were Mayor Will S. Hatcher. Council Members Joe Brannen, Will Britt, John Morris, Tommy Blich, and Gary Lewis. Also present were City Manager George Wood, Deputy City Clerk Lyn Dedge, City Attorney Sam Brannen, Planning Director Jim Shaw, and City Engineer Maz Elhaj.

APPROVAL OF MINUTES-MAY 2, 2006

Mayor Hatcher requested the following correction to be made to the May 2, 2006 Council meeting minutes:

Page 3, 1st paragraph, line 5: change-“ordinances do not have provisions for flag lots to “ordinance does not have provisions against flag lots.

Councilman Brannen made a motion, seconded by Councilman Lewis, to approve the minutes of May 2, 2006. Councilmen Brannen, Morris, Lewis, Blich and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO APPROVE OR DENY AN APPEAL TO THE ZONING BOARD OF APPEALS BY MR. H.B. LANIER OF THE ADMINISTRATIVE DECISION NOT TO APPROVE A RE-SUBDIVISION OF TWO EXISTING LOTS INTO THREE LOTS ON O'NEAL DRIVE

Mr. Wood informed Mayor Hatcher he would not be acting as a City Council but as a Zoning Board of Appeals and would be rendering a decision in that capacity.

Mr. Wood stated this issue will be concerning a zoning appeal and how you define whether or not the lot is 70' wide. He stated Mr. Lanier's contention is you only have to be 70' at the setback line and then it is acceptable to narrow back down. The interpretation of the staff is the 70' width goes through the depth of the lot. Otherwise, the provision will have no merit, that's the purpose of this issue. After the May 2, 2006 city council meeting, the council walked the property to form their own opinions on this matter.

Marc Bruce, Attorney for Mr. Lanier, stated this is not a rezone request, the property is zoned R-3, nor are we asking for a variance with regards to the zoning requirements. Mr. Lanier wants to build a 3rd structure on the property behind the two other structures he owns. The requirements are a setback of 20' from the street, which he has. He said Mr. Lanier meets all the requirements, even though the architect was unable to furnish a perfectly rectangular fashion on the design.

Councilman Brannen asked Mr. Lanier what were the dimensions of the house? Mr. Lanier said 29'2" wide and 43'8" long. Councilman Brannen asked how that compares with the dwellings on each side of this subdivided lot. Mr. Lanier said one home is 1,600 square feet and the other is a little smaller approximately 1,500 square feet. He said his intentions are to line the house fronts straight across with each other. The lot is 185' deep, so there will be room to do it. The front from the street will be 75' and from the property line at the street to the front of the house. It will be 66 feet deep in the back yard. It will have a front yard, a back yard and a front porch. We met the qualifications on both sides with 22' because we have to have 20'.

Councilman Brannen stated the appearance will not look good because the side yard will not be as large as the other yards. Mr. Lanier said I will not do anything that will interfere with the appearance in fact; I will make it look better. There are two houses on Bland Street (a near-by street) that are the same size. Mr. Brannen stated one of those houses is 1,872' and the other is 1,536', and the 1,250' house you want to build is definitely a small house in comparison with the others. Councilman Morris stated the two houses across the street have carports, so where will your tenant park? Mr. Lanier said we have a 75' deep by a 70' wide space and I will prepare a parking place for them. It will be a concrete pad in the front yard; also I am going to put parking pads down for them.

Councilman Blich asked is the lot to the right 70' after part of it is used to go to the back of the property. Mr. Wood said yes, they are large lots, both of these would be 70 feet without the setback. Councilman Blich said all of the lots in the City are not rectangular. Mr. Wood said most of them are. Councilman Lewis asked with what he has accomplished, is he in compliance with the City. Mr. Wood stated what we are saying is the staff's interpretation of a lot must be 70' wide all the way to the back of the property line otherwise, that provision has no merit and that is where we disagree. Mr. Lanier is saying it can be 70' wide, cut back in and be something else for the rest of the property, but the reason he wants to meet the 51 feet is he wants to meet the 10 foot side yard requirement.

Councilman Brannen asked Planning Director Jim Shaw when Mr. Lanier came before you, did you feel like he had met all the requirements of the City. Mr. Shaw said he met the literal interpretation of the ordinance, but it did not meet the intent and the previous intention of the ordinance. Councilman Brannen asked why not ask GMA for an opinion. Attorney Brannen said GMA does not give opinions. Councilman Britt asked as a Zoning Board of Appeals can it come back to us as Council. Mr. Wood said no. Attorney Bruce said his client met the literal requirements of the ordinance and the intent of the ordinance didn't matter.

Councilman Britt stated he realized there is a problem with the wording of the ordinance which he hopes can be corrected tonight, but even though he doesn't agree with what Mr. Lanier proposes to do, he feels he has met all the requirements and should be able to divide his land. Councilman Brannen asked if on the appeals process were all the requirements met. Mr. Wood said yes, everything was advertised and done properly.

Councilman Lewis asked what are we making a decision on? Mr. Wood said on the interpretation as it is, or with the literal interpretation of Mr. Bruce. Councilman Lewis said to go by what we have now, and change it for the future so we will not have this to happen again. Councilman Morris stated to leave it as it is, this is like forcing a round peg into a square hole. You can make it sound any way you want it to. He said yes there is a hole in the amendment that must be changed. Mayor Hatcher asked if you favor the motion to uphold the appeal or if you vote in the affirmative, you will favor allowing Mr. Lanier to do as he pleases with the property, show by raising your hands. If you disapprove, show by raising your hands.

Councilman Lewis made a motion, seconded by Councilman Britt, to approve an appeal to the Zoning Board of Appeals by Mr. H.B. Lanier of the administrative decision not to approve a re-subdivision of two existing lots into three lots on O,Neal Drive. Councilmen Blich, Brannen, Britt and

Lewis voted in favor of the motion. Councilman Morris voted against the motion. The motion carried by a 4-1 vote.

MOTION TO ADOPT ON SECOND READING ORDINANCE #2006-04: AN ORDINANCE TO ANNEX PROPERTY INTO THE CITY OF STATESBORO, GEORGIA

Mr. Wood said this is the second reading to take in the Trinity Presbyterian Church into the city limits at their request. He said everything is in order and we recommend you to adopt it the second time and once it is cleared by the Justice Department this would be valid. Councilman Brannen made a motion, seconded by Councilman Britt, to adopt on second reading ordinance #2006-04 to annex property into the City of Statesboro, Georgia. Councilmen Brannen, Britt, Brannen, Lewis and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT ON SECOND READING ORDINANCE #2006-05: AN ORDINANCE REGARDING SPEED LIMIT ENFORCEMENT USING SPEED DETECTION DEVICES

Mr. Wood stated this is an ordinance we adopt each year that must be approved by the Department of Transportation. He said it consists of numerous streets and highways that must be patrolled within the City limits to monitor and enforce speed limits. Councilman Britt made a motion, seconded by Councilman Lewis, to adopt on second reading an ordinance regarding speed limit enforcement using speed detection devices. Councilmen Lewis, Britt, Brannen, Blich and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT ON FIRST READING ORDINANCE #2006-06: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING THE ZONING ORDINANCE

Mr. Wood referred to a Planning Department memo from Planning Director Jim Shaw who is recommending a text amendment to the Subdivision Ordinance to establish design for lots. Mr. Shaw stated this amendment would set design standards for lots. It would prohibit flag lots, spite strips and any odd-shaped lot unless justified by environmental or topographic reasons. A provision has been included to clarify the minimum lot width that must be maintained for the entire depth of the lot. He said the final provision would prohibit the division of existing lots within an established subdivision if the proposed lot would be out of character or inconsistent with the existing lots. He said the recommended changes are similar to the requirements of other communities in Georgia.

Mr. Shaw said it also fixes a mistake that was made previously that set the minimum lot size at 8,000 square feet in the R-10 District. Councilman Blich made a motion, seconded by Councilman Brannen, to adopt the first reading ordinance #2006-06 amending the Statesboro Municipal Code regarding the zoning ordinance. Councilmen Blich, Brannen, Britt, Lewis and Morris voted in favor of the motion. The motion carried by a 5-0- vote.

MOTION TO ADOPT ON FIRST READING ORDINANCE #2006-07: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDIG THE ZONING ORDINANCE

Planning Director Jim Shaw stated this amendment would modify a section of each of the residential zoning district requirements to clarify the requirement of maintaining the minimum lot width for the depth of the lot and match the change to the subdivision ordinance. He said there were also minor changes in the wording to simplify it for readers and to make it consistent for all of the rezoning

districts. Councilman Blitch made a motion, seconded by Councilman Brannen, to adopt on first reading ordinance #2006-07 amending the Statesboro Municipal Code regarding the zoning ordinance. Councilmen Britt, Brannen, Blitch, Morris and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT ON FIRST READING ORDINANCE #2006-08: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING THE ZONING ORDINANCE

Mr. Wood said this will plug another loop hole with the cell towers. He stated the Zoning Ordinance currently allows telecommunications towers below a certain height and within certain zoning districts to be approved administratively. He said this amendment would require all telecommunication towers to obtain approval as a conditional use regardless of the height. Mr. Wood stated these conditions would be made permanent. Councilman Britt made a motion, seconded by Councilman Lewis, to approve adopting on first reading ordinance #2006-08 amending the Statesboro Municipal Code regarding the zoning ordinance. Councilmen Britt, Morris, Brannen, Blitch, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2006-15: A RESOLUTION ADOPTING FINANCIAL POLICIES FOR THE CITY OF STATESBORO, GEORGIA

Mr. Wood stated this is a re-adoption we do yearly of the financial policy for review. There are no changes and basically it will be a continuation of what we are presently doing. Councilman Brannen made a motion, seconded by Councilman Blitch, to adopt a resolution adopting financial policies for the City of Statesboro, Georgia. Councilmen Britt, Brannen, Blitch, Lewis and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2006-17: A RESOLUTION AMENDING THE CLASSIFICATION AND COMPENSATION PLAN TO ADD A PUBLIC INFORMATION OFFICER JOB DESCRIPTION

Mr. Wood stated Maggie Fitzgerald has been working with us for sometime without a job description, but he said we have kept her busy. This will outline her job duties and the compensation plan. Councilman Britt made a motion, seconded by Councilman Blitch, to adopt a resolution amending the classification and compensation plan to add a Public Information Officer job description. Councilmen Britt, Brannen, Lewis, Blitch and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO APPROVE THE SOLE SOURCE PURCHASE OF THE KRIMSITE IMAGER KIT FOR \$18,950.00 FOR THE POLICE DEPARTMENT (ONLY AVAILABLE MANUFACTURER)

Mr. Wood stated this is the only available manufacturer. Chief York said it is needed to assist in the identification and prosecution of suspects in cases. He said this is the latest technology in the recovery of latent fingerprints at a scene. It takes the place of powder used for the process and picks up fingerprints that are invisible and it allows the viewing of an entire room, car, etc. Detective Sergeant Williams stated in minutes most crime scenes could be processed for latents and with this technology often overlooked evidence will be recovered and more cases will be solved. Mr. Wood stated sometimes they are not aware of something, but this will pick up everything. Councilman Britt asked how often do you do fingerprints? Detective Sergeant Williams said it depends on the crime scene.

Councilman Morris asked will it work on blood spatters. Detective Williams stated yes, the luminal will bring the blood up to the necked eye, and you can see it. This machine will photograph it as it is and it is well contained within itself. Mr. Wood said this is within the amount we had budgeted. Councilman Blich made a motion, seconded by Councilman Britt, to approve the sole source purchase of the Krimsite Imager Kit for the Police Department. Councilmen Britt, Lewis, Morris, Brannen and Blich voted in favor of the motion. The motion carried by a 5-0-vote.

MOTION TO SET THE DATE OF JUNE 13, 2006 AT 5:00 P.M. IN THE COUNCIL CHAMBERS FOR THE PUBLIC HEARING ON THE PROPOSED FY 2007 BUDGET.

Mayor Hatcher stated annually we have a Public Hearing to set a date for our proposed budget. The date will be Tuesday, June 13, 2006 at 5:00 p.m. in the council chambers to discuss the 2007 proposed budget. Councilman Brannen made a motion, seconded by Councilman Britt, to set the date of June 13, 2006 for he Public Hearing on the proposed FY 2007 budget. Councilmen Britt, Blich, Brannen, Lewis and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

STAFF

CITY MANAGER: GMC/FOA ANNUAL MEETING, CITY AUCTION, CASES TO MUNICIPAL COURT

Mr. Wood stated he had received a letter from Diana G. Threewitt, City Clerk with the City of Canton thanking us for hosting their annual meeting and 50th Anniversary Meeting in Statesboro. She stated it was amazing how well the elected officials, departments and staff worked together to provide such lasting memories of their special meeting in Statesboro.

Mr. Wood gave a report from Public Works Director Bobby Colson on the city auction. The total sales was \$45,613.50

Mr. Wood presented pictures of a house that had to go thru Municipal Court because the tenant fused to clean it up otherwise. The City removed 6 tons of debris. Mr. Wood said they have taken about 7 houses through Municipal Court that were dilapidated and the court has ordered them for demolition because they will not take steps to clean them. He said we are working with the City Attorney about what to do with properties used as crack houses.

Councilman Brannen stated he wanted the City to start enforcing the “no more than 3 unrelated persons within a single household ordinance”. Councilman Britt stated his grandmother’s house was advertised as a “4 bedroom house” with no stipulations of being related. Mr. Wood said we can do this, but it takes a lot of man power. He stated you have to watch the house for approximately a week, and if that’s the case, we can do something about it.

ENGINEERING:

City Engineer Maz Elhaj stated he had heard from the Department of Transportation and we have gotten permission to install traffic signs at Beasley, Cawana and Hwy 80. He said we are to draw the design and they are to supply the equipment. The project should be completed within 6 months.

PLANNING DIRECTOR-PUBLIC HEARINGS:

Mr. Shaw reported second readings on the following ordinances and the following public hearings scheduled for the June 6, 2006 Council meeting:

Second Readings:

- a) Consideration of a test amendment of the /Subdivision Ordinance to establish design standards for lots.
- b) Consideration of a text amendment of the Zoning Ordinance to match provisions in the Subdivision Ordinance regarding design standards for lots.
- c) Consideration of a test amendment of the Zoning Ordinance regarding standards for telecommunications antennae and towers.

Public Hearings:

Application RZ 06-05 -01: Keith J. Gavin, on behalf of Paul and Heather Coleman, requests rezoning from R-20 (Single-Family Residential) to R-15 (Single-Family Residential) for property located at 215 Merrywood Drive.

- 2. Application V 06-05-02: Eddie Robinson. On behalf of Mahesh Randerwala, requests an 11-foot variance of the 15-foot side yard setback requirement for property located at 1803 Chandler Road
- 3. Application V 06-05-03: Dr. David Samuels requests a 10-foot variance of the 25-foot rear yard setback for Parcels 20 and 29 of the Market District subdivision located on the north side of Hill Pond Lane, approximately 350 feet west of Bermuda Run.
- 4. Application RZ 06-05-04: Market Pointe, LLC requests rezoning from CR (Commercial Retail) to PUD (Planned Unit Development) for Parcel 18 on the Market District subdivision located on the west side of Brampton Avenue approximately 1200 feet north of Veterans Memorial Parkway.
- 5. Application V 06-05-05: David Sabia request a variance of the 6 square foot sign area limitation to allow a 24 square foot sign for a business located on property zoned R-4 (High Density Residential) at 131 North College Street.
- 6. Application V 06-05-06: Timothy A. Hunt requests a 10- foot variance of the 2-foot front yard setback requirement along Bennett Street, a 5-foot variance of the 20-foot side yard setback requirement, and a variance to reduce the required parking from 43 spaces to 34 spaces for property located a 421 Fair Road.

EXECUTIVE SESSION-PERSONNEL

Councilman Brannen made a motion, seconded by Councilman Blicht, to enter into an executive session for the purpose of discussing a personnel matter. Councilmen Morris, Brannen, Lewis, Blicht 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 May 16, 2006 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 and Administration Judy McCorkle was absent. No action was taken and the meeting adjourned at 7:15 p.m.

RECONVENED SESSION

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

ADJOURNMENT

Being of no further business, the meeting adjourned at 7:47p.m.