

COUNCIL MINUTES
APRIL 17, 2007

A regular meeting of the Statesboro City Council was held on April 17, 2007 at 6:00 p.m. in the Council Chambers at City Hall. Present were Mayor William S. Hatcher, Council Members Tommy Blicht, Will Britt, Joe Brannen, Gary Lewis, and John Morris. Also present were City Manager George Wood, Director of Finance and Administration Judy McCorkle, Planning Director Jim Shaw, and City Engineer Maz Elhaj. Absent was City Attorney Sam Brannen.

APPROVAL OF MINUTES OF APRIL 3, 2007.

Councilman Brannen made a motion, seconded by Councilman Lewis, to approve the minutes of April 3, 2007. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

RECOGNITIONS: MOMENT OF SILENCE IN REMEMBRANCE OF PERSONNEL DIRECTOR WOODY CHAPMAN.

Mayor Hatcher asked for a moment of silence in remembrance of Woody Chapman who died on April 11, 2007. Mr. Chapman had served as the City's Personnel Director since 1995.

MOTION TO ADOPT ON SECOND READING ORDINANCE #2007-11: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE TO ADD AN ARTICLE REGULATING WRECKER AND TOWING SERVICES.

City Manager George Wood stated there are a few minor changes in Section 2 and Section 15. He stated this is a second reading and the Council has received a copy with the added changes. Mr. Wood stated there have been comments in the paper from an individual with the Public Service Commission stating the City does not have the authority to do this. He stated that he and the City Attorney and have reviewed her comments and compared them to State Law. Mr. Wood said her comment was that a City had to have a population of 100,000 or more to regulate wrecking and towing services. He said the Georgia Code, subsection D, says the governing authority of each municipality having towing and storage firms operating in its territorial boundaries may issue a license or permit to engage in private trespass towing, pursuant to this code section, to any firm meeting the qualifications imposed by said governing authority. Mr. Wood said this means the City Council of every City has the authority to set regulations on towing. He said the fee for the license or permit shall be set by such governing authority. The maximum reasonable cost of removal, relocation, and storage pursuant to the provision of this code section shall be compensatory. He stated this fee shall be established annually by the governing authority of each municipality having towing firms operating within their territorial boundaries. Mr. Wood stated that subsection D makes it clear that every City in Georgia has the authority to do this and this is the provision under which we are doing this.

Councilman Britt made a motion to postpone this item for a later time. He stated he would like more information and he would like to hear from the local towing companies. The motion died for a lack of a second. Councilman Morris stated made a motion, seconded by Councilman Blicht, to adopt Ordinance 2007-11. Troy Edenfield with Knockout Towing stated there is already a fee set by Statesboro if you are on a call list or rotation list. He said

there are only three towing companies that have a non-consensual towing permit: Knockout, Eagle, and Howell's Wrecker Services. He stated the fee is set by the state with a maximum of \$125.00. He said he spoke to Betty Lucas with the Public Service Commission and she has tried to contact Sam Brannen and, she has spoken to Judy McCorkle. Mr. Edenfield stated he was unprepared for this meeting because he thought Ms. Lucas would have been present. He said the Council is trying to put a price of \$70.00 for a non-consensual towing when the state's maximum is \$125.00. Mr. Edenfield stated towing companies will lose \$55.00 per vehicle. He said the Council states this price is for involuntarily towing a vehicle and there is no such thing; there is a tow, a repo, or an impound.

Councilman Blich asked Troy what are his average number of tows for a month. Mr. Edenfield could not say but he wanted to know how the City arrived at \$70.00 per towing. Mr. Wood stated Lieutenant Roach and Sam Brannen called companies in Statesboro and the average cost per tow was \$45.00 to \$50.00. Councilman Blich asked Mr. Edenfield if he has the documentation from the state code he spoke on. Mr. Edenfield said it is at his office.

Mayor Hatcher asked Mr. Edenfield if he thought cruising was a problem in Statesboro. Mr. Edenfield stated he could only speak for himself and the answer was no. Archie Finch of Archie's Towing stated he had some documentation sent to him by the State of Georgia and he would like to present it to the Council. Mr. Wood stated they would forward this documentation to City Attorney Sam Brannen. Chief of Police Stan York stated his interpretation of the law is what Mr. Wood read. He said the City does have the right to mandate or put an ordinance in place. He said if a City does not put an ordinance in place, it reverts back to the State to be governed by the State. The State does issue a permit because the City does not. Councilman Blich asked if the City acts, is the State out of it? Mr. Wood and Chief York stated yes.

Several Georgia Southern University students were there and voiced their opinions on both sides of the issue. Mayor Hatcher stated there is a motion on the table to adopt the ordinance. Councilmen Blich, Brannen, and Morris voted in favor of the motion. Councilman Britt and Lewis voted against it. The motion carried by a 3-2 vote.

MOTION TO ADOPT ON FIRST READING ORDINANCE #2007-12: AN ORDINANCE TO ANNEX PROPERTY INTO THE CITY OF STATESBORO, GEORGIA (SCOTT JOYNER PROPERTY ON CAWANA ROAD).

Planning Director Jim Shaw stated on March 6, 2007 a public hearing was held on the annexation. He said the motion was to approve the annexation with a rezoning to PUD with a R-15 overlay for a maximum of 45 units on the property with a minimum of 1750 square feet heating with a two car garage and a brick exterior. He said the rezoning would come on the second reading and that Mr. Joyner has agreed to those conditions on the property. Councilman Morris made a motion, seconded by Councilman Lewis, to adopt Ordinance 2007-12. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT ON FIRST READING ORDINANCE #2007-13: AN ORDINANCE TO ANNEX PROPERTY INTO THE CITY OF STATESBORO, GEORGIA (SOUTHERN LIVING PROPERTY ON US 301 NORTH)

Planning Director Jim Shaw stated on April 3, 2007 a public hearing was held on the annexation. He said this is the former Joseph's Home for Boys and the current owner is renovating the building for an assisted living center. Mr. Shaw stated they are asking for the annexation to acquire City water. Councilman Blich made a motion, seconded by Councilman Britt, to adopt Ordinance 2007-13. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2007-21: A RESOLUTION ADOPTING THE MAXIMUM FEES FOR TOWING AND STORAGE OF ILLEGALLY PARKED VEHICLES.

City Manager George Wood stated this sets the fees for Ordinance 2007-11 on wrecking and towing companies. He stated there are two fees: (1) a maximum fee of \$75.00 for towing; and (2) a storage fee of \$20.00 a day after the initial 24 hours.

Councilman Brannen made a motion, seconded by Councilman Britt, to table the resolution for further research. Mayor Hatcher asked with this resolution being tabled where does Ordinance 2007-11 stand. Mr. Wood stated it would be ineffective until the resolution is passed. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion to be tabled. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2007-23: A RESOLUTION DECLAIRING GEORGIA CITIES WEEK.

Public Information Officer Maggie Fitzgerald stated this is a yearly event for the Georgia Municipal Association. She stated Georgia Cities Week will be April 24th through 27th. Ms. Fitzgerald has supplied the Council with a list of events for those upcoming dates. Councilman Britt made a motion, seconded by Councilman Morris, to adopt Resolution 2007-23. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$20,278.77 TO ROZIER FORD FOR A SANITATION DUMPSTER TRANSPORT TRUCK.

Councilman Britt made a motion, seconded by Councilman Morris, to award a bid to Rozier Ford in the amount of \$20,278.77. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AWARD A BID FOR HOUSE DEMOLITION TO THE LOWEST BIDDER, TRAPPER KEY/DAVID RUSHING, IN THE AMOUNT OF \$2,950 FOR 119 PROCTOR STREET; AND \$3,500 FOR 220 DAVIS STREET, CONTINGENT UPON A DECISION IN MUNICIPAL COURT ON THE DEMOLITION OF 220 DAVIS STREET.

City Manager George Wood stated 220 Davis Street did go to Court and it can be torn down. He said the council can pass it without the contingency. Councilman Britt made a motion, seconded by Councilman Morris, to award the bid to Trapper Key/David Rushing for the

demolition of 119 Proctor Street and 220 Davis Street. Councilman Britt asked what the procedures are for the homeowners before they need to be torn down. Mr. Shaw stated we try to contact them verbally. If there not available we send them a letter. Next it goes to municipal court for a hearing. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AUTHORIZE THE RELEASE OF AN RFP FOR THE INSTALLATION OF A NEW PHONE SYSTEM FOR THE MAJOR CITY FACILITIES

City Manager George Wood stated the City has got the preliminary report back and there are three options over a ten year period. He said option three would maintain the current system for a ten year period at a cost of \$69,282. Mr. Wood said this would save the City \$22,584 over a ten year period or \$2,258 a year period compared to option one. He said option one will allow the City to be interconnected through T-1 lines and every department of the City will have the new system. Councilman Morris made a motion, seconded by Councilman Blicht, to authorize the release of an RFP for installation of a new phone system. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote

REPORTS FROM STAFF:

CITY MANAGER GEORGE WOOD: (1) Mr. Wood said the Council discussed having zoning training from the Carl Vinson Institute of Government for the Council and Planning Board. He said he would like some dates when everyone is available for these training sessions. (2) A GMA District Listening Session will be held on Tuesday May 8, 2007 at the Brooklet City Hall. (3) Betsy Millsap, the Event Coordinator for Bulloch County Parks and Recreation, sent the City a nice letter thanking us for the City's participation in Swing into Spring. (4) Dr. Will Grant who served on the Planning Commission has turned in his resignation for personal reasons. (5) Dr. Norman Wells with Pittman Park United Methodist Church commended Bobby Colson and the Public Works Department for the clean up after Georgia Power took down some large trees. (6) The budget retreat is this Thursday, April 19, 2007 at 8:00 am at the Pond House.

DIRECTOR OF FINANCE AND ADMINISTRATIVE JUDY MCCORKLE: Ms. McCorkle stated Lee Ann Joy has placed an invitation in the packet from the students at Southeast Bulloch High School. The invitation is for the Friends with Flowers ceremony for the National Youth Service Day. She said this is part of their grant stipulations. The ceremony will be held on April 20, 2007 at 10:30 a.m. at Ogeechee Area Hospice on Donahue Street.

PLANNING DIRECTOR JIM SHAW:

Mr. Shaw stated there will be two public hearings on the May 1, 2007 Council agenda: (1) Application RZ 07-04-02; K State, LLC requests a zoning change from CR (Commercial Retail) to PUD/CR (Planned Unit Development with Commercial Retail Overlay) to allow the construction of two separate fast food restaurants with common parking and access for a 2.05 acre parcel located at the northeast corner of the intersection of Buckhead Drive and Brannen Street.

(2) Application AN 07-04-03; Maxwell Reddick, on behalf of CJV, LLC, requests annexation by the 100% method and zoning change from HOC (Highway Oriented Commercial) to PUD/CR (Planned Unit Development with Commercial Retail Overlay) to allow the construction of a commercial strip mall for a 0.87 acre parcel located on Stambuck Lane approximately 1500 feet west of Highway 67.

MOTION TO ADJOURN.

Being no further business, the meeting adjourned at 7:30 p.m.