

COUNCIL MINUTES

APRIL 3, 2007

A regular meeting of the Statesboro City Council was held on April 3, 2007 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor William S. Hatcher, Council Members Tommy Blitch, Will Britt, and Joe Brannen. Also present were City Manager George Wood, Director of Finance and Administration Judy McCorkle, City Attorney Sam Brannen, Planning Director Jim Shaw, and City Engineer Maz Elhaj. Absent were Councilmen Gary Lewis and John Morris

APPROVAL OF MINUTES OF MARCH 20, 2007.

City Manager George Wood stated there are two minor corrections. 1. On the first page third paragraph where it says "and a Congressman" it should say "Congressman Barrow." 2. On the second page, first paragraph where it says "as he" twice, just remove one. Councilman Brannen made a motion, seconded by Councilman Blitch, to approve the minutes of March 20, 2007 with the added changes. Councilmen Blitch, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote.

RECOGNITION: Mary Harden with Citizens Against Violence Inc., on behalf of Safe Haven, was asked for the Council's endorsement of a grant request to the State of Georgia. Councilman Britt made a motion, seconded by Councilman Blitch, to approve the Council's endorsement on Safe Haven's grant request to the State of Georgia. Councilmen Blitch, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote.

PUBLIC HEARINGS:

APPLICATION AN 07-03-01; SOUTHERN LIVING PROPERTIES, LLC REQUESTS ANNEXATION BY THE 100% METHOD AND ZONING CHANGE FROM HC (HIGHWAY COMMERCIAL) TO HOC (HIGHWAY ORIENTED COMMERCIAL) FOR A 3.07 ACRE PARCEL LOCATED AT 115 DODD CIRCLE.

Planning Director Jim Shaw stated the current owner is converting the building into a personal care home. He said the annexation would allow connection to the City's water system which will provide better on site protection for the building. Mr. Shaw stated the use of a personal care home should not be a significant difference from the previous use and should not have a negative impact on the surrounding residential neighborhood to the rear. Staff recommended approval. Councilman Brannen made a motion, seconded by Councilman Britt, to approve the annexation by 100% method and zoning change to HOC (Highway Oriented Commercial). Councilman Blitch asked is City sewer available. Director of Wastewater Wayne Johnson stated no, and he said if they want sewer it will be at their expense. Councilmen Blitch, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote

APPLICATION V 07-03-02; BENJAMIN GALLOP, ON BEHALF OF CHARLES AND SHERRY EUNICE, REQUESTS A VARIANCE TO REDUCE THE NUMBER OF PARKING SPACES FROM 8 SPACES TO 4 SPACES AND TO ALLOW A CRUSH AND RUN PARKING FACILITY INSTEAD OF PAVEMENT FOR THE PROPERTY LOCATED AT 17 EAST JONES AVE.

Planning Director Jim Shaw stated there is a vacant 2000 square foot building on the property. The applicant is requesting a parking variance to allow the operation of a computer support business. He stated in 2001, the Council rezoned the property to CR for the operation of a clothing store. Mr. Shaw stated according to our records it has been more than two years since a business license was issued for this property; therefore, any nonconforming status the property

had for the parking has expired. He stated the use requires 8 parking spaces and there is only adequate room for 4 spaces. Mr. Shaw stated, in addition, only a small portion has been paved and the remainder is gravel or crush and run. Staff recommended denial of the request.

Charles Eunice, the property owner, stated the property has a 2000 square foot building with central air and heat and water and sewer with a zoning of commercial retail. He stated he built the building twenty years ago for his wife's dance studio and when she retired they leased it to a couple that operated as a clothing store. Mr. Eunice said when their lease ran out they tried to sell the building; however, during that period the certificate of occupancy expired.

Councilman Blich asked is there property in the rear? Mr. Eunice stated he owns a parcel in the back that is 160 feet wide and 80 feet deep. He stated the volume of traffic with this type of business will be small. The problem is the occupancy certificate expired when he had it up for sale. Mayor Hatcher asked what would happen if the use of the property changed for a new business or occupant. Mr. Shaw stated if it was a similar type of business we would allow it to go there under the current variance. He stated if it were a different type of business with different parking they would follow the current regulations. Mr. Wood stated this is an existing building and an investment a person made and not to allow him to make some use of it is overly harsh. He said not to do this would, in fact, preclude any use of commercial retail and he recommends approval. He said however his concerns are the crush and run. Mr. Wood stated Statesboro is currently just below the standards for storm water regulations. He said the EPA has come out with storm water regulations and in the next two or three years we are going to be under that. Mr. Wood stated that storm water is drainage water or run off water. He said one way to deal with storm water run off is not to have a lot of surfaces like crush and run. He recommends the approval of the parking from 8 to 4; however, have it paved.

Councilman Britt stated he has no problem going from 8 parking spaces to 4; however, put a condition on there for 180 days to have the paving completed. He said this way the business owner can open and establish themselves. Councilman Britt made a motion, seconded by Councilman Blich, to approve the variance to reduce the number of parking spaces from 8 to 4 with 180 days to complete the paving of the 4 spaces. Councilmen Blich, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote

APPLICATION RZ 07-03-03; JAMEY CARTEE, ON BEHALF OF CHRISTIAN BENNETT, REQUEST A ZONING CHANGE FROM R-4 (HIGH DENSITY MULTI-FAMILY RESIDENTIAL) TO R-6 (SINGLE FAMILY RESIDENTIAL) FOR PROPERTY LOCATED AT 109 BROAD STREET.

Planning Director Jim Shaw stated this property is a through lot with frontage on both Broad Street and Mulberry Street. If the zoning is approved it will allow the lot to be divided with the existing house on a lot of 10,027 square feet on Broad Street. He said Mulberry Street would have 6,609 square feet which could be a location for a new single family resident. Mr. Shaw stated an R-6 would result in less potential development and fewer residents on the property. He said the property is surrounded by R-4 zoning; however, the adjacent property serves single family and multi family residential. Staff feels the request is not out of character with the surrounding neighborhood and recommends approval. Jamey Cartee the owner stated being a builder he would like to build a three bedroom small house on the back of the property fronting Mulberry Street.

David Posner stated City Council has recognized the need for preservation of the residential neighborhood adjacent to the Central Business District of Downtown Statesboro. He said the

recent commercial developments in downtown all enhance and revitalize a unique business and cultural synthesis of which the adjacent residential neighborhood are crucial. Mr. Posner stated since the property was sold it was remodeled to contain a three or four bedroom home and the logical intention and indication is three or four college students will occupy the home with their own vehicles. He said since the driveway is one car narrow one might expect a chain of vehicles parked along the drive. Mr. Posner stated his concerns are the alternative parking will be on the lawn. He said the City is currently wrestling with front yard parking and the Council would want to resist from adding to this problem or recognize the potential for legitimate and necessary curbside parking on the street to prohibit front yard parking. Mr. Posner stated he trust Mr. Cartee would take into consideration the parking dilemmas that this neighborhood faces.

Councilman Britt stated he owns 109 Mulberry which is the next property over. He said he has no financial interest in the property and he asked should he be abstain from voting. City Attorney Sam Brannen stated no. Councilman Blich made a motion, seconded by Councilman Britt, to approve the zoning change from R-4 to R-6. Councilman Britt stated when Mr. Cartee is designing the lot he should consider the fact that the lot is narrow and how he is going to get possibly seven cars in there. Mr. Cartee stated his plan is to hold the front set back as close as possible for the parking to be in the rear. Councilman Britt said so the cars will be parked in between the two. Mr. Cartee stated yes. Councilmen Blich, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote

APPLICATION V 07-03-04; ELM STREET CHURCH OF GOD REQUESTS A VARIANCE TO ELIMINATE THE REQUIRED PARKING AND ELIMINATE THE REQUIRED LANDSCAPE BUFFER FOR PROPERTY LOCATED AT 29 ELM STREET.

Planning Director Jim Shaw stated the Church currently has a deficit of parking but it is a legal nonconforming situation because the sanctuary was constructed prior to the zoning regulations in the City. He said the majority of the property is on the east and west side of the building. Mr. Shaw stated the church has submitted plans for a new Sanctuary on the east side of the existing building. The 8,000 square foot Sanctuary would have seating for 440 people and that would intern require 110 parking spaces on the property. He said the zoning would require the parking to be paved and a 10 foots wide buffer along the west property line. Mr. Shaw said the church wishes to continue using the dirt and grass area to the west of the existing building without any improvements. Staff feels that allowing parking on the vacant lot is unsafe in addition the unpaved surface with the parking on it results in damage or killed vegetation and erosion of the dirt. Staff recommends denial.

Paster Alexander Smith of the Elm Street Church of God stated our first investment is to build a Sanctuary for our members. He said will make plans to have parking attendants before services. Mr. Smith said we do have adequate parking spaces. He said we have nine parking spaces in the front and on the west side of the building and on Proctor Street in the rear. Mr. Smith said we have a long standing agreement with United Methodist Church stating when ever there is an over flow we may park on there property and they may park on our property. He said also we been extended shared parking with Ogeechee River Baptist Association.

Decan Lenner stated we our concentrating directly on the building we our going to do something in the near future with the parking. He stated we plan on taking all the trees down and adding the buffer but we can only financially afford one project at a time. Councilman

Blitch asked the City Attorney would the City have any liability since it is unsafe parking if the property is not paved. City Attorney Sam Brannen stated no. Councilman Brannen made a motion, seconded by Councilman Blitch, to approve the variance request with the understanding once the Sanctuary is built their next project funded will be the pavement project with a buffer. Also arrange order parking while services our going on. Councilmen Blitch, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote

APPLICATION V 07-03-06; JAMES JACKSON REQUESTS A VARIANCE TO ALLOW CONSTRUCTION OF A DWELLING ON A LEGAL NONCONFORMING LOT AND TO REDUCE THE REQUIRED SIDE SETBACK FROM 10 FEET TO 5 FEET FOR PROPERTY LOCATED AT 215 BULLOCH STREET.

Planning Director Jim Shaw stated this property is nonconforming because it does not meet the requirements of minimum lots size or minimum of lot width. He stated parcel is only 4,600 square feet in area and 42 feet wide and the Zoning Ordinance requirements are 8000 square foot lot size and a 70 foot lot width. Mr. Shaw said the Zoning Ordinance allows a dwelling to be built on the property as long as a variance is approved. He said in addition the applicant is requesting side yard variance of 5 feet and the normal requirement would be 10 feet. Mr. Shaw stated the residents in the area are closer then 10 feet from the side property lines, so the request would not be out of character for the neighborhood. Staff recommends approval.

John Dotson representing James Jackson was there to answer questions. Councilman Britt made a motion, seconded by Councilman Blitch, to approve the variance and to reduce the required setbacks from 10 feet to 5 feet. City Manager asked Mr. Lewis how he felt about Mr. Jackson being 5 feet from his property line. Mr. Lewis stated he had no problem with that. Councilmen Blitch, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote

MOTION TO ADOPT ON FIRST 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 basically there are two ways wrecker and towing service can be regulated under Georgia Law. 1. Public Service Commission can regulate it. 2. Authorities delegated to Cities in Georgia can regulate it. He stated currently the Public Service Commission will not regulate them so the City may step in.

Mr. Wood said involuntary towing is where most of our problems generate. He said private property owners and restaurants can have vehicles towed and what they have been doing is charging an outrages fee as high as \$150.00 for the towing. Mr. Wood said a night time towing for a vehicle broken down cost around \$65.00 to \$ 75.00. He said this Ordinance goes into to detail of rules and regulation that will protect people from being gauged.

Police Chief Stan York stated the Police Department has numerous complaints regarding the involuntary towing. He stated these towing companies would get a maximum amount of vehicles and dropping them off at a drop off zone and then go back and take the vehicles to a secure towing facility. Mr. Wood stated that is called cruising and drop off and it is illegal. Lieutenant Frank Roach stated what the Police Department is doing is having the towing company contain a form that the individual who requested the towing must sign in order for the vehicle to be towed away.

Councilman Britt asked who can call for towing in a company or restaurant just the owner or any employee. Chief York stated the property owner has that right and they can designate the lessee to have that right also; however, who ever originated the call must take responsibility and sign the form when the wrecker gets there. Councilman Britt asked what about an area a person parked illegally or by a fire hydrant. Mr. Wood stated if a vehicle is parked illegally then an individual should call the Police Department and they will handle it. He said normally a person will not think there vehicle was towed but stolen and if they call the Police Department they will have a list of the vehicles that where towed and where a person can pick up there vehicle. Councilman Brannen made a motion, seconded by Councilman Blicht, to approve of Ordinance 2001-11. Councilmen Blicht, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote

MOTION TO ADOPT RESOLUTION #2007-20: A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN MUNICIPAL RECORDS.

Councilman Blicht made a motion, seconded by Councilman Britt, to approve Resolution 2007-20. Councilmen Blicht, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE A WATER/SEWER AGREEMENT WITH UNIVERSITY WALK OF STATESBORO, LLC.

Councilman Brannen made a motion, seconded by Councilman Britt, to execute a water/sewer agreement with University Walk. Councilmen Blicht, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE A RIGHT OF WAY AGREEMENT WITH GEORGIA DEPARTMENT TO FINANCIALLY ASSIST THE CITY IN THE CONSTRUCTION OF #1 BLUE DEVIL ALLEY, THE NEW ROAD TO STATESBORO HIGH SCHOOL.

City Manager George Wood stated this is a standard agreement to receive a City Contract. He stated where hoping for 20% participation from them so a \$250,000.00 project may be worth \$50,000.00 to the City with their participation. Councilman Brannen made a motion, seconded by Councilman Blicht, to execute a Right-of -Way Agreement with Georgia Department to financially assist the City in the Construction of #1 Blue Devil Alley. Councilmen Blicht, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$176,270.50 TO THE LOWEST BIDDER, ALLIED UTILITIES, INC., FOR THE CENTRAL STREET SEWER REPLACEMENT PROJECT.

Wastewater Director Wayne Johnson stated this is one of our capital improvement projects and it is within the budget. Councilman Britt made a motion, seconded by Councilman Blicht, to award a bid in the amount of \$176,270.50 to Allied Utilities Inc. Councilmen Blicht, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$243,947.30 TO THE LOWEST BIDDER, AM-LINERS EAST, INC., FOR THE WILLIAMS STREET SEWER REPLACEMENT PROJECT.

Wastewater Director Wayne Johnson stated this is one of our capital improvement projects and it is within the budget. Councilman Britt made a motion, seconded by Councilman Blich, to award a bid in the amount of \$243,947.30 to Am-Liner East Inc. Councilmen Blich, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$72,377.31 TO THE LOWEST BIDDER, ROZIER FORD, FOR THREE 2008 1-TON TRUCKS WITH UTILITY BODIES FOR THE WATER AND SEWER DEPARTMENT.

Councilman Brannen made a motion, seconded by Councilman Blich, to award a bid in the amount of \$72,377.31 to Rozier Ford. Councilmen Blich, Britt, and Brannen voted in favor of the motion. The motion carried by a 3-0 vote

REPORT FROM STAFF:

CITY MANAGER GEORGE WOOD: Mr. Wood stated the Supreme Court Order of Georgia decline the Queen case. This is the case challenging our elections in 2006. Mr. Wood stated secondly reminder of the Budget retreat at 8:00 am on April 13, 2007. He said lastly the Council authorized us to use the electronic auction process on gov deals. Bobby Colson sold four trucks and it was an excellent deal for the City.

DIRECTOR OF FINANCE AND ADMINISTRATION JUDY MCCORKLE: Ms. McCorkle stated we have our annual Budget pictures at the City of Statesboro Welcome Sign on April 11th at 4:00pm and please wear your dark suits.

MOTION TO ADJOURN.

Being no further business, the meeting adjourned at 10:30 a.m.