

**COUNCIL MINUTES
AUGUST 21, 2007**

A regular meeting of the Statesboro City Council was held on August 21, 2007 at 6:00 p.m. in the Council Chambers at City Hall. Present were Mayor William 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, City Attorney Sam Brannen, Planning Director Jim Shaw, and City Engineer Maz Elhaj.

APPROVAL OF MINUTES: AMENDED MINUTES OF AUGUST 7, 2007.

Councilman Blicht a motion, seconded by Councilman Brannen, to approve the minutes of August 7, 2007. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

APPLICATION SUB 07-08-07; JERRY JENNINGS REQUESTS APPROVAL OF A PRELIMINARY PLAT FOR NORTHBRIDGE SUBDIVISION, A 140-LOT SUBDIVISION OF A 87 ACRE PARCEL, AND A VARIANCE TO ALLOW LOTS THAT DO NOT MAINTAIN THE MINIMUM LOT WIDTH FOR THE PROPERTY LOCATED ON THE SOUTH SIDE OF HIGHWAY 301 NORTH, APPROXIMATELY 3,000 FEET NORTHEAST OF THE INTERSECTION OF VETERANS MEMORIAL PARKWAY.

Planning Director Jim Shaw stated March of 2007 Council approved annexation of the property and rezoning to R10 and ROC. The applicant's submit the preliminary plat so development may begin. He said the plat contains four commercial lots on Highway 301 and 140 residential lots on the remainder of the property. Mr. Shaw said there is one entrance shown that will serve both the commercial and residential property. Staff and Planning Commission recommend approval of the preliminary plat, subject approval of all the reviewing agency and apartments, and approval of the lot variance. Councilman Lewis made a motion, seconded by Councilman Britt, to approve application SUB 07-07-08. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

APPLICATION SUB 07-08-09; HUNTER CHADWICK REQUESTS APPROVAL OF A PRELIMINARY PLAT FOR HARTFORD SUBDIVISION, A 150-LOT SUBDIVISION OF A 61.26 ACRE PARCEL, AND A VARIANCE TO ALLOW LOTS THAT DO NOT MAINTAIN THE MINIMUM LOT WIDTH FOR THE PROPERTY LOCATED ON THE EAST SIDE OF PACKINGHOUSE ROAD, APPROXIMATELY 450 FEET SOUTH OF ACORN LANE.

Planning Director Jim Shaw stated March of 2007 Council approved the preliminary plat that divided the property into 104 lots with R15 zoning. He said in June the Council approved the zoning change to R10 to allow the number of lots to increase from 104 to 150, because of the change they had to resubmit another preliminary plat. Mr. Shaw said three of the lots on the subdivision require a variance. Staff and Planning Commission recommend approval of the plat subject to approval by all the reviewing agencies and approval of the lot variance. Councilman Morris made a motion, seconded by Councilman Lewis, to approve application SUB 07-08-09. Councilman Britt asked if a fence between the road and the development is needed. City Manager George Wood stated no, the intent there is to leave a natural buffer. The developer Hector Lopez stated there is a 20 to 25 foot buffer all around the property. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

APPLICATION SUB 07-08-02; JOHN DOTSON REQUESTS APPROVAL OF A PRELIMINARY PLAT FOR A 6-LOT SUBDIVISION OF PARCEL 7 AND 8 OF THE MARKET DISTRICT, LOCATED AT THE SOUTHEAST CORNER OF BRAMPTON AVENUE AND MERCHANT WAY.

Planning Director Jim Shaw stated this is not a public hearing because one is not required for a preliminary plat. He said the applicant is requesting to further divide two parcels into a total of 6. They will arrange from 1 acre to slightly over 4 acres. Mr. Shaw said the proposed parcels have frontage on distant right-of-ways and there is no new utilities involved. Staff and Planning Commission recommend approval. Councilman Brannen made a motion, seconded by Councilman Morris, to approve application SUB 07-08-02. 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 SECOND READING ORDINANCE #2007-03: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING THE ZONING ORDINANCE (FRONT YARD PARKING).

City Manager George Wood stated this is a second reading a public hearing was held at the last meeting, following a detailed work session that was held to revamp what was discussed. Councilman Morris made a motion, seconded by Councilman Lewis, to adopt Ordinance 2007-03. 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 SECOND READING ORDINANCE #2007-21: AN ORDINANCE AMENDING CHAPTER 6 OF THE STATESBORO MUNICIPAL CODE.

City Manager George Wood stated this follows a work session and reviewed by the Alcohol Control Board. Councilman Brannen a member of the Alcohol Control Board stated the board feels there is still a need for the board to benefit of license holders. He said the board discussed using option three which allows us to revise and recommend penalties. He said the board wanted clarification for the reason from going from 24 months to 36 months. Mr. Wood said his recollection was when they presented the three options to Council at the work session they had 24 months provision in there. He said the City Council could not impose fines only the Municipal Court could. The work session discussed the following penalties; 2nd violation 10 day suspension, 3rd violation 30 days suspension, 4th violation 90 day suspensions. Mr. Wood said the 24 months period is how many violations within that period and that would be changed to 36 months. Councilman Blich made motion, seconded by Councilman Brannen, to postpone Ordinance 2007-21 until the last item on the agenda. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO CALL A PUBLIC HEARING FOR SEPTEMBER 5TH ON THE ADOPTION OF RESOLUTION #2007-41: A RESOLUTION SETTING THE 2007 CALENDAR YEAR AD VALOREM (PROPERTY) TAX MILLAGE RATE FOR THE CITY OF STATESBORO, GEORGIA (ROLLBACK RATE OF 6.358 MILLS).

City Manager George Wood stated this is a 9% decrease which is an overall increases in the City's assess valuation from the reassessment. He said what the City keeps is the increase in the assess valuation from actual growth, meaning new construction. Councilman Morris made a motion, seconded by Councilman Lewis, to call a public hearing on September 5, 2007 for the adoption of

Resolution 2007-41. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2007-42: A RESOLUTION AMENDING THE POSITION CLASSIFICATION AND COMPENSATION PLAN.

City Manager George Wood stated there are some minor changes to the pay plan. He said the one major change is the City agreed not to contract for IT Services so two positions were added. He said the City is creating a Company Officers position in the Fire Department and ask if the Council authorizing for six new positions their. Mr. Wood said the purchasing agent, the human resource director, and the administrative assistant in the Fire Department are changes to the job description. Councilman Brannen made a motion, seconded by Councilman Morris, to adopt Resolution 2007-42. 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 MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH GOLDER AND ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE POST-CLOSURE OPERATION AT LAKEVIEW LANDFILL.

City Manager George Wood stated the City Engineer recommends using Golder and Associates. The City has been using Golder and Associates since the landfill closed 10 or 11 years ago. He said they are extremely knowledgeable on our closed landfill and keeping us in compliance with the EPD and EPA requirements. Councilman Britt made a motion, seconded by Councilman Blicht, to authorize the Mayor and City Clerk to execute an agreement with Golder and Associates. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO APPROVE THE INSTALLATION OF METRO ETHERNET LIEU OF T1 LINES FOR THE CITY'S TELECOMMUNICATIONS SYSTEM, PER THE RECOMMENDATION OF ELERT AND ASSOCIATES.

City Manager George Wood stated this is an improvement over the T1 Lines, it is cheaper, and it offers the capability to grow if the City needed it. Councilman Britt made a motion, seconded by Councilman Morris, to approve the installation of Metro Ethernet. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO APPROVE CHANGE ORDER #4 TO THE STATESBORO POLICE STATION CONSTRUCTION CONTRACT WITH POPE CONSTRUCTION COMPANY, INC. TO INCREASE THE AMOUNT BY \$3,868.00.

City Manager George Wood stated Mr. Rule has sent a corrected coversheet for the actual change order. The amount of money is correct; however, the amount he added for the new change was incorrect. Councilman Britt made a motion, seconded by Councilman Blicht, to approve change order #4 for Pope Construction. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

DISCUSSION OF THE FIRE SERVICE CONTRACT WITH BULLOCH COUNTY FIRE DISTRICT AREA.

City Manager George Wood asked to table this item for future discussion, so they may spend the time discussing Ordinance 2007-21. Council agreed.

REPORT FROM STAFF:

CITY MANAGER GEORGE WOOD: Mr. Wood stated he placed a copy of a request from First United Methodist Church in the packet. They are requesting to close a portion of Walnut Street between Cherry and Bulloch. They may do some long term planning on how they can go about improving there church campus. He said the City needs to identify all utilities in the street and Engineering needs to do a traffic analysis. Then it will be presented to the Council and the church is invited to make a presentation to the Council. 2) In Savannah the City gave a presentation on the State Wide Water Plan. One of the key eliminates is the Water Policy Council. The ones ending up paying for this is all the City and County Governments in Georgia. He said he feels they should have more local government elected officials making those decisions than anyone else because they our people elected by the Citizens of our communities. He said just because someone has an interest in water they should not make a decision for a City or County; an elected official should have that right for their City or County. 3) Metro Atlanta is running out of water and one of the issues is the State going to allow inter basin transfers where you can take water out of one river basin and transfer that to another river basin. They will take water from South Georgia and sent it up to North George. Councilman Brannen made a motion, seconded by Councilman Britt, to approve the vending agreement between the Georgia Department of Resources Energy Assistance Program and the City of Statesboro. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

PLANNING DIRECTOR JIM SHAW:

Application V 07-08-01; Allen Clark requests variances to reduce the required side yard setbacks from 20 feet to 15 feet, reduce the parking area setback from 3 feet to 1 foot, reduce the minimum parking space width from 10 feet to 9 feet, and reduce the drive aisle width from 24 feet to 14 feet for a 0.18 acre parcel located on the east side of Central Street, approximately 340 feet south of East Jones Avenue.

Application RZ 07-08-03; Rodriguez/Klein Group, Inc. requests a zoning change from R-20 (Single-Family Residential) PUD/CR (Planned Unit Development with a Commercial Retail Overlay) to allow a commercial and residential development for the property located at 104 Catherine Avenue, 300 Catherine Avenue, and a 0.69 acre parcel on the north side of Herty Drive, immediately east of Fair Road.

Application V 07-08-04; Larry Reed of Artech Design Group requests a variance to increase the maximum building height from 35 feet to 42 feet and increase the maximum height for freestanding signs from 25 feet to 31 feet for a 27.06 acre parcel located on the south side of Brannen Street and the west side of Veterans Memorial Parkway.

Application V 07-08-05; Stephen M. Jordan, Jr. requests a variance to reduce the rear yard setback from 25 feet to 10 feet and reduce the required landscape buffer from 10 feet to 3 feet along a portion of the east property line for property located at 356 Northside Drive East.

Application V 07-08-06; Jeff and Tina Hook request variances to reduce the front yard setback along Zetterower Avenue from 25 feet to 15 feet, reduce the front yard setback along Brannen Street from 25 feet to 10 feet, reduce the number of required parking spaces from 16 to 12, and eliminate the required landscape buffer along the north property line for property located at 314 South Zetterower Avenue.

Application T 07-08-08; An amendment of Article VIII, Central Business District, of the Zoning Ordinance to restrict apartments and single-family attached dwelling units to upper floors of buildings and to prohibit single-family detached dwelling units in the CBD zoning district.

MOTION TO ADOPT ON SECOND READING ORDINANCE #2007-21: AN ORDINANCE AMENDING CHAPTER 6 OF THE STATESBORO MUNICIPAL CODE.

City Manager George Wood stated section three was deleted from the Ordinance this section deals with how a hearing is conducted. The way it was worded was: the Alcohol Control Board would not be involved in the hearing process at all. The rest of the Ordinance remains the same as it has been presented to the Council. Mr. Wood stated the Council can adopt this on second reading. Section three was taken out and placed in Ordinance 2007-22 which can be approved tonight on first reading and the second reading would be on September 5, 2007. Ordinance 2007-22 states the Alcohol Control Board can make a recommendation to the Mayor and Council. Upon written recommendations the City Clerk will schedule a due process hearing before the Mayor and Council. Then the Council can make a decision. Mr. Wood stated what this means is there will be two due process hearing, one will be an advisory hearing and the second would be a decision by the Mayor and Council and the appeal would go to Superior Court.

Councilman Morris stated section two in the packet is different then section two on the amended Ordinance. Which has the three day suspension and the 2nd violation a 30 day suspension set on a 24 months. Mr. Wood stated a 24 month period was on the first, second, and third suspension, the fourth suspension was a 36 month period. An Alcohol Control Board Member Ray Fry stated why is three violations at 24 months and a fourth violation at 36 months. He said 36 months is unrealistic the Council is requesting these restaurants not to make any mistakes in three years. Mayor Hatcher asked how critical is it that the Council passes this on second reading instead of tabling this. Mr. Wood suggested the Council adopt the amended Ordinance 2007-21 which deleted section three, section two the fines have been stripped out of the Ordinance, and there is now a three day, 30 day, and 90 day suspension. He said this gives the Council two weeks if they would like to change and passing the Ordinance will put us in compliance with State Law. Councilman Morris made a motion, seconded by Councilman Lewis, to adopt the amended Ordinance 2007-21. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

City Manager George Wood stated Ordinance 2007-22 states the Alcohol Control Board would hold the due process hearing, make a recommendation, and the Council would hold a due process hearing and make a decision. He said this can be voted on today under first reading and then the second reading is on September 5, 2007. Mr. Wood said the memo he gave to the Council states: City Council our granted specific authority by State Law to grant, refuse, suspend, or revoke permits or licenses for alcohol; OCGA 332A. He said the question is does the Council have a right to delegate that authority to the Alcohol Board. That is something we're not clear on. Councilman

Morris made a motion, seconded by Councilman Lewis to adopt Ordinance 2007-22 on first reading. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

City Manager George Wood stated he needs some clarification regarding the suspension time limits for an offender. He said does the Council want him to prepare an Ordinance using the four tiers in 24 months or not. Councilman Britt stated if the Alcohol Control Board advised that then the he move toward that. Mr. Wood stated then what the Council is doing is: reducing the 2nd violation to 10 days, the 3rd violation 30 days, and the 4th violation to 90 days in a 24 month period. He said beyond the 4th violation there license may be suspended or revoked at the discretion of the Mayor and City Council. Councilman Morris stated the 4th violation should be inconsideration of revocation; a 90 days suspension or revocation of the license in a 24 month period. Mr. Wood asked the City Attorney Sam Brannen if this is feasible. Mr. Brannen stated yes.

Mayor Hatcher had a question regarding Ordinance 2007-21 under section one, two and three it says Shall and item four says May. Mr. Wood said the reason may is used in section four is because the wording is may be suspended or revoke. Mayor Hatcher asked will they have Legal Council come before us and say our Ordinance says may that doesn't mean it has to happen. Mr. Brannen stated he didn't think so; using may does not force the Council to do anything, Council does not have to give anyone any leeway. Councilman Brannen stated if we're going to say the 90 days suspension or revocation of license and the next one there should not be an option on suspension. Mr. Wood said the fourth violation if the date of incurrence is with in 24 month period of any violation there shall be either a 90 day suspension of the license or revocation of the license. He said if the Council suspends it then number five needs to say: any violation beyond the fourth the license shall be revoke if not previously revoked. Councilman Morris said we should take the suspended out of their. Mr. Wood said yes. Mayor Hatcher stated it should say May or Shall not both. Mr. Wood said he has it now written as shall. The Council agreed on changing the wording to shall.

Mr. Wood stated number six will stay the same: any suspension or revocation shall begin on the seventh day after the suspension or revocation of the decision which was made by the Mayor and City Council. He said any suspension or revocation of a license shall first require notice to a license holder of a due process hearing. Any license holder who receives a suspension or revocation of their license may not be an officer, director, or share holder of any succeeding entity that holds a license from the City from his period of suspension.

OTHER BUSINESS

Councilman Britt stated he asked at the last meeting if Mr. Wood would follow up on the towing complaints and present the numbers at the next meeting. He has spoke to Troy Edenfield regarding the towing issue. Councilman Britt stated is there any discussion or action the Council would like to take regarding the fines. Mr. Wood stated they did not have time to collect any information. He said Mr. Edenfield issue is the amount of money being charged for the people on the list. Mr. Wood said we should look at bidding that out. He said we asked the towing companies if they want to be on this list and the Council determines the cost and if we have nine companies why don't bid it.

Councilman Britt stated the towing was at \$100.00 a few years ago and now it is \$85.00 with prices going up is this fair. Mr. Wood stated the towing list is voluntarily this is particularly for people out of town. The fee set for \$85.00 has no recourse, people our having their vehicles towed against their will and that is why the City stepped in. He said that is two separate situations. Councilman Britt asked if a police officer calls for a car to be towed is it \$85.00 or \$100.00. Councilman Lewis stated after 6:00pm \$100.00. Mr. Wood said that is what they agreed to and that is why it needs to be bid out. Councilman Lewis asked how they would do that. Mr. Wood said the City would establish a bid packet, send it out to the towing companies, and say what price they would agree to tow these cars for the next three months. Mayor Hatcher stated the Council took this action because there was an abuse in non-consensual towing. The bid is for accidents there will be add in for example if the car is in a ditch, flipped over, or in a tree. The bid will say the base amount; there will be add in amounts for different situations.

MOTION TO ADJOURN

Being no further business, the meeting adjourned at 8:30 p.m.