

**COUNCIL MINUTES
DECEMBER 5, 2006**

A regular meeting of the Statesboro City Council was held on December 5, 2006 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor William S. Hatcher, Council Members Will Britt, Tommy Blitch, Gary Lewis, and John Morris. Absent was Councilman 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.

APPROVAL OF MINUTES OF NOVEMBER 21, 2006.

Councilman Blitch made a motion, seconded by Councilman Lewis, to approve the minutes of November 21, 2006. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

RECOGNITION:

Fire Chief Dennis Merrifield introduced two new employees. Lamar Matthews who graduated in 2003 and worked at Wal-Mart for 3 ½ years and Andrea Gamble who served in active military duty with the Georgia National Guard. Mayor Hatcher swore them in with the Oath of Appointment.

Director of Public Worker Bobby Colson stated the in past year we have collected and repaired 20, or so, bicycles. Amy Flinch from Joseph's Home for Boys accepted the bikes from the City. Chief Stan York stated the remainder of the bikes will be given to needy families in Statesboro from a list provided by Family & Children Services.

PUBLIC HEARINGS:

a) APPLICATION AN 06-11-01; WHISPERING PINES STATESBORO, LLC REQUESTS ANNEXATION BY THE 100% METHOD OF 1.73 ACRES OF LAND AND ZONING CHANGE FROM R-25 (SINGLE FAMILY RESIDENTIAL) TO R-10 (SINGLE FAMILY RESIDENTIAL) FOR PROPERTY LOCATED ON THE EAST SIDE OF CYPRESS LAKE ROAD APPROXIMATELY 1,300 FEET NORTH OF VETERANS MEMORIAL PARKWAY.

Planning Director Jim Shaw stated the applicant is requesting to annex the road and right of way that serves as the main entrance into Whispering Pines Subdivision from Cypress Lake Road. Mr. Shaw stated the zoning change from R-25 to R-10 will match the zoning of the rest of the subdivision. He stated the Staff and Planning Commission recommend approval.

Councilman Morris made a motion, seconded by Councilman Lewis, to approve the annexation by 100% method of the 1.73 acres of land and zoning change to R-10. Councilman Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

b) APPLICATION V 06-11-02; STATESBORO MALL, LLC REQUESTS A VARIANCE TO REDUCE THE NUMBER OF REQUIRED PARKING SPACES FROM 1,766 TO 1,479 FOR THE STATESBORO MALL AND THEATRE

LOCATED ON THE SOUTH SIDE OF HIGHWAY 80 EAST AND THE EAST SIDE OF LOVETT ROAD.

Planning Director Jim Shaw stated the Statesboro Mall has divided a parcel for a new Starbucks at the main entrance across from BB&T. He stated the mall and theatre parking combined are short 287 parking spaces. The applicant has stated the peak parking demands for the mall and theatre occur at different times. Mr. Shaw stated the Staff is not aware of any parking problems at the mall and theatre. He did feel that any additional expansion in the future will need a parking study prepared by a consultant. Staff and Planning Commission recommend approval. Trav Paine with Hull Storey Retail Group of Augusta, Georgia was present for questions.

Councilman Britt made a motion, seconded by Councilman Morris, to approve the variance to reduce the number of required parking spaces from 1,766 to 1,479 for the Statesboro Mall and Theatre. Councilman Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

c) APPLICATION V06-11-03; BEEZER'S GOURMET SANDWICH SHOP INC., ON BEHALF OF T. HOLMES RAMSEY, JR., REQUESTS A VARIANCE TO REDUCE THE NUMBER OF REQUIRED PARKING SPACES FROM 296 TO 129 TO CONSTRUCT A RESTAURANT WITHIN UNIVERSITY PLAZA ON THE SOUTHWEST SIDE OF GEORGIA AVENUE, APPROXIMATELY 350 FEET SOUTHEAST OF ITS INTERSECTION WITH CHANDLER ROAD.

Planning Director Jim Shaw stated the applicant is requesting a variance to construct a sandwich shop within University Plaza on a small lot immediately adjacent to Rum Runners. He stated University Plaza is currently short 112 parking spaces. The applicant presented three options that would require from 21 to 55 additional spaces. Mr. Shaw stated the Police Department is concerned with the overcrowding that already exists and feels the additional building will only increase the current problem. The Fire Department is concerned that access has already been diminished by the construction of wooden decks and there are already four assembly occupancies within University Plaza with a combined occupant load of 1189. He stated Staff and Planning Commission recommend denial.

Brandon Coomey, president of the Beezer's Gourmet Sandwich Shop stated he was told by Jim Shaw in October that he needed 1 parking space to every 4 customers and 1 space for every 2 employees. They will have seating for 22 customers and 2 employees, which calculates to 6 parking spaces. Mr. Coomey said his other 2 locations, which are also adjacent to college campuses, generate little demand on parking. Councilman Lewis stated there is already a parking shortage there and to add another building would add to the problem. He stated this is an issue of public safety and this could be detrimental to the City.

Mr. Henry Doyle, owner of Henry's Barber Shop in University Plaza, stated he has been there for 40 years and adding another building will make matters worse. Councilman Morris made a motion, seconded by Councilman Lewis, to deny the variance to reduce the number of required parking spaces from 296 to 129 to allow construction of a new restaurant. Councilman Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

d) APPLICATION AN 06-11-04; JENNINGS-DELOACH PROPERTIES, LLC REQUESTS A VARIANCE TO REDUCE THE NUMBER OF REQUIRED PARKING SPACES FROM 62 TO 52 FOR PROPERTY LOCATED AT 839 BUCKHEAD DRIVE.

Planning Director Jim Shaw stated the applicant is requesting a variance to reduce the parking spaces by 10. He said Sears was supposed to move into this building and a large area devoted to storage was required to have less parking than the other retail space. Sears decided not to move there and the applicant has been unable to find a similar tenant. He said the applicant wishes to split the 12,000 square foot space into 3 smaller retail shops. Mr. Shaw stated the required number of parking spaces for the entire development would be 62 and presently there are 52 spaces. He said it may be possible for the applicant to create 5 additional spaces, if needed. He stated Staff and Planning Commission recommend approval. Jerry Jennings of Jennings- Deloach Properties, LLC was available for questions. Mayor Hatcher asked “How would you acquire the 5 extra parking spaces?” Mr. Jennings said he was looking at taking out the back loading area, which would provide room for 5 extra parking spaces and another exit at the corner of the property.

Councilman Morris made a motion, seconded by Councilman Lewis, to approve the variance to reduce the parking from 62 parking spaces to 52. Councilman Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

e) APPLICATION AN 06-11-05; LOTTS CREEK DEVELOPERS, LLC REQUESTS ANNEXATION BY THE 100% METHOD AND ZONING CHANGE FROM R-25 (SINGLE FAMILY RESIDENTIAL) AND R-40 (SINGLE FAMILY RESIDENTIAL) TO R-15 (SINGLE FAMILY RESIDENTIAL) FOR 9.69 ACRES LOCATED ON THE WEST SIDE OF CAWANA ROAD AND 20.0 ACRES ON THE EAST SIDE OF CAWANA ROAD, IMMEDIATELY NORTH OF BRADFORD PLACE AND APPROXIMATELY 1,400 FEET SOUTH OF RAILROAD BED ROAD.

Planning Director Jim Shaw stated the applicant is requesting annexation by the 100% method and zoning change to R-15 for parcels on the east and west sides of Cawana Road. He stated the City will be able to serve the area with public water and sanitary sewer. The availability of public sanitary sewer allows smaller lots than would be required if septic systems were used. He stated staff feels this is a prime area for single-family residential development. Mr. Shaw stated Staff and Planning Commission recommend approval.

Jim Anderson, a registered Land Surveyor for 27 years in Statesboro, representing the three Beasley brothers: George Beasley, Paul Beasley, and Ray Beasley, stated the Beasley family has been farming this property for 70 years and with the growth in Statesboro it has made it hard to maintain this property as a farm. Mr. Anderson said their intentions are to put up single family homes with approximately 1750 square feet of heated floor area and attached 2 car garages. He said 1750 square feet comes from comparing the median square footage from the houses at Bradford Place which is 1840 square feet and Moss Creek which is 1640 square feet.

City Manager George Wood stated these are third of an acre lots and putting a house with 1750 square feet of heated floor area and a 2 car garage is a good lot in an urban area. He stated the County requires a minimum lot size of 25,000 square feet because of the septic tank and drain field. He said the lot size does not determine the quality of a house. Mr.

Wood stated the question is whether the City wants to see single family residential growth within the city limits. If it does, the whole area along Cawana Road is prime residential property. He said the property is going to develop, but it needs to be decided if it is better that it occur inside or outside the city limits. Mr. Wood stated the city has an incentive program for the developers and the incentive program requires underground utilities, curb and gutter on the street, sidewalks, street lights, brick veneer on the houses, and 2 car enclosed garage. We can go further and put on their incentive contract a minimum of 1750 square feet of heated floor area.

Laura Regassa stated she lives in Bradford Place and this development will be adjacent to their neighborhood. She stated she wants to ensure any development that happens will be in keeping with her neighborhood. Ms. Regassa said the City is looking at doubling the number of houses that Bradford Place has and wants to know how the City is going to handle the traffic. She was also concerned that changing the zoning to an R-15 could start a domino effect and the next land rezoned could go down to an R-10. Mr. Wood stated the City has no interest in going lower. He said our main concerns are high quality single family development and secondly there is no interest in going lower because there is no incentive. Ms. Regassa asked if the City has a plan for the area. Mr. Wood stated the land is in the county unless the owner wants to annex it into the City. Until then, no plan can be made.

Dave Bacon from Bradford Place stated he and his wife moved here from Florida in 2005 and the quality of life is great here and he doesn't want to see that diminished. Alan Thornton from Bradford Place discussed a recent newspaper story that said building permits went up by 22% overall, houses ranging from \$200,000 - \$300,000 went up by 66%, and houses ranging from \$300,000 and over went up by 87% and it seems the quality of life is diminishing. He stated Bradford Place is in the County and with the land being annexed in, he asked if Bradford Place would become a County island. Mr. Wood stated that Georgia law prohibits that. Charles Goodrich, Clarence Adkins and Wayne Smith expressed similar concerns to the Council.

Councilman Morris made a motion, seconded by Councilman Lewis, to approve the annexation by 100% method. Councilman Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

Councilman Britt made a motion, seconded by Councilman Morris, to approve the application for zoning change to R-15 and in addition adding a minimum structure of the buildings to be 1750 square feet heated with a 2 car garage. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

f) APPLICATION RZ 06-11-06; MARY BROWN AND CLINTINA WATTS REQUEST REZONING FROM R-4 (HIGH DENSITY MULTI-FAMILY RESIDENTIAL) TO CBD (CENTRAL BUSINESS DISTRICT) TO ALLOW THE OPERATION OF A DAYCARE CENTER FOR PROPERTY LOCATED AT 109 BROAD STREET.

Planning Director Jim Shaw stated the applicants had signed the application as the owners of the property. The actual owner contacted him in the last few days and stated Ms. Brown and Ms. Watts had a contract on the property but had not closed. Mr. Shaw said the current owner is not interested in changing the zoning. Mr. Shaw recommended the

application be tabled until the applicants take ownership or obtain approval for the request from the property owner. Councilman Morris made a motion, seconded by Councilman Lewis, to table the request to a future meeting. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE AN ENGINEERING AGREEMENT WITH HGBD FOR THE DESIGN OF THE UPGRADE TO BROOLS WELLS #1 AND #2, AND THE ABANDONMENT OF WELL #7.

City Manager George Wood stated the request is to abandon well #7 because it is caving in from the sand and it has been offline for 18 months now. He stated well #1 and well #2 needs some upgrading according to the EPA study for the EPD standards. Mr. Wood stated the contract amount is \$47,000. Director of Waste Water Wayne Johnson stated the reason for doing the 2 wells and the abandonment together is to salvage as much as possible from well #7.

Councilman Britt made a motion, seconded by Councilman Blich, to approve the Engineering Agreement to upgrade wells #1 and #2 and abandonment of well #7. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT RESOLUTION #2006-39: A RESOLUTION ACCEPTING THE DONATION OF 8.2 ACRES OF LAND FROM T.E. RUSHING, JR., ET AL

City Manager George Wood stated there is a Resolution and Warranty Deed for the 8.2 acres of wetland. He stated the wetlands could be put in the wetlands bank and used toward the wetland mitigations. Mr. Wood stated the property owners are making an offer of dedication to the City and he recommended they accept it.

Councilman Morris made a motion, seconded by Councilman Lewis, to accept the donation of 8.2 acres to the City. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPOINT TWO MEMBERS TO THE ALCOHOL CONTROL BOARD.

Mayor Hatcher recommended reappointing Ray Fry for a second term and Nate Williams, manager of Applebee's, to replace Jim Lanier for two year terms. Councilman Morris made a motion, seconded by Councilman Blich, to appoint Ray Fry and Nate Williams to the Alcohol Control Board. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

DISCUSSION ON WETHER TO HOLD THE REGULARLY SCHEDULED MEETING IN DECEMBER 19, 2006.

Councilman Morris made a motion, seconded by Councilman Britt, to approve canceling the meeting of December 19, 2006 unless something comes up. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

REPORTS FROM STAFF:

DIRECTOR OF FINANCE AND ADMINISTRATION JUDY MCCORKLE: Ms. McCorkle reminded the Council on December 8, 2006 is the annual Christmas Party at Snella's Place at 6:30pm. She reminded the Council to file their campaign reports by the end of December.

EXECUTIVE SESSION

An executive session of the Statesboro City Council was held on December 5, 2006 to discuss a legal matter. Present were Mayor William Hatcher, Council Members Gary Lewis, John Morris, Will Britt, and Tommy Blicht. Absent was Councilman Joe Brannen. Also present were City Attorney Sam Brannen and Director of Finance and Administration Judy McCorkle. No action was taken.

RECONVENED SESSION

The regular meeting of the City Council reconvened at 11:22 am. Mayor Hatcher announced there was no action taken in the executive session.

OTHER BUSINESS

Councilman Blicht made a motion, seconded by Councilman Britt, to authorize the Mayor and City Clerk to execute a consent order with EPD regarding the Wastewater Treatment Plant. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

Councilman Britt thanked Fire Chief Dennis Mansfield for playing Santa in the Santa Bergade.

City Manager George Wood suggested the Mayor and Council take a look at the new Police Department Building. He stated the power lines take away from it and he asked Georgia Power to give a price on removing them. Chief Stan York stated there are a total of 4 poles and 2 will be taken down; however, the pole that has the transformer is at the edge of the building and to move the pole across the street will cost \$23,000. He stated at that price the Police Department can live with those 2 poles being there. Mayor Hatcher stated after the next Council meeting the Council needs to schedule a tour of the new Police Department Building.

ADJOURNMENT

Being no further business, the meeting adjourned at 11:43 a.m.