

**COUNCIL MINUTES
FEBRUARY 20, 2007**

A regular meeting of the Statesboro City Council was held on February 20, 2007 at 6:00 p.m. in the Council Chambers at City Hall. Present was Mayor William S. Hatcher, Council Members Joe Brannen, Will Britt, Tommy Blich, and John Morris. Absent was Councilman Gary Lewis. 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 FEBRUARY 6, 2007.

Councilman Brannen made a motion, seconded by Councilman Morris, to approve the minutes of February 6, 2007. Councilmen Britt, Blich, Brannen, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

RECOGNITIONS: Mayor Hatcher recognized the 6th grade class from William James Middle School. He stated these students are working on an essay entitled, "If I where Mayor." This is a state wide contest sponsored by G.M.A.

Pearl Brown stated she has some concerns from the community. Her first concern is the S.P.L.O.S.T. fund for Louetta Moore Park. She said it stated the community would have a splash play ground, pavilion, and community center at the park and nothing has been done. Ms. Brown stated the city allocated \$960,000.00 to work on city projects and she hopes the city will get started on these projects for the citizens of Statesboro and Bulloch County. She stated she also has a sheet of questions she will leave for the Mayor and Council and she would like a response. Ms. Brown said she would like to see more minority groups hold high positions within the city and county and she would like to see jobs in Statesboro and Bulloch County for the students graduating from Georgia Southern. Ms. Brown stated our graduates must go to other cities or states to find jobs because Statesboro and Bulloch County have nothing to offer them.

MOTION TO ADOPT ON SECOND READING ORDINANCE #2007-07: AN ORDINANCE AMENDING THE MUNICIPAL CODE, CHAPTER 6, REGARDING ALCOHOLIC BEVERAGES

City Manager George Wood stated the amendment addresses four areas where issues have been raised. 1. A one-day special event permit, which would allow an establishment to provide alcohol for special events at no charge. 2. To allow an application for an on premises consumption license for K-Bob Kelly's. K-Bob-Kelly's was unable to receive a license because of the proximity to the University. He stated the changes would include two parcels, K-Bob Kelly's and Subway, up to Tillman Street along Highway 301 South. 3. To remove the wine tasting fee from the Ordinance and place it in the Fee Schedule for the Finance Department. 4. To clarify an enforcement issue for the maximum occupancy load. Councilman Joe Brannen stated the Alcohol Control Board was in favor of the amendments.

Councilman Brannen made a motion, seconded by Councilman Blitch, to adopt Ordinance 2007-07. Councilmen Britt, Blitch, Brannen, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT ON FIRST READING ORDINANCE #2007-08: AN ORDINANCE TO ANNEX PROPERTY INTO THE CITY OF STATESBORO, GEORGIA.

City Manager George Wood stated the Ordinance was previously tabled until the City and County could work on the annexation together. Planning Director Jim Shaw stated there are five conditions the City requires. 1. The developer will have a traffic study prepared which must be reviewed by the City Staff. 2. Access to the proposed lots on Highway 301 will be reviewed on a case by case basis and shared access from internal streets may be required. 3. The entrance into the development will be designed with a landscape median in the center. 4. Any additional right-of-way necessary for the widening of Highway 301 immediately adjacent to this property will be provided prior to approval of a preliminary plat. 5. All final plats and deeds for each lot within the subdivision will include a note regarding the proximity to the airport and the possibility of negative impact from air traffic. The exact language must be approved by the Airport Authority and City Staff. These conditions will be placed on the rezoning that will be considered at the next City Council meeting. Mr. Shaw stated Mr. Jennings is agreeable to all of the conditions.

Councilman Britt made a motion, seconded by Councilman Morris, to adopt Ordinance 2007-08 to annex property into the city. Councilmen Britt, Blitch, Brannen, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT ON FIRST READING ORDINANCE #2007-09: AN ORDINANCE AMENDING THE MUNICIPAL CODE, CHAPTER 6, REGARDING ALCOHOLIC BEVERAGES SALES (EXEMPTION FOR MOVIE THEATERS).

City Manager George Wood stated the Alcohol Control Board received a request from Carmike Cinema's for an exemption to chapter 6 of the Ordinance on the clarification of the language allowing a theater to charge different ticket prices for movies. He stated the charges are for matinees, youth, and senior citizens. Councilman Joe Brannen stated the Alcohol Control Board was in favor of the amendment. Councilman Morris made a motion, seconded by Councilman Britt, to adopt Ordinance 2007-09. Councilmen Britt, Blitch, Brannen, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT RESOLUTION #2007-10: A RESOLUTION AUTHORIZING PREPARATION OF LEGISLTATION TO ANNEX CONTIGOUS PROPERTY.

City Manager George Wood stated Monster Storage was developed within the County and surrounding areas would like to be annexed into the city for the sewer system; however, they would be precluded unless this property was annexed into the city. He stated the City has approached the owner regarding voluntarily annexing into the city and he is not interested. Mr. Wood stated the annexation laws in Georgia states you can not create an island of unincorporated area surrounded by the city and annexing the properties around Monster Storage would create an island and the city would be in violation of State Law. He stated the only remedy is a legislative

annexation into the city. Mr. Wood said the city would have to authorize the City Attorney to proceed with having a local bill introduced into the State Legislator to accomplish this.

Councilman Brannen made a motion, seconded by Councilman Britt, to adopt Ordinance 2007-10. Councilmen Britt, Blich, Brannen, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT RESOLUTION #2007-11: A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN MUNICIPAL RECORDS.

Councilman Morris made a motion, seconded by Councilman Britt, to adopt Resolution #2007-11: to authorize the destruction of certain municipal records. Councilmen Britt, Blich, Brannen, and Morris voted in favor of the motion. The motion carried by 4-0 vote.

MOTION TO APPROVE THE SCHEMATIC DESIGN OF THE INTERIOR OF THE MUNICIPAL COURT RENOVATION, AND AUTHORIZE THE ARCHITECT TO PROCEED WITH EXTERIOR RENOVATION DESIGN FOR FURTHER APPROVAL BY THE CITY COUNCIL, AND FULL DESIGN AND CONTRACT DOCUMENTS.

City Manager George Wood stated Martin, Rule and Associates have prepared the schematic design to renovate the Municipal Court building. Bernie Martin, with Martin and Rule Associates stated the Municipal Court will occupy the existing police station. He stated there are 64 parking places around the Municipal Court building and we are removing the asphalt and creating some greenery. We also have additional parking across Grady Street which gives us a total of 100 parking spaces which will be adequate parking.

Mr. Martin said the schematic plan shows there are three functions in the building with areas for the public, court staff, and city personnel. He said there is a main entrance for the public with a lobby, restrooms, and front desk. Adjacent to the lobby is an office for the solicitors, the public defenders, and two attorney conference rooms. Mr. Martin stated next is the probation area which leads back to the lobby. He stated in the courtroom there is a pocket door, which will close and allow the court room to become a training room for the Police Department.

Mr. Martin stated the staff has their own entrance through the back with offices, break room, high density file spaces, secure files, and a corridor that leads down to the judges and clerk's space in the court room. He stated the third function is for city personnel. Also designed is a tactical training space as well as a wellness room, which will have a secure entrance for the employees. Mayor Hatcher asked about the pocket door. Mr. Martin said the door is a panel door, not an accordion door and they are secure and solid.

Councilman Morris made a motion, seconded by Councilman Brannen, to approve the schematic design of the interior and authorize the architect to proceed with the exterior renovation design for further approval by the City Council and full design and contract documents. Councilmen Britt, Blich, Brannen, and Morris voted in favor of the motion. Mayor Hatcher asked about the time frame of the project and the financing. Mr. Wood stated the financing comes from the 2007 S.P.L.O.S.T.; however, the first \$11,000,000.00 is ear marked for the expansion of the

Bulloch County Jail. He stated we will get the funding around January 2009. The motion carried by 4-0 vote.

MOTION TO APPROVE THE EXPANSION OF THE PUBLIC WORKS DEPARTMENT'S FLEET MANAGEMENT GARAGE, AS REQUESTED BY THE PUBLIC WORKS DIRECTOR.

City Manager George Wood stated that Public Works is proposing a 16 foot by 40 foot addition to the front of Public Works for their administration office. Fleet Management will move into the present office. He stated this will give them adequate room needed for their equipment. Councilman Britt made a motion, seconded by Councilman Blich, to approve the expansion of the Public Works Department for a Fleet Management garage. Councilmen Britt, Blich, Brannen, and Morris voted in favor of the motion. The motion carried by 4-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$1,144,953.74 TO Y-DELTA, INC., THE LOWEST BIDDER, FOR THE WESTSIDE INTERCEPTOR SEWER PROJECT.

City Manager George Wood stated this project is to replace the sewer lines from West Main to College Street and this will also spur growth on the west side of the city. Councilman Morris made a motion, seconded by Councilman Blich, to award the bid to Y-Delta Inc in the amount of \$1,144,953.74. Councilmen Britt, Blich, Brannen, and Morris voted in favor of the motion. The motion carried by 4-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$80,600.00 TO CORBETT ELECTRIC, THE LOWEST BIDDER, FOR THE TRAFFIC SIGNAL INSTALLATION AT SAVANNAH AVENUE AND US 80 E (NORTHSIDE DRIVE).

City Manager George Wood stated this is part of the re-alignment project where Savannah Avenue comes into US 80. He stated the traffic signal will be placed at Savannah Ave and US 80 and the light will be a four way stop. Mr. Wood stated for the next part of the project the city, along with the Board of Education, agreed to construct a 400' linear road that goes into Statesboro High School allowing the high school to have two entrances, one off US 80 and the other off Lovett Street. Councilman Britt made a motion, seconded by Councilman Blich, to award the bid to Corbett Electric in the amount of \$80,600.00. Councilmen Britt, Blich, Brannen, and Morris voted in favor of the motion. The motion carried by 4-0 vote.

REPORTS FROM STAFF:

CITY MANAGER GEORGE WOOD: Mr. Wood stated there is a problem of involuntary towing of personal vehicles from private property and the city believes some specific state law is being violated. He stated the property is supposed to have a sign clearly posted with the cost of the towing stated on the sign. Mr. Wood said state law says the Public Service Commission or local government can regulate the price on this issue. He stated the Georgia Public Service does not regulate it and because of this an individual can tow a vehicle and charge any price they want to charge people. He stated the City can have the City Attorney Sam Brannen develop an ordinance with a set price for involuntary towing and it will also specify the size of the sign and the amount charged for towing. The City Council agreed to have Mr. Brannen move forward on the ordinance.

Secondly, Mr. Wood stated Nathan Queen filed a law suit against the city challenging the last election and the city won the law suit at the District Court Level. Mr. Queen appealed this to the Georgia Supreme Court and they have denied the appeal because it was not timely filed. Mr. Queen has now filed a motion for reconsideration. Mr. Brannen stated the City filed a response to his motion and the courts usually move quickly on this. Mr. Wood stated we are just waiting to hear back.

DIRECTOR OF FINANCE AND ADMINISTRATION JUDY MCCORKLE: Mrs. McCorkle stated she just wanted to remind the council the of their planning retreat on Monday at the Pond House and the Public Hearing at City Hall at 6:00 p.m on Monday night..

PLANNING DIRECTOR JIM SHAW: Mr. Shaw stated there is one Public Hearing for the next council meeting. Application AN 07-02-02; Scott Joyner, on behalf of Inman Miller, requests annexation by the 100% method of 24.78 acres of land and zoning change from R-40 (Single Family Residential) to PUD (Planned Unit Development) for property located on the west side of Cawana Road directly across from Bradford Place Subdivision. City Manager George Wood stated what the applicant is requesting is regarding the density for a 6,000 square foot lot. He stated he would like to remind the Council they recently had an annexation by the Beasley Brothers, which is adjacent to Bradford Place, and the Council put a stipulation of R-15 and the minimum housing size of 1750 square feet with a two car garage. Mr. Wood asked the Council to look seriously at this project and see if it is compatible with the two neighborhoods there and particularly at what they are trying to accomplish in the Cawana Road area.

EXECUTIVE SESSION

An Executive Session of the City Council was held on February 20, 2007 to discuss a legal matter and a personnel matter. Present were Mayor William S. Hatcher, Council Members Joe Brannen, Will Britt, Tommy Blich, and John Morris. Absent was Gary Lewis, Also present were City Manager George Wood, City Attorney Sam Brannen and Director of Finance and Administration Judy McCorkle. No action was taken and the meeting adjourned at 7:10 p.m.

RECONVENED SESSION

The regular meeting of the City Council reconvened after the Executive Session. Mayor William S. Hatcher stated there was no action taken in the Executive Session.

ADJOURNMENT

Being no further business, the meeting adjourned at 7:25 p.m.