

**COUNCIL MINUTES
FEBRUARY 5, 2008**

A regular meeting of the Statesboro City Council was held on February 5, 2008 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Pro-Tem Joe Brannen, Council Members Tommy Blich, Will Britt, Travis Chance and Gary Lewis. Also present were City Manager George Wood, Director of Finance and Administration Judy McCorkle, City Attorney Sam Brannen, and Planning Director Jim Shaw. Absent was Mayor Hatcher.

APPROVAL OF MINUTES: JANUARY 15, 2008.

Councilman Blich made a motion, seconded by Councilman Lewis, to approve January 15, 2008 minutes. Councilman Blich, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

PUBLIC HEARING:

APPLICATION V 08-01-01; RANDELL ADAM THIGPEN, ON BEHALF OF LOWER MILL CREEK PRIMITIVE BAPTIST CHURCH, REQUESTS A VARIANCE TO REDUCE THE FRONT YARD SETBACK ALONG LEE STREET FROM 25 FEET TO 6 FEET AND A VARIANCE TO ELIMINATE THE REQUIRED 15-FOOT LANDSCAPE BUFFER FOR PROPERTY AT THE NORTHWEST CORNER OF LEE STREET AND NORTHSIDE DRIVE EAST.

Planning Director Jim Shaw stated the current church has operated on the site since November of 1965. He stated the church is located on a non-conforming lot, the minimum lot size in the CR zone is 20,000 square feet and this lot is 5,500 square feet. He said the building does not meet the minimum front yard setback of 25 feet and the required buffers are not provided. The applicant is requesting a variance to reduce the front yard setback along Lee Street from 25 feet to 6 feet and to eliminate the buffer requirement. He said the building along Lee Street is currently 16 feet from the property line, so this will be a 10 foot addition. He stated the required parking for the church is achieved through an arrangement with an adjacent business. Mr. Shaw stated failure to grant the setback variance would create a hardship as handicap assessable restrooms could not be provided in the building. Staff and Planning Commission recommend approval of the request.

Randal Thigpen, Lower Mill Creek Primitive Baptist Church stated the reason for the request is to place handicap assessable bathrooms. Councilman Britt made a motion, seconded by Councilman Blich, to approve application V 08-08-01. Councilman Blich, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

APPLICATION V 08-0-02; SUITES AT MARKET DISTRICT, LLC REQUESTS A VARIANCE TO INCREASE THE LIMIT ON THE NUMBER OF GROUND SIGNS FOR A PLANNED COMMERCIAL DEVELOPMENT FROM ONE TO THREE FOR PROPERTY LOCATED AT 1201,1203, AND 1205 BRAMPTON AVENUE.

Planning Director Jim Shaw stated the site of the building was approved as a PUD so a portion of the building can be sold individually. He stated the development has a total of 12 building with shared parking. He said the original zoning had no waivers or variance of sign regulations requested, so the C.R. regulation applied. He said the development as a whole is allowed one ground sign for each road frontage; in addition, each building is allowed 60 feet of sign area that can be mounted on the building wall. He said the philosophy behind the regulation is that

one ground sign is used to identify the entire development. Mr. Shaw stated the applicant's request is for a variance to increase the number of ground signs permitted along Brampton Street from one to three. He said the signs will be 24 square feet each for a total of 72 square feet. Staff is concerned once these three signs are installed others tenants of the development will want a sign as well. The other tenants do not have street frontage and they'll have a strong argument for a sign next to the street. Staff recommends denial and the Planning Commission recommends approval.

Doug Lambert, Market District LLC stated the building in the Market District there is a Sea Island Bank, Maxwell Reddick, and Coldwell Banker and these three building are little unusual for a PUD because they all face Brandon Street. He stated these three buildings because there proximity to Brandon Street and the way they are oriented they should be allowed a small ground sign for each individual building. Councilman Lewis made a motion, seconded by Councilman Britt, to approve application RZ 08-01-03. City Manager George Wood stated in the interest of full disclosure his wife works at Sea Island Bank. He recommends the Council amend the ordinance. He stated if these buildings where stand alone buildings with parking in the front they would be entitled to the sign they're requesting, because it is a PUD the ordinance does not allow it. Mr. Wood stated if the Council amends the ordinance this would not be an issue and in the future this would not be a problem. Councilman Blicht, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

APPLICATION RZ 08-01-03; MONSTER SELF STORAGE REQUESTS REZONING FROM R-40 (SINGLE FAMILY RESIDENTIAL) TO CR (COMMERCIAL RETAIL) AND APPROVAL OF A SPECIAL EXCEPTION FOR A SELF- STORAGE FACILITY FOR PROPERTY LOCATED AT 1040 STAMBUCK LANE.

Planning Direct Jim Shaw stated last year the property was annexed into the City by a legislative action and there was no zoning classification, so the default is R-40 according to the zoning ordinance. He said the property is considered legally nonconforming and can continue to operate in its current state. The applicant is request the zoning to CR with an approval of special exception to allow the use of a self storage facility. He stated approval will remove the nonconforming status and allow modification of the existing buildings and expansion of the business in the future. Mr. Shaw stated the surrounding zoning is a mix of highway commercial, commercial retail, and R-4 for zoning within the City. He said the adjoining uses include automotive sales and high density residential. Staff feels the CR zoning will provide the proper transition between existing multi-family and commercial uses in the future. Staff and Planning Commission recommend approval. Councilman Blicht made a motion, seconded by Councilman Lewis, to approve application RZ 08-01-03 Councilman Blicht, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT ON SECOND READING ORDINANCE #2008-01: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING TRAFFIC AND VEHICLES (TECHNOLOGY FEE).

Councilman Chance made a motion, seconded by Councilman Lewis, to adopt Ordinance 2008-01. Councilman Blicht, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT ON FIRST READING ORDINANCE #2008-02: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING OCCUPATIONAL TAXES FOR INSURANCE COMPANIES AND AGENTS.

City Manager George Wood stated there needed to be clarification on this ordinance. City Clerk Judy McCorkle stated State Law says \$75.00 for insurance company and \$35.00 for an individual insurance agent. Councilman Chance stated he would like to table this because he is an insurance agent and he would like some more information on this. Ms. McCorkle stated the amount is normally \$100.00 for insurance companies and they're reducing it to \$75.00. Councilman Britt made a motion, seconded by Councilman Lewis, to adopt Ordinance 2008-02. Councilman Blitch, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

EMC ENGINEERING SERVICES, INC. REQUESTS APPROVAL OF A FINAL SUBDIVISION PLAT FOR TEN LOTS ON 50.12 ACRES AT THE SOUTHWEST CORNER OF BRANNEN STREET AND VETERANS MEMORIAL PARKWAY.

Planning Director Jim Shaw stated this is the Statesboro Crossing Subdivision and the Council approved the preliminary plat last October. He said this is the plat for the entire development. He stated the developer has provided the engineer estimate and a bond in excesses of 1.1 million dollars to cover the incomplete improvements. Engineering recommends approval. Councilman Blitch made a motion, seconded by Councilman Britt, to approve EMC Engineering Service Inc final plat. Councilman Blitch, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

SUB 08-01-04; MAXWELL-REDDICK AND ASSOCIATES, INC. REQUESTS APPROVAL OF A PRELIMINARY AND FINAL SUBDIVISION PLAT FOR NINE LOTS ON 5.524 ACRES ON THE SOUTH SIDE OF EAST MAIN STREET, APPROXIMATELY 400 FEET EAST OF VETERANS MEMORIAL PARKWAY.

Planning Director Jim Shaw stated this property was rezoned PUD R-4 in September 2006 to allow residential condominium development. He said they are requesting to have this plat approved so they can sell/transfer the building pads to the contractor for liability reasons. He said the plat has been revised recently. The original plat showed eight pads and they reduced it to four. He stated this is inconformance with the letter of credit provided and the engineer estimate. Staff and Planning Commission recommend approval. Councilman Lewis made a motion, seconded by Councilman Britt, to approve SUB 08-01-04. Councilman Blitch, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

CONSIDERATION OF A REQUEST BY BRUCE LANE FOR AN EXTENSION OF THE TIME LIMIT FOR VARIANCES GRANTED FOR PROPERTY ON THE WEST SIDE OF STONEHAVEN DRIVE (FORMERLY DELOACH STREET BETWEEN WEST JONES AVENUE AND WEST GRADY STREET.

Planning Director Jim Shaw stated July 2007 the Council approved a variance to increase the density of the development from 12 units per acre at 14.8 and a variance to eliminate some of the buffer requirements. He said Mr. Lane has run into some time conflicts in getting the project on the way, so he asked for a time extension. Staff recommends a six month extension on the variance. Councilman Lewis made a motion, seconded by Councilman Chance, to extend the variance request for six months. Councilman Blitch, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE INTERGOVERNMENTAL AGREEMENT FOR FIRE PROTECTION SERVICES WITH BULLOCK COUNTY, AND THE AMENDMENT TO THE SERVICE DELIVERY AGREEMENT CONCERNING FIRE PROTECTION SERVICES.

City Manager George Wood stated this is the agreement the Council agreed to in principle with the County. He said it has been reviewed in detail and everything is in order. Councilman Blitch made a motion, seconded by Councilman Lewis, to approve the intergovernmental agreement and the amendment to the service delivery agreement. Councilman Blitch, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE A BURNING AGREEMENT WITH THE GEORGIA FORESTRY COMMISSION FOR JOINTLY OWNED PROPERTY AT THE STATESBORO-BULLOCH COUNTY AIRPORT.

Councilman Blitch made a motion, seconded by Councilman Lewis, to approve a burning agreement with the Georgia Forestry Commission for the Statesboro/Bulloch County Airport. Councilman Blitch, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE THE PURCHASE OF 38 MOBILE DATA TERMINALS (COMPUTERS) FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$30,134.00 FROM GEORGIA STATE CONTRACT. (RECENT BUREAU OF JUSTICE GRANT.)

Councilman Lewis made a motion, seconded by Councilman Chance, to approve the purchase of 38 mobile data terminals for the Police Department. Councilman Blitch, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE THE PURCHASE OF 1 THERMAL IMAGER AND 2 NIGHT VISION GOGGLES FOR THE CRONE SUPPRESSION UNIT IN THE AMOUNT OF \$13,461.00 FROM GEORGIA STATE CONTRACT. (RECENT BUREAU OF JUSTICE GRANT.)

Councilman Lewis made a motion, seconded Councilman Britt, to approve purchase of one thermal imager and two night vision goggles for the crone suppression. Councilman Blitch, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE THE PURCHASE BY SOLE SOURCE OF SENSUS WATER METERS FROM KENDALL SUPPLY IN THE AMOUNT OF \$17,227.80, AS REQUESTED BY THE WATER AND WASTEWATER DIRECTOR.

Councilman Britt made a motion, seconded by Councilman Blitch, to approve a sole source of sensus water meter from Kendall Supply. Councilman Blitch, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE A CONTRACT WITH GE FUNAC AMERICAS, INC. IN THE AMOUNT OF \$39,201.50 FOR THE PURCHASE OF IFIX SOFTWARE FOR THE PLANNED UPGRADE OF THE SCADA SYSTEM FOR THE WATER AND WASTEWATER DEPARTMENT.

Waste Water Director Wayne Johnson stated our software is currently outdated and this will upgrade the software and is in our CIP fund. Councilman Britt, made a motion, seconded by

Councilman Lewis, to approve contract GE Funac Americas Inc. Councilman Blich, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE A SOLE SOURCE CONTRACT WITH REVERE CONTROL SYSTEMS IN THE AMOUNT OF \$37,840.00 FOR THE PROFESSIONAL LABOR NECESSARY TO INSTALL AND UPGRADE THE NEW SCADA SYSTEM SOFTWARE.

Waste Water Director Wayne Johnsons stated we're requesting the designation of Revere Control as the sole source vendor. Councilman Blich made a motion, seconded by Councilman Britt, to approve contract Revere Control Systems. Councilman Blich, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE A REVISED PROPOSAL FROM HGBD, INC. FOR ENGINEERING SERVICES FOR THE OAK CREST SUBDIVISION SEWER DESIGN, DUE TO CHANGES IN THE LOCATION AND ROUTE.

Waste Water Director Wayne Johnson stated they originally began the engineering contract and as the work had progressed they found they needed to alter the design and relocate the location. He said a property owner has agreed to furnish the pump station site for the future. He stated it dramatically extended the stroke of the work that HGBD, Inc. needed to finish. He said that is why we're asking to revise the original contract. Mr. Wood stated the redesign will cost the City less. He said we're paying more for the engineering, but the actual construction will be less. Councilman Blich made a motion, seconded by Councilman Lewis, to approve a revised proposal from HGBD Inc. Councilman Blich, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE A REVISED PROPOSAL FROM HGBD, INC. FOR ENGINEERING SERVICES FOR THE COLEMAN INTERCEPTOR SEWER AND WATER LINES.

Waste Water Director Wayne Johnson stated since the original contract they had to stop at the Joyner property, so that it may be annexed into the City and approved for development. He said the water main goes from Cawana Road to Burke Hulter Road, but because of the additional property being annexed we need to go ahead and design the water main out there. Councilman Lewis made a motion, seconded by Councilman Blich, to approve a revised proposal from HGBD Inc. Councilman Blich, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE THE ADDITION OF 2 WATER AND SEWER CREW SUPERVISORS, ONE WATER AND SEWER SYSTEM OPERATOR, AND ½ TIME SECRETARY FOR THE WATER AND SEWER DEPARTMENT, BASED UPON THE INCREASED WORKLOAD, AND NEW UTILITY LOCATION REGULATIONS FROM THE STATE.

City Manager Wood stated the City not only has to inspect the items we're building, but we must inspect all the water and sewer projects that developers do, because they turn it over to us. He stated currently there is one system operator available we hire a supervisor and that is one crew; then we would hire another crew, and that would take care of the workload in the field. He stated water, sewer, and natural gas have been receiving a lot more relocating request. Mr. Wood stated gas and water share a secretary and were prosing making that a full time secretary and a half secretary for gas. He said this person would still do locates. Mayor Pro-tem Brannen asked if that was budgeted. Mr. Wood stated no will need to do a budget amendmend. Councilman Britt made a

motion, seconded by Councilman Blicht, to approve additional water and sewer personnel. Councilman Blicht, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

UPDATE ON TOWN HALL MEETING TO DISCUSS THE NEEDS ASSESSMENT STUDY FOR LUETTA MOORE PARK, ON THURSDAY, FEBRUARY 21, 2008, 6:00 PM, AT THE BULLOCK COUNTY NORTH MAIN ANNEX BUILDING, 115 NORTH MAIN STREET, IN THE COMMISSIONERS MEETING ROOM.

City Manager George Wood stated he placed this on the meeting for publicity reasons.

UPDATE ON RE-SCHEDULING THE ALCOHOL CONTROL ORDINANCE ADMINISTRATIVE HEARING FOR RETRIEVERS

City Manager George Wood stated the meeting was reset on February 28, 2008 at 1:00 p.m. at City Hall in the Council Chambers.

UPDATE ON 2002 SPLOST CUMULATIVE COLLECTIONS.

City Manager George Wood stated on the 2002 S.P.L.O.S.T. the City received the last payment in November. He said originally the 2002 S.P.L.O.S.T. was budget at \$49, 800,000. He said that is higher and the reason for that was the 97 S.P.L.O.S.T. was budgeted low and the County kept all the additional proceeds, so when we negotiated the 2002 S.P.L.O.S.T. we set the number high so the City received there fair share of the it. He said we have currently received \$46,347,600.05 which is short by \$3,452,399.99. He stated under the agreement the City and County splits that by 50% leaving the City short by only \$1,726,199.98. He wanted the Council to know they never anticipated receiving the full amount and our CIP is predicated on being about \$1.8 million short, so we're fine. Mr. Wood stated 2007 S.P.L.O.S.T. was split on a population base and we're not as overly concerned with the total number.

DISCUSSION OF REQUEST FROM THREE PROPERTY OWNERS TO ABANDON OR DEED TO THEM A PORTION OF HOLLIS STREET BETWEEN CATHERINE AVENUE AND HERLY DRIVE.

City Manager George Wood stated he wanted the Council to be aware of the request. He stated this is from the property owners: Dr. James Hood, Janet and Richard Johnson, and Major Bruce Jones. He stated they will be affected by this portion of Hollis Street. What they are asking for is the abandonment of a portion of Hollis Street and then keeping a sewer easement through Catherin Avenue to Herty intersection. Mayor Pro-tem Brannen stated this may be something to discuss in the work session on Wednesday.

DISCUSSION OF THE THREE CITY APPOINTMENTS TO BE MADE ON FEBRUARY 19TH TO THE STATESBORO FIRE SERVICES FUND ADVISORY COMMITTEE.

City Manager George Wood stated there was a meeting between the Fire Chief, Finance Director, and himself to discuss this agreement in detail. He said they looked at the requirement the City needed to carry out as part of the agreement and one of the agreements was a six man advisory committee. The committee would have three member appointed by the County and three members appointed by the City. He said they would review the Fire Department budget yearly and comment on it to both the City and County. He plans on having the second budget amendment to the Council at the next meeting. Mr. Wood stated we're suppose to set up the special revenue fund, so we would amend the budget to break out the Fire Department as a special revenue fund now showing the transfer fund from the general fund from the City's proportion and then showing the County's

payment of \$625,000 going into this fund. He stated by February 15, 2008 the Committee is supposed to be reviewing the budget, so the City and County need to get them in place. He said the Council needs to look at who they want to appoint to the committee for the next Council meeting.

UPDATE ON THE GEORGIA PUBLIC SERVICE COMMISSION'S GRANTING OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE CITY OF STATESBORO TO PROVIDE NATURAL GAS SERVICES TO A PORTION OF CANDLER COUNTY.

City Manager George Wood stated the City was contacted by the Public Service Commissioner who said the City should have received a franchise certificate of necessity from them to expand our system into Metter which we did six years ago. He said that process is over and they have granted us the certificate.

Mayor Pro-tem stated they were going back to item three of the agenda, Recognitions, Fire Chief Dennis Merrifield Presentation.

Fire Chief Dennis Merrifield stated he was not ready for the presentation and asked this item be table until the next Council Meeting. Council Agreed

REPORTS FROM STAFF:

CITY MANAGER GEORGE WOOD: Mr. Wood reminded everyone of the work session tomorrow February 6, 2008 at 6:00 p.m. to discuss redistricting and a reclaim water systems for GSU. 2) Nomination of District Officer

DIRECTOR OF FINANCE AND ADMINISTRATION/CITY CLERK JUDY MCCORKLE: Mrs. McCorkle stated she needed the expense report from Mayors Day.

PLANNING DIRECTOR JIM SHAW: Mr. Shaw stated at the next Council meeting will have the appointment of members to the Steering Committee for the Comprehensive Plan update.

OTHER BUSINESS:

Mayor Pro-tem invited everyone to a reception in honor of service for the City Manager George A. Wood on Tuesday February 19, 2008 between 5:00 p.m. - 6:00 p.m. at City Hall.

EXECUTIVE SESSION

An executive session of the Statesboro City Council was held on February 5, 2008 to discuss possible litigation and one personnel matter. Present were Mayor Pro-tem Joe Brannen, Council Members Will Britt, Travis Chances, and Gary Lewis. Also present were City Manager George Wood and Director of Finance and Administration Judy McCorkle. No action was taken and the meeting adjourned at 10:27 a.m.

RECONVENED SESSION

The regular meeting of the Statesboro City Council reconvened after the executive session on January 18, 2008. Mayor William Hatcher announced possible litigation was discussed in executive session and no action was taken.

MOTION TO ADJOURN:

Being no further business, the meeting adjourned at 10:17 a.m.

