

**COUNCIL MINUTES  
FEBRUARY 6, 2007**

A regular meeting of the Statesboro City Council was held on February 6, 2007 at 9:00 a.m. in the Council Chambers at City Hall. Present was Mayor Pro tem Joe Brannen, Council Members Will Britt, Tommy Blicht, Gary Lewis, and John Morris. Also present were Director of Finance and Administration Judy McCorkle, City Attorney Sam Brannen, Planning Director Jim Shaw, and City Engineer Maz Elhaj. Absent were Mayor William S. Hatcher and City Manager George Wood.

**APPROVAL OF MINUTES OF JANUARY 17, 2007.**

Councilman Morris made a motion, seconded by Councilman Lewis, to approve the minutes of January 3, 2007. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**RECOGNITIONS**

Mayor Pro tem Joe Brannen presented the GFOA Distinguished Budget Presentation Award for fiscal year 2007 and the Certificate of Recognition for Budget Preparation to the City's Department of Finance and Administration. He expressed congratulations to the Finance Department employees Judy McCorkle, Cindy West, Allison Chambers, Andrea Mitchell, Annette Waters, and Anita Hall, for their hard work and dedication.

**APPLICATION RZ 07-01-01; BETTY GIVENS REQUESTS REZONING FROM R-15 (SINGLE-FAMILY RESIDENTIAL) TO CR (COMMERCIAL RETAIL) TO ALLOW THE OPERATION OF A GROUP DAYCARE FOR PROPERTY LOCATED AT 204 BEST STREET.**

Planning Director Jim Shaw stated the applicant operates a family daycare which is limited to six children and is permitted as a home occupation. She wants to convert to a group day care which allows up to eighteen children and requires commercial zoning. He stated there does not appear to be adequate room on the property to provide a drop-off area and the required parking. Staff is concerned about the congestion that could be created on Best Street. He also stated Best Street is a clear delineation of the zoning boundary and allowing commercial zoning on the east side of the street will break that line. Allowing commercial zoning of this property could create negative impacts from noise and traffic for the residents. The Staff and Planning Commission recommend denial.

Betty Givens provided a drawing of the property and stated she is going to remove the front chain link fence allowing 5 parking spaces along the street and 3 parking spaces in the back. She stated her brother, Carlos Brown, owns the adjoining property to the side and rear as has given her permission to use the area for parking as well. Ms. Givens stated she got a petition signed by her neighbors stating they have given their consent for the property to be rezoned to allow for a day care center. Councilman Morris asked Jim Shaw, "Does the parking have to be paved?" Mr. Shaw stated any commercial use requires paved parking; also, a commercial parking lot has to have a defined access point for the vehicles rather than allow them to back directly onto the street. He stated there is the vacant lot behind Ms. Givens property, but she only has 7½ to 8½ feet between the house and the property line and you need 12 feet for a one-way access. Councilman Morris asked Ms. Givens if she has a way to access this parking. Ms. Givens said the driveway goes straight back to her brother's lot. Councilman Lewis made a motion, seconded by Councilman Blicht, to approve the zoning change from R-15 to Commercial Retail and allow crush

and run rather than pavement. Councilman Britt stated he was concerned that Mr. Brown could sell his property and there would be no parking. City Attorney Sam Brannen stated Mr. Brown could give his sister an easement. Carlos Brown stated he had no problem giving his sister an easement. Councilman Lewis made a motion seconded by Councilman Blich to add the requirement that an easement be given by Carlos Brown to Betty Givens. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**APPLICATION RZ 07-01-02; GARY EDWARDS REQUESTS REZONING FROM O (OFFICE) TO CR (COMMERCIAL RETAIL) AND A VARIANCE TO REDUCE THE SIDE SETBACK FROM 15 FEET TO 10 FEET TO ALLOW THE CONSTRUCTION OF AN ADDITION FOR PROPERTY LOCATED AT 605 BRANNEN STREET.**

Planning Director Jim Shaw stated the applicant is requesting the rezoning to add on an addition for an animal hospital. He stated the property is split zoned with the front portion Commercial Retail and the rear Office. Mr. Shaw stated Staff recommended the rear portion change from Office to Commercial Retail to match the front portion. He stated the applicant is also requesting a 5 foot side setback variance to allow an addition of an enclosed kennel area. Both the zoning and variance requests are in character with the surrounding area. Staff and Planning Commission recommend approval.

Wallace Wright, representing Gary Edwards, stated the front portion is zoned Commercial Retail, the back portion is zoned Office, and it abuts property to the rear that was just rezoned PUD/Commercial Retail. It would make sense to have the property zoned all the same to stay consistent. He stated the second request is for an addition that will be used as a kennel by the animal hospital. It will only be for animals being treated, not for boarding. Councilman Morris made a motion, seconded by Councilman Lewis, to approve the zoning change from O to CR and the five foot side yard setback variance. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**APPLICATION V 07-01-03; CRAIG RIGDON REQUESTS A VARIANCE TO REDUCE THE REQUIRED NUMBER OF PARKING SPACES FROM 31 TO 15, TO ALLOW CRUSH AND RUN WITHIN THE PARKING FACILITIES INSTEAD OF REQUIRED PAVING, TO REDUCE THE REQUIRED SETBACK FOR PARKING FACILITIES FROM 3 FEET TO 0 FEET ALONG THE SOUTH PROPERTY LINE, AND TO REDUCE THE REQUIRED FRONT BUILDING SETBACK FROM 60 FEET TO 54 FEET FOR PROPERTY LOCATED AT 808 SOUTH MAIN STREET.**

Planning Director Jim Shaw stated that in June of 2005 the front portion of the property was rezoned to HOC to construct a body shop. In November of 2005 the applicant received approval for an 11 foot side yard setback variance to move the building closer to the south property line. He stated the building and a portion of the parking has been constructed; although, not in conformance with the site plan. The applicant has requested variances to open the business as is. Staff recommends denial and Planning Commission recommends approval with some conditions. Mr. Shaw stated the City Manager had provided a memo in the packet that stated he and the Mayor met with the applicant who was agreeable to placing parallel parking spaces at the rear and asked that eighteen months be allowed for paving.

Craig Rigdon provided the Council members a copy of a site plan and some photographs of his old and new shops. He stated the contractor made a large error putting in the slab, which has made it impossible to construct the parking area that was planned in front of the building.

However, the paved parking has been constructed on the north side of the property and they can widen the back access and put in parallel parking spaces along it. He stated the construction costs had risen during the project and he had run out of money. That is why he asked for 18 months to complete the parking. Mr. Shaw pointed out that the plan that was provided is six parking spaces below the requirement, so if the Council wants to approve it, a variance of six spaces will be necessary. Councilman Britt made a motion, seconded by Councilman Morris to approve the variance with the recommendation to reduce parking from 31 parking spaces to 25 spaces and given 18 months from today's date to be completed and grant the request for the front yard setback and request a 3 foot setback on the south parking line for parking. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**APPLICATION V 07-01-04; JASON PHILLIPS REQUESTS A VARIANCE TO ALLOW CRUSH AND RUN INSTEAD OF PAVED PARKING AND TO ELIMINATE THE REQUIRED LANDSCAPE BUFFER ADJACENT TO RESIDENTIAL ZONING FOR PROPERTY LOCATED AT 17049 HIGHWAY 301 NORTH.**

Planning Director Jim Shaw stated the applicant is requesting the paving requirement to be waived so all parking facilities on the property can be crush and run. He stated he is also requesting the landscape buffer be waived; due to the fact the rear of the property is undeveloped. He said staff feels the paving is necessary for both safety and aesthetic reasons and that the landscaping should be installed to benefit the adjoining property whenever it is developed. Staff recommends denial of both requests. The Planning Commission recommends approval of the variance to allow crush and run instead of pavement with the condition that all dimensional requirements for parking such as aisle width, space size, and setbacks are met and denial of the variance of the landscape buffer.

Jack Waters representing Jason Phillips stated this is not a new building but two old buildings that were fixed up and an additional building was constructed at the back. He stated we agreed to place wheel stops so the parking spaces would be designated. He said they had made many improvements to the property, including replacing the roofs, painting the buildings, and putting up a fence with a screen around the rear portion of the property. He stated they met with officials from GDOT who told them if they did not make changes to the front of the property then they would not require any changes to the entrance and apron off the highway. He said they did not feel the landscape buffer at the rear of the property was necessary because the property was undeveloped and heavily wooded.

Councilman Blich made a motion to approve the variance request for crush and run instead of pavement, but with the buffer to be provided across the back and shrubbery in front of the office building. Councilman Britt stated before a second is given, we need to be fair and treat Mr. Phillips' property the same as Mr. Rigdon's, possibly using the same condition to have the front paved in 18 months. Councilman Blich stated the lay of the land is different than Mr. Rigdon's property. Director of Finance and Administration Judy McCorkle stated the memo the City Manger provided in the packet stated the 18 months to install the pavement for Rigdon's property is a good solution for Mr. Phillips' property. She stated paving needs to be put in place to prevent erosion in the future. Councilman Morris stated the other businesses in the area provided pavement as well as Mr. Rigdon; therefore, Mr. Phillips should be treated the same. He stated he is not requesting the whole property be paved; just the front two drives coming up to the gate and crush and run could be placed everywhere else.

Mr. Waters stated according to DOT if they paved the front part of the property they would treat it like a new development. The owner would have to dig a ditch along the front, remove most of the existing pavement and crush and run on the right of way, and possibly construct a turn lane. Councilman Morris stated if there was a turn lane 15 feet off the apron and then came into a drive a person would not have turn directly off Highway 301 and there would be an easier area to pull into the property. Mr. Waters stated the DOT has control of the highway and they require a 24 foot drive and a 30 foot radius on the driveways. Councilman Morris asked how far is the right of way off the apron. Mr. Waters stated around 20 feet. Councilman Lewis asked did the DOT approve the crush and run? Mr. Waters stated yes, the DOT said they would treat it the same way they treated the Brannen Warehouse as long as we kept it up. Councilman Britt asked Jim Shaw what kind of information the Council could get from the DOT on this matter. Councilman Blich stated we could get a letter from DOT stating what was discussed about crush and run on the property. Councilman Morris asked City Attorney Sam Brannen what will happen if we approve the request and DOT requires more. Mr. Brannen stated the council needs to decide today to crush and run or pave the property and DOT will take over when it gets to their right-of-way.

Councilman Blich changed his motion, seconded by Councilman Lewis, to require a letter from the D.O.T. stating they will accept crush and run on the property and that the area in front of the office building be paved to allow parking for 5 cars. Councilmen Blich and Lewis voted in favor the motion and Councilmen Britt and Morris voted against the motion. The motion was a tie 2-2. Councilman Blich amended the motion, seconded by Councilman Lewis, to allow crush and run in the back part of the property, pavement from the south wall of the office building to the north wall of the old shop building deep enough for cars to park, pavement to be completed in 18 months, shrubbery must be provided across the front of the office building, and the required buffer must be planted in the back. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO APPROVE OR DISAPPROVE THE APPEAL AND VARIANCE REQUESTS OF SUE SCHAEFER (HEARD IN PUBLIC HEARING IN JANUARY, AND TABLED AT THE APPLICANT'S REQUEST.)**

Planning Director Jim Shaw stated the Council previously heard this appeal regarding the restriction on placing more than one single-family residence on a lot. The applicant also requested consideration of a side yard setback variance if the appeal is successful. When this was heard at the January 3 meeting, it was mentioned that sanitary sewer service was not available at the property and it was unlikely the septic system could be enlarged. Director of Waste Water Wayne Johnson estimated the cost for this property to hook up to the sewer system would be \$51,500.00. Mr. Shaw stated the availability of sewer service is not the primary issue; whether the ordinance allows the second house is. The Staff and Planning Commission recommend upholding the interpretation and denial of the variance. Councilman Morris asked if anyone had any response from the applicant. Mr. Shaw said no and Mr. Johnson stated the only response he received from Ms. Schafer was to ask if the other residents could participate in the cost. Councilman Morris made a motion, seconded by Councilman Lewis to deny the appeal and variance. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

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

Director of Finance and Administration Judy McCorkle stated there are four changes in the Ordinance: 1.Changes the boundaries where a business can apply for a liquor license from 301 South to Tillman Road to include Tillman Street. This will allow K-Bob Kelly's and the Subway station to apply for a liquor license. 2. This will meet the requirements of the State Revenue Department to provide for a one-day special event permit allowing an establishment that does not sell alcohol to serve alcohol at a special event with no charge to the business. 3. Removes the permit fee amount for wine tasting from the Ordinance and places it in the Fee Schedule for the Finance Department. 4. Spells out the penalties and the due process hearing for enforcement of the maximum occupancy load.

Councilman Blitch asked if there is a limit to the special event permit? Ms. McCorkle stated a business could get as many permits as they like as long as they apply for the permit and give us the date of the event. Councilman Morris made a motion, seconded by Councilman Lewis, to adopt Ordinance #2007-07. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO ADOPT RESOLUTION #2007-05: A RESOLUTION AUTHORIZING THE SALE OF TWO LOTS IN STATESBORO POINTE SUBDIVISION TO HABITAT FOR HUMANITY IF BULLOCH COUNTY.**

Councilman Blitch made a motion, seconded by Councilman Lewis to adopt Resolution #2007-05. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO ADOPT RESOLUTION #2007-06: A RESOLUTION REGARDING FEES AND CHARGES FOR THE FINANCE DEPARTMENT.**

Director of Finance and Administration Judy McCorkle stated this is to add the \$250.00 permit fee for wine tastings as discussed in Ordinance 2007-07 to the Fee Schedule for the Finance Department.

Councilman Morris made a motion, seconded by Councilman Lewis to adopt Resolution #2007-06. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO ADOPT RESOLUTION #2007-07: A RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURES REGARDING THE TRAVEL POLICY TO ALIGN WITH IRS AND GENERAL SERVICE ADMINISTRATION GUIDELINES.**

Director of Finance and Administration Judy McCorkle stated this to delete the current per diem for meals in the City's travel policy and replace it with an allowance that will align with the IRS and General Service Administration. The per diem will be verified during the year as the mileage reimbursement is currently done and then adjustments would be made accordingly. We currently pay \$38 per day for meals while the IRS allows \$39 for most cities and up to \$49 for metro cities.

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

**MOTION TO ADOPT RESOLUTION #2007-08: A RESOLUTION TO ADOPT THE SECOND BUDGET AMENDMENT TO THE F/Y 2007 BUDGET.**

Director of Finance and Administration Judy McCorkle stated this is our second budget amendment this year. She stated the largest effect is in the General Fund with a net decrease in Fund Balance by \$515,000 as a result of the Arts Center not receiving \$500,000 in a State grant as was anticipated. However, the Arts Center did receive a State grant in the amount of \$25,000 as shown in the Multiple Grants Fund. An increase in the Capital Improvements Fund in the amount of \$147,013 is a result of receiving GMA Lease Pool proceeds after the prior FY was closed. \$68,895 additional funding is appropriated for the Police Department and \$30,000 in CIP funds was moved forward from future years to accelerate the records management program in order to vacate the Adecco Building in the time frame set by the Council. \$150,000 was transferred from the Water/ Sewer Fund to the Police Station building project and Interruptible Sales was decreased in the Gas Fund by \$85,000 as a result of Briggs and Stratton changing to the normal rate schedule.

Councilman Blitch made a motion, seconded by Councilman Morris, to adopt Resolution #2007-08. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 40 vote.

**MOTION TO ADOPT RESOLUTION #2007-09: A RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS AND AUTHORIZING ITS DISPOSAL.**

Director of Public Works Bobby Colson stated there are 2 other vehicles added on for a total of 5 vehicles for disposal. Councilman Blitch made a motion, seconded by Councilman Britt, to adopt Resolution #2007-09. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO SET THE DATE FOR A PUBLIC HEARING ON THE FRONT-YARD PARKING ISSUE FOR FEBRUARY 26<sup>TH</sup> AT 6:00 P.M.**

Planning Director Jim Shaw stated the purpose of the public hearing is to receive input on the proposed amendment to the City's zoning ordinance to restrict parking for single-family and two-family dwellings.

Councilman Morris made a motion, seconded by Councilman Lewis, to set the date for a public hearing on front yard parking for February 26<sup>th</sup> at 6:00 p.m in the Council Chambers at City Hall. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO SET DATE FOR ANNUAL BUDGET RETREAT- -FRIDAY, APRIL 13<sup>TH</sup> RECOMMENDED.**

Director of Finance and Administration Judy McCorkle stated this is the week we usually have our annual budget retreat each year and it will be held at the Pond House as in previous years. Councilman Blitch made a motion, seconded by Councilman Morris, to set the date for the Annual Budget Retreat for Friday, April 13<sup>th</sup> at 9:00 a.m. at the Pond House. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE AN ENGINEERING AGREEMENT WITH HUSSEY, GAY, BELL, AND DEYOUNG, INC., FOR THE INTERCEPTOR SEWER TO SERVE THE COLEMAN ESTATE TRACT AND OTHER AREAS BETWEEN CAWANA ROAD AND FAIR ROAD.**

Director of Wastewater Wayne Johnson stated this is for the engineering and design of a drainage basin from Cawana Road to Fair Road. There will be no construction at this point. Councilman Britt made a motion, seconded by Councilman Lewis to execute an engineering agreement for the interceptor sewer to serve the Coleman Estate Tract and other areas between

Cawana Road and Fair Road. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO AWARD A BID UNDER STATE CONTRACT IN THE AMOUNT OF \$17,040.00 TO KUSTOM SIGNALS, INC., FOR 4 POLICE VEHICLE CAMERAS.**

Police Chief Stan York stated the price has increased by \$1,088.00 due to everything going digital. This includes the Crash Record Activation Kit which is important in the event of a crash because it captures up to 20 minutes prior to the incident. Councilman Morris made a motion, seconded by Councilman Lewis to award the bid to Kustom Signals Inc., in the amount of \$17,040.00. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO AWARD A BID IN THE AMOUNT OF \$51,411.00 TO GEORGIA FIRE AND RESCUE SUPPLY, LLC, THE LOWEST BIDDER MEETING ALL SPECIFICATIONS, FOR HYDRAULIC EXTRICATION TOOLS FOR THE FIRE DEPARTMENT.**

Fire Chief Dennis Merrifield stated the tool we need to purchase is for vehicle extraction. He stated Jason Baker Drive Engineer, Stephen Brown a Fireman, and Captain Emerson Melton, evaluated the equipment and went through the GEMA Crash Victim Extrication training. Councilman Morris made a motion, seconded by Councilman Lewis, to award the bid Georgia Fire and Rescue Supply, LLC., in the amount of \$51,411.00. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO AUTHORIZE THE PURCHASE OF A USED 1999 INTERNATIONAL TRUCK WITH A 15-TON TEREX BOOM FOR THE WATER & SEWER DEPARTMENT FOR \$57,900.00 AS A SOLE SOURCE PURCHASE OF USED EQUIPMENT.**

Councilman Britt made a motion, seconded by Councilman Blicht, to approve a sole source purchase of a 1999 international truck with a 15-ton Terex Boom in the amount of \$57,900.00. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO AWARD A BID IN THE AMOUNT OF \$99,135.00 TO SAM JOHNSON CONTRACTING, THE LOWEST BIDDER, FOR THE LITTLE LOTTS CREEK TRIBUTARY PROJECT, SUBJECT TO APPROVAL BY THE US ARMY CORP OF ENGINEERS.**

City Engineer Maz Elhaj stated this is a capital improvements project that has been in our CIP for a long time. He stated the idea for this project is to stabilize the slopes of the ditch between 301 South and Highway 67. Councilman Morris made a motion, seconded by Councilman Blicht to award the bid to Sam Johnson in the amount of \$99,135.00. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO APPROVE THE RENUMBERING OF THE ADDRESSES ON THE NORTH STREET AND OVERLAND STREET, AS REQUESTED BY THE BULLOCH COUNTY E911 CENTER TO CORRECT DUPLICATE NUMBERS.**

Planning Director Jim Shaw stated the Post Office did not provide mail service on North Street because it was not paved. He stated now the streets have been paved and some of the

residents have asked about mail delivery service at their property. Mr. Shaw said the Post Office contacted Bulloch County E911 for addresses and found a number of problems. He stated E911 has proposed a new numbering system for North Street and Overland Street. Councilman Britt made a motion, seconded by Councilman Blich to approve the renumbering of North Street and Overland Street. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

### **EXECUTIVE SESSION**

An Executive Session of the City Council was held on February 6, 2007 to discuss a legal matter and a personnel matter. Present were Mayor Pro tem Joe Brannen, Council Members Gary Lewis, Will Britt, Tommy Blich, and John Morris. Also present were City Attorney Sam Brannen and Director of Finance and Administration Judy McCorkle. No action was taken and the meeting adjourned at 11:30 a.m.

### **RECONVENED SESSION**

The regular meeting of the City Council reconvened after the Executive Session. Mayor Pro tem Joe Brannen stated there was no action taken in the Executive Session.

### **OTHER BUSINESS**

Councilman Britt made a motion, seconded by Councilman Morris, to approve the sale of a portion of Fleming Road to the Bulloch County Board of Education for \$60,000.00 with the proceeds to be used to pay for contractual work not to exceed \$60,000. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

### **ADJOURNMENT**

Being no further business, the meeting adjourned at 11:35 a. m.