

**COUNCIL MINUTES  
JANUARY 3, 2007**

A regular meeting of the Statesboro City Council was held on January 3, 2007 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor William S. Hatcher, Council Members Will Britt, Tommy Blich, Gary Lewis, and John Morris. Absent was 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 DECEMBER 5, 2006.**

Councilman Blich made a motion, seconded by Councilman Britt, to approve the minutes of December 5, 2006. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**PUBLIC HEARINGS:**

**APPLICATION RZ 06-12-01; KATHRYN LOVETT, ET AL REQUESTS THE REZONING OF 2.96 ACRES FROM O (OFFICE) AND CR (COMMERCIAL RETAIL) TO PUD/CR (PLANNED UNIT DEVELOPMENT WITH COMMERCIAL RETAIL OVERLAY) LOCATED ON THE EAST SIDE OF GENTILLY ROAD APPROXIMATELY 330 FEET NORTH OF THE INTERSECTION OF BRANNEN STREET AND GENTILLY ROAD.**

Planning Director Jim Shaw stated the applicant is requesting the rezoning to allow construction of a commercial development with individually-owned buildings and shared access and parking. He stated the site plan shows seven buildings from 3,000 square feet to 5,000 square feet each, with a total of 24,200 square feet. Mr. Shaw said the applicant is proposing access to the property from Gentilly Road and a driveway connection to the rear of the existing development at 604 Brannen Street. He stated a 10 foot landscape buffer is shown along the northern property line that abuts residential zoning. At the Planning Commission meeting an attorney representing an adjacent land owner asked that the buffer have an 8 foot high opaque fence with trees and shrubs planted on both sides. The applicant's attorney agreed to provide the buffer as requested. Staff and Planning Commission recommend approval with that condition.

Wallace Wright, an attorney representing Kathryn Lovett, stated they are going above and beyond the Zoning Ordinance buffer requirement by putting in a 15 foot wide buffer with an 8 foot fence with vegetation on both sides. The requirements are only a 10 foot buffer and 6 foot fence. Steve Rushing, an attorney representing the Sparks family, stated Arthur Sparks and his wife live on the north side of this property and have been there since 1969. He said rezoning and development of this property for commercial retail will diminish property values not to mention the possible drainage issues due to flood plans and wetlands, traffic, light and noise intrusions, and fire hazards. Mr. Rushing stated they hope the council will support the decision to deny this request; however, if it is approved put conditions on the property for a 25 foot buffer and leave as many trees as possible.

Councilman Morris made a motion, seconded by Councilman Lewis, to approve the rezoning request with the condition recommended by the Planning Commission and increasing the buffer width to 25 feet. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**APPLICATION RZ 06-12-02; ENMARK STATIONS, INC, ON BEHALF OF RICHARD JOHNSON, JAMES HOOD, AND THE SALVATION ARMY, REQUESTS THE REZONING OF THREE PARCELS OF LAND FROM R-15 (SINGLE FAMILY RESIDENTIAL) TO CR (COMMERCIAL RETAIL) LOCATED AT 300 CATHERINE AVENUE, 104 CATHERINE AVENUE, AND 0.69 ACRES AT THE NORTHEAST CORNER OF FAIR ROAD AND HERTY DRIVE.**

Planning Director Jim Shaw stated the applicant is requesting the rezoning to construct a convenience store. He said the site plan shows a 3,116 square foot convenience store with 6 double-sided fuel pumps, and 23 parking spaces. Mr. Shaw stated the applicant is proposing three access points; one each on Fair Road, Catherine Avenue, and Herty Drive. He said the applicant has provided a revised site plan that resolves most of the site design issues that were raised at the Planning Commission meeting. The issues that remain can be easily resolved. Mr. Shaw said the bigger issue is the rezoning itself because the property is bounded by single family zoning on three sides and single family uses on two sides. The closest commercial zoning is two full blocks to the north, on the north side of Pitt-Moore. This property is within a one-mile length of Fair Road that has no commercial zoning. Staff recommends denial and Planning Commission recommends approval.

Dwight Harrison, of Enmark Stations, Inc., stated this is a total of 1.95 acres and there is only one landowner adjacent to the area. Sam DiPolito, a Realtor representing the three landowners, stated the three parcels are on a busy corner. He said GSU is one large commercial venture and the area between Fair Road and Gentilly Road consists primarily of homes rented to college students, so they are technically a commercial use. City Manager George Wood stated those houses may be rented out but that does not make them a commercial use, that is still a residential area. He also stated there are four parcels, not three, with the fourth parcel being a city-owned road which would have to be abandoned by the city.

Buddy Larson, Kenneth Morgan, Carol Howard, Judy Weaver, Mary Marsh, and several other homeowners spoke against this proposal. They said this was not a good move for their neighborhood because it will bring in a lot more traffic, noise and light intrusion.

Councilman Blich made a motion, seconded by Councilman Morris, to deny the rezoning from R-15 to CR. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**APPLICATION V 06-12-03; SUE SCHAEFER REQUESTS A VARIANCE TO REDUCE THE REQUIRED SIDE YARD SETBACK FROM 10 FEET TO 3 FEET AND APPEALS AN INTERPRETATION OF THE ZONING ORDINANCE, SECTION 2203.A, FOR PROPERTY LOCATED AT 821 ROBIN HOOD TRAIL.**

Planning Director Jim Shaw stated the applicant wants to construct a second single-family residence on the same property to the rear of the existing three-bedroom home. He

said Section 2203.A of the Zoning Ordinance specifically allows more than one multiple dwelling, but not more than one single-family residence on the same property. He said multiple dwelling is specifically defined in the Zoning Ordinance as not being a single-family or two-family dwelling. He said staff's interpretation is that two single-family dwellings are not permitted on the same property. Mr. Shaw stated the applicant is also requesting a variance of the side setback requirement in the event the appeal of the Zoning Ordinance is successful. He said the variance is requested to allow the second house to be constructed three feet from the north property line. Staff and Planning Commission recommend upholding the interpretation and denial of the requested variance.

Sue Schaefer was present for questions. Director of Wastewater Wayne Johnson stated this property is on a septic system and there is no city sewer nearby. He said it is likely the Bulloch County Health Department would not allow an additional house on the property because there would not be sufficient land for the septic drain field. Ms. Schaefer asked if there is a way to hook up to city sewer. Mr. Johnson stated the sewer is currently not adjacent to her lot. He stated the sewer line is at the back of the apartment complex and to run a line and hook Ms. Schaefer's house to sewer would cost a substantial amount of money on her part. Ms. Schaefer requested the item be tabled so she could do some further research.

Councilman Britt made a motion, seconded by Councilman Blich, to table the item until the applicant has the information needed to proceed. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**APPLICATION RZ 06-12-04; BRUCE LANE REQUESTS THE REZONING OF 2.96 ACRES FROM R-6 (SINGLE FAMILY RESIDENTIAL) TO R-4 (HIGH DENSITY MULTI-FAMILY RESIDENTIAL) LOCATED ON THE WEST SIDE OF DELOACH STREET, NORTH OF WEST JONES AVENUE AND SOUTH OF WEST GRADY STREET.**

Planning Director Jim Shaw stated the applicant is proposing five buildings with six town homes in each building for a total of 30 units. The property currently contains a group of small, dilapidated houses. This area is in need of new housing and this particular property needs to be redeveloped. Staff and Planning Commission recommend approval. Bruce Lane was present for questions. Councilman Lewis made a motion, seconded by Councilman Britt, to approve the rezoning from R-6 to R-4. Councilmen Britt, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**APPLICATION AN 06-12-05; JERRY JENNINGS, ON BEHALF OF STATESBORO PROPERTIES, REQUESTS ANNEXATION BY 100% METHOD AND ZONING CHANGE FROM LI (LIGHT INDUSTRIAL) TO HOC (HIGHWAY ORIENTED COMMERCIAL) AND R-10 (SINGLE FAMILY RESIDENTIAL) FOR 87.3 ACRES LOCATED ON THE SOUTH SIDE OF HIGHWAY 301 NORTH, APPROXIMATELY 2700 FEET NORTHEAST OF THE INTERSECTION OF VETERANS MEMORIAL PARKWAY AND HIGHWAY 301.**

Planning Director Jim Shaw stated the applicant is requesting the annexation and rezoning to allow development of a single family residential subdivision with commercial

development along Highway 301. He said approximately 32 acres is not developable due to wetlands, leaving 54 acres of property to develop. Mr. Shaw stated the concept plan shows 4 lots of commercial property along Highway 301 zoned HOC and 124 residential lots on the remainder of the property. Staff and Planning Commission recommend approval.

Jerry Jennings was present for questions. Councilman Britt stated this property is close to the airport and future residents could complain about airplanes flying overhead. He said they should be made aware of it prior to purchasing property. Mr. Jennings stated this issue was discussed with staff and he was willing to place a note on the preliminary and final plats regarding proximity to the airport. City Manager George Wood stated this is a concern and a note could possibly be placed on the deeds as well. Mr. Wood also stated a letter had been received from County Manager Tom Couch in response to the City's request for County approval because this is a non-contiguous annexation. Mr. Couch asked that three issues be addressed prior to the County's approval. Mr. Wood recommended that the Council give initial approval of the annexation and rezoning, but that approval of the ordinance be delayed until the City and County staffs meet.

Councilman Blitch made a motion, seconded by Councilman Lewis, to approve the annexation of the property and rezoning from LI to HOC and R-10 with the City staff to work out with the County staff the issues that were raised. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**APPLICATION T 06-12-06, FIRST READING OF ORDINANCE #2007-01, AN AMENDMENT OF ARTICLE XV, SIGNS, OF THE ZONING ORDINANCE TO MODIFY THE DEFINITIONS AND ADD A PROVISION ALLOWING ANIMATED SIGNS IN SHOPPING CENTERS.**

Planning Director Jim Shaw stated Ordinance 2007-01 will allow electronic animated signs only for an enclosed mall. He stated the proposed amendment allows a maximum sign area of 350 square feet and the animated portion a maximum of 65 % of the total sign area. Councilman Morris made a motion, seconded by Councilman Britt, to approve Ordinance 2007-01 and change the wording to animated sign and add only for enclosed malls. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**APPLICATION T 06-12-07; FIRST READING OF ORDINANCE #2007-02, AN AMENDMENT OF ARTICLE II, DEFINITIONS, AND ARTICLE XVI, OFF-STREET PARKING AND LOADING, OF THE ZONING ORDINANCE TO MODIFY THE PARKING REQUIREMENTS FOR RESTAURANTS WITHIN SHOPPING CENTERS.**

Planning Director Jim Shaw stated Ordinance 2007-02 will require the recalculation of the parking requirements for shopping centers once 30% of the gross floor area is devoted to restaurant use. Currently the parking ordinance requires a recalculation any time a restaurant in a shopping center applies for an alcohol license. However, the parking problems usually occur because of an overabundance of restaurants, not because they serve alcohol. If this amendment is approved, staff will provide a notice of this requirement to shopping center developers, so they can limit the area devoted to restaurants or provide sufficient parking.

Councilman Britt made a motion, seconded by Councilman Blicht, to approve Ordinance 2007-02. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**APPLICATION T 06-12-08; FIRST READING OF ORDINANCE #2007-03, AN AMENDMENT OF ARTICLE XVI, OFF-STREET PARKING AND LOADING, OF THE ZONING ORDINANCE TO PLACE RESTRICTIONS ON PARKING FOR SINGLE-FAMILY AND TWO-FAMILY DWELLINGS**

Planning Director Jim Shaw stated the Council had discussed at a work session the problem of cars parking in front yards and asked staff to prepare an ordinance. This proposal requires that parking areas for single family and two-family homes be paved and limits the amount of area that can be paved in the front yard. Mr. Shaw stated parking on unpaved areas will be prohibited in the front yard, but will be allowed at the side and rear of a house. Councilman Blicht made a motion, seconded by Councilman Lewis, to table the item. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**APPLICATION T 06-12-09; FIRST READING OF ORDINANCE #2007-04, AN AMENDMENT OF ARTICLE VII, OFF-STREET PARKING AND LOADING, OF THE ZONING ORDINANCE TO ALLOW SINGLE-FAMILY ATTACHED DWELLINGS UNITS AS A PERMITTED USE.**

Planning Director Jim Shaw stated this amendment will add single family attached dwelling units as a permitted use in the R-4 zoning district. In the past, developers have been required to rezone property to PUD in order to have a condominium or townhouse ownership scheme. He stated this change will eliminate that requirement. Councilman Britt made a motion, seconded by Councilman Lewis, to adopt Ordinance 2007-04. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO ADOPT FIRST READING ORDINANCE #2007-05: AN ORDINANCE TO ANNEX PROPERTY INTO THE CITY OF STATESBORO FOR LOTTS CREEK DEVELOPERS, LLC (CAWANA ROAD).**

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

**MOTION TO ADOPT FIRST READING ORDINANCE #2007-06: AN ORDINANCE TO ANNEX INTO THE CITY OF STATESBORO FOR WHISPERING PINES STATESBORO, LLC (WHISPERING PINE BOULEVARD).**

City Manager George Wood stated at the last council meeting we discussed annexing in the right-of-way going into Whispering Pines and the Ordinance will officially complete the action. Councilman Morris made a motion, seconded by Councilman Blicht, to adopt Ordinance 2007-06. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO ADOPT RESOLUTION #2007-01: A RESOLUTION ACCEPTING DEDICATION OF STREETS AND EASEMENTS FOR WHISPERING PINE SUBDIVISION, PHASE I.**

City Manager George Wood stated Mr. Jennings has completed phase 1 and the standard agreement states once completed the city will accept it and Mr. Jennings will put a 20% warranty bond into effect for additional use. Councilman Blitch made a motion, seconded by Councilman Britt, to adopt Resolution 2007-01. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO ADOPT RESOLUTION # 2007-02: A RESOLUTION CHANGING THE NAME OF GRADY STREET PARK TO THE REV W.D. KENT PARK.**

Councilman Blitch made a motion, seconded by Councilman Lewis, to adopt resolution 2007-02. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO ADOPT RESOLUTION #2007-03: A RESOLUTION TO FIX AND PUBLISH QUALIFYING FEES FOR THE CITY OF STATESBORO NOVEMBER 6, 2007 GENERAL ELECTIONS.**

Director of Finance and Administration, Judy McCorkle stated the qualifying fee is 3% of the candidates' annual salary which would be \$225.00 for districts 2, 3, and 5 for the November 6<sup>th</sup> election. Councilman Morris made a motion, seconded by Councilman Lewis, to adopt Resolution 2007-03. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO APPROVE A PRELIMINARY PLAT FOR BONIELANE SUBDIVISION.**

Planning Director Jim Shaw stated this is a preliminary plat for Bonielane Subdivision, located at the corner of West Jones Avenue and Harden Road. The property was rezoned to PUD in 2000 to allow a mixture of single-family lots and a duplex development. This plat is for the single-family lots and the new street off Harden Road that will serve them. The plat is in conformance with the plan submitted as part of the rezoning request and meets all the Subdivision Ordinance requirements. He stated the staff and Planning Commission recommend approval. Councilman Morris made a motion, seconded by Councilman Britt, to approve the preliminary plat for Bonielane Subdivision. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO APPROVE A SUBSDIVISION INFRASTRUCTURE AGREEMENT FOR BONIELANE SUBDIVISION.**

City Manager George Wood stated this is the infrastructure agreement and letter of credit for Bonielane Subdivision. He said that everything is in order and ready for approval. Councilman Britt made a motion, seconded by Councilman Blitch, to approve the infrastructure agreement for Bonielane Subdivision. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO AUTHORIZE BRIGGS AND STRATTON TO REVERT TO THE STANDARD INTERRUPTIBLE NATURAL GAS RATE, AS RECOMMENDED BY THE NATURAL GAS DIRECTOR AND CITY MANAGER.**

Director of Gas Steve Hotchkiss stated Briggs and Stratton have burned the amount of gas to qualify them for our Standard Interruptible Rate. He said this will save Briggs and Stratton \$85,000.00 annually. Councilman Blitch made a motion, seconded by Councilman

Morris, to authorize Briggs and Stratton to revert to the Standard Interruptible Rate. Councilmen Britt, Blich, 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 PROPOSAL FROM HGBD, INC FOR THE CENTRAL STREET PROJECT.**

Councilman Morris made a motion, seconded by Councilman Britt to authorize the Mayor and City Clerk to execute an engineering proposal from HGBD, Inc. Councilmen Britt, Blich, 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 PROPOSAL FROM HGBD, INC FOR THE CAWANA ROAD PROJECT.**

Councilman Morris made a motion, seconded by Councilman Blich, to authorize the Mayor and City Clerk to execute an engineering proposal from HGBD, Inc. Councilmen Britt, Blich, 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 \$10,434 TO THE LOW BIDDER, MELTON PAINTING COMPANY, TO PAINT THE SECOND AND THIRD FLOOR INTERIOR OF CITY HALL.**

Councilman Britt made a motion, seconded by Councilman Morris, to award a bid in the amount \$10,434 to Melton Painting Company. Councilmen Britt, Blich, 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 \$64,274 TO THE LOW BIDDER, ELLIS WOOD CONTRACTING, INC., FOR THE WEST GENTILLY ROAD AND LANDFILL ROAD PAVING PROJECTS.**

Councilman Britt made a motion, seconded by Councilman Blich, to award bid in the amount of \$64,274 to Ellis Wood Contracting, Inc. Councilmen Britt, Blich, 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 \$21,430 TO BLOUNT & SONS FOR THE TILLMAN ROAD CONCRETE CURB & GUTTER CONSTRUCTION PROJECT.**

Councilman Britt made a motion, seconded by Councilman Lewis, to award a bid in the amount of \$21,430 to Blount and Sons. Councilmen Britt, Blich, 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 \$20,312 TO THE LOW BIDDER, ELLIS WOOD CONTRACTING, INC., FOR THE TILLMAN ROAD PAVING PROJECT.**

Councilman Morris made a motion, seconded by Councilman Blicht, to award a bid in the amount of \$20,312 to Ellis Wood Contracting, Inc. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

#### **REPORTS FROM STAFF:**

**CITY MANAGER GEORGE WOOD:** Mr. Wood stated the Council Retreat will be January 18, 2007 at 8:30 am. He stated Carol Coach director of Environmental Protection Agency sent us a letter stating the EPD will extend our permit until it can be reissued with in the appropriate river basin group.

**DIRECTOR OF FINANCE AND ADMINISTRATION JUDY MCCORKLE:** Mrs. McCorkle stated the Mayors Day Conference will be held on Saturday January 20 – January 23, 2007. She stated the Wild Game Supper will be on February 13, 2007. She stated congratulation is in order for Councilman Will Britt for getting his certificate.

#### **OTHER BUISNESS**

#### **ADJOURN**

Being no further business, the meeting adjourned at 12:25 pm.