

**COUNCIL MINUTES
JANUARY 3, 2008**

A regular meeting of the Statesboro City Council was held on January 3, 2008 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor William S. Hatcher, Council Members Tommy Blicht, Will Britt, Joe Brannen Travis Chance and 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.

OATH OF OFFICE ADMINISTERED BY BULLOCH COUNTY PROBATE JUDGE LEE DELOACH: Probate Judge Lee DeLoach swore in; Councilman Gary Lewis District 2, Councilman Will Britt District 3, and Councilman Travis Chance District 5 to the City Council which was followed by a reception in their honor.

MOTION TO ELECT A MAYOR PRO TEMPORE FOR THE NEXT TWO YEARS, PER STATESBORO MUNICIPAL CODE, SECTION 2-4 OF THE CITY CHARTER.

Councilman Blicht made a motion, seconded by Councilman Britt, to re-nominate Councilman Joe Brannen as Mayor Pro-tem. Councilmen Blicht, Brannen, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote. Councilman Brannen thanked the Council for nominating him. He stated that he was humbled by being able to serve in this position and will try to represent the City well.

APPROVAL OF MINUTES: DECEMBER 18, 2007.

Mayor Hatcher stated there has been some issues with the minutes and would entertain a motion to table the minutes until the next council meeting. Councilman Brannen made a motion, seconded by Councilman Lewis, to table the minutes until the next council meeting. Councilman Blicht, Brannen, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

RECOGNITIONS:

Richard Deal with Thigpen, Lanier, Westerfield, and Deal, thanked the Council, City Manager, and all the departments for helping him with the annual audit. He stated there is a lot of information, but the main point was the C.A.F.R. was an unqualified clean audit. Mr. Deal stated the cash flow was down; however, that income was invested in Capital Assets. He said there was a \$1,258,000 decrease in fund balance which is a little less than 21 % of the total annual expenditures. He stated the annual expenditures funds were used to avoid having to borrow funds using accumulated resources for the Police Station and other capital projects. He said the City has it in the budget to build that fund balance back up in the next year or so. Mr. Deal stated the total debt for the City decreased by \$526,000 for the year and the capital leases, the bond, and the notes increased by \$526,000. He said for audits beginning after the calendar year 2006 S.A.S. 112 requirements were changed for internal control on what we're required to report. Mr. Deal stated there were five items to mention in the audit: 1) Inventory Costing for enterprise funds; 2) Retainage Payroll. He said the new requirements states any adjustments to the financial statement results in a finding. 3) Recording receivable; 4) Proper reporting of expenditures paid by S.P.L.O.S.T. funds; 5) Payroll with holding liability accounts.

Mayor Hatcher asked Mr. Deal to summarize, in his opinion, how the City is doing. Mr. Deal stated the City's finances are well. He stressed on the decreases, but the City is re-investing infrastructure. He said the unrestricted assets and cash may be down, but the City had fortunate years in the past and was able to build cash reserve and unrestricted assets, so when it was time to building the Police Station the City did not have to issue bond money and that the City is financially strong.

APPLICATION RZ 07-12-01; LAMAR DELOACH, ET AL REQUESTS THE REZONING OF 5.91 ACRES FROM CR (COMMERCIAL RETAIL) TO R-4 (HIGH DENSITY RESIDENTIAL) LOCATED ON THE NORTHEAST CORNER OF ED MOORE COURT AND WENDWOOD DRIVE

Planning Director Jim Shaw stated this property is mostly undeveloped except for one building which houses a pawn shop. He said the surrounding area includes single family residences zoned R-15 to the southeast, property to the west that is zoned Commercial Retail and contains a self-storage facility, and industrial zoning to the northeast that includes the Claude Howard Lumber Mill. Mr. Shaw said the concept plan submitted with the application shows one entrance off of Ed Moore Court and a circular access road that runs through the property. He said the proposed 66 units would be constructed around the access drive and the building currently on the property would be demolished as part of the development. Mr. Shaw stated there is a 50 foot buffer strip along Wendwood Drive that will remain in place. He said the R-4 zoning provides a transition between the single family uses to the southeast and the commercial and industrial uses to the northeast and west. Staff and Planning Commission recommend approval.

Joey Maxwell with Maxwell-Reddick and Associates was available for questioning. He wanted to point out the town homes will have a one-car garage and a driveway. Mayor Hatcher asked if there will be any on-street parking. Mr. Maxwell stated there would not, but for a two-bedroom unit there would be a one-car garage and the driveway and on the three-bedroom units the driveway would fit two cars. Mayor Hatcher asked what would happen if a resident had a social function. Mr. Maxwell stated he could not answer that question.

Nancy Waters, of Wendwood Drive, stated she had a petition signed by the residents of Wendwood Drive against the zoning change. She stated Wendwood Drive development began development in 1965 and on her block 50% of the residents are the original owners. She stated the plan that was presented to the Council did not take into consideration the residents of Wendwood Drive. Ms. Waters stated the petition, signed by 34 residents, states our concerns regarding changing this rezoning. Ed Pullen, Ray Fry, Karen Lavender, and Dorothy Moore, all residents of Wendwood Drive, voiced their opinions on this matter and **were** strongly against the zoning change.

Joey Maxwell stated he respected the property owners' rights and opinions on the property but the property is currently zoned Commercial Retail and the community needs to hear what can go there verses what is proposed. He asked Mr. Shaw if he could read the City's Zoning Ordinance for Commercial Retail uses. Mr. Shaw read the uses. Mr. Maxwell stated some of the uses in Commercial Retail are more detrimental to the neighborhood than what he is proposing.

Councilman Britt stated he doesn't think the biggest concern is what is going there but the density that is proposed. He stated it is simply too many apartments and too many cars at one time in that area. Councilman Britt made a motion, seconded by Councilman Lewis, to deny application RZ 07-12-01. Councilman Blitch, Brannen, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

APPLICATION V 07-12-03: SEA COAST ENTERPRISES INC., REQUESTS A VARIANCE TO INCREASE THE MAXIMUM DENSITY FROM 12 UNITS PER ACRE TO 17 UNITS PER ACRE AND INCREASE THE MAXIMUM BUILDING HEIGHT TO 55 FEET FOR A PROPOSED APARTMENT DEVELOPMENT ON PROPERTY ZONED R-4 (HIGH DENSITY RESIDENTIAL) LOCATED AT THE WEST END OF HILL POND LANE, WEST OF BERMUDA RUN.

Planning Director Jim Shaw stated the applicant is proposing to construct a 192 unit apartment complex on 14 acres of the 17-acre site. He said the proposal includes 64 two-bedroom units and 128 three-bedroom units which will be divided among nine buildings. Mr. Shaw stated access is provided from Hill Pond Lane and a second access just west of the District Market Center. The density variance request to allow 17 units per acre is similar to others that have been approved in the past. Previously, the City Council has determined that density variances were justified if the overall bedroom count was less than the 48 per acre allowed by the ordinance, determined by multiplying 12 units per acre by 4 bedrooms per unit. In this case, the bedroom density is proposed to be 36.6 per acre.

Mr. Shaw stated the applicant has also requested a height variance. The limit in the R-4 district is 35 feet or three stories and this request is for 55 feet to accommodate four stories. He said the increased height for this development means the buildings will have a smaller footprint and that translates into additional landscape areas. He stated all but one of the buildings will be at least 80 feet from the adjacent property lines and that additional setback reduces the impact on the adjacent property. Staff has asked for additional landscaping within the parking lot and along the property lines to further reduce that impact. Sidewalks have been provided throughout the interior of the property and Staff feels they should be extended to the perimeter of the site to allow connection with the commercial development. Staff and Planning Commission recommend approval with the condition that sidewalks within the development be connected with the adjacent developments wherever possible.

Joey Maxwell with Maxwell-Reddick and Associates stated he was here with Dan Norman and Hal Grayson from Campus Crest Development. He said Campus Crest has looked at this property and met with the Market District owners who originally purchased the property and divided it. He stated in the negotiation with them they will be placing a fence along the front of the property segregating the residential area from the commercial area. Mr. Maxwell stated the sidewalks will join into the commercial area. He said furthermore; the Market District LLC is excited that the apartment complex is proposed for the area, because it will bring much-needed traffic for the commercial area. Mr. Maxwell handed out some architectural elevations of the buildings they are proposing.

City Manager George Wood asked why they were using an access easement instead of

dedicating that property to them. Mr. Maxwell stated that portion of the property will be sold as part of a commercial development. Mr. Wood asked if there will be a shared access point there. Mr. Maxwell stated yes. Mayor Hatcher asked for the current height limit in the Ordinance. Mr. Shaw stated 35 feet or three stories. Mr. Wood stated the real issue regarding the height is fighting a fire and the buildings will have a sprinkler system. Councilman Lewis made a motion, seconded by Councilman Blitch, to approve V 07-12-03 conditioned upon substantial compliance with the C6 Concept Plan and the density factor they submitted with a maximum of 512 bedrooms. Councilmen Blitch, Brannen, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$61,011.52 TO THE LOWEST RESPONSIVE BIDDER, TEN-8 FIRE EQUIPMENT, INC., FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE FIRE DEPARTMENT PER THE RECOMMENDATION OF FIRE CHIEF DENNIS MERRIFIELD.

Councilman Brannen made a motion, seconded by Councilman Lewis, to award the bid to Tenner 8 Fire Equipment Inc. Councilman Blitch, Brannen Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO APPROVE CHANGE ORDER #1 TO THE WESTSIDE SEWER INTERCEPTOR PROJECT IN THE AMOUNT OF \$63,809.85 TRUING UP THE ACTUAL QUANTITIES OF MATERIALS USED, PRIMARILY THE REPLACEMENT OF UNSUITABLE SOILS.

Councilman Britt made a motion, seconded by Councilman Lewis, to approve change order one to the Westside Interceptor Project. Councilman Blitch, Brannen Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO APPOINT THE VOTING DELEGATE AND AN ALTERNATE DELEGATE FOR THE GMA MAYOR'S DAY CONFERENCE IN ATLANTA.

Councilman Britt made a motion, seconded by Councilman Brannen, to nominate Councilman Gary Lewis as the voting delegate for the GMA Conference. Blitch, Brannen, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Brannen made a motion, seconded by Councilman Britt, to nominate Councilman Tommy Blitch as the alternate. Councilman Blitch, Brannen, Britt, Chance, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

REPORT FROM STAFF:

CITY MANAGER GEORGE WOOD: Mr. Wood stated Chairman Garrett Nevil, the Bulloch County Chairman has responded to the City's letter, which was sent out on December 21, 2007. Some of the comments in his letter are incorrect. An example is where he states the commissioners firmly and unanimously believe that the cost of fire protection service for citizens in the current Fire District under the City's proposal is simply more than those citizens should be paying for that service. He said they continue to say; *"The City of Statesboro's latest proposal of a single Fire District to include Statesboro and the five miles district is unacceptable to the Commissioners and again we believe under this proposal we would be*

taxing our citizens more than they should be taxed for this service.” Mr. Wood stated the City’s proposal was to take the five mile district around Statesboro and make that one taxing district. He said the example we gave two weeks ago is: he lives in the City limits and Mr. Brannen lives outside the City limits but we’re next door neighbor and both houses are valued at \$200,000, both receive class 3 ISO ratings, and receive the same response level from the Statesboro Fire Department. Then we should pay the same amount of tax to fund the Fire Department. He said this seems fair and equitable. Mr. Wood stated the Commissioners say, *“We believe under this proposal we would be taxing our citizens more then they should be taxed for this service.”* He said he thought he was a County resident. He receives a tax bill from the County at tax time. He said our proposal is to treat everybody who has the same house the same identical tax bill and they are saying their residents would be paying too much. Mr. Wood stated they’re making a distinction between City residents and County residents and we’re all County residents. He said the root of the problem is they are saying, *“We will be taxing **our** citizens”*, apparently the County does not view City residents as their citizens.

Mr. Wood stated the County does not believe the City Council can legally delegate the duty of budget appreciation for a City Department to a non-elected committee that deals with the proposed six-member Statesboro Fire District Advisory Committee. He said the City’s proposal made it clear the committee would review a proposed budget and make comments on it. He said the budget would be done by the Council but the County misinterpreted what was said.

Mr. Wood stated the County quotes in the current proposal the Mayor and City Council agreed to continue the contract under the current terms for one more year, but made it clear that was the last year they would do so. He said the County takes that to mean the City thinks it can unilaterally terminate the current agreement. Mr. Wood stated that is not what the City was saying. We said specifically we would not do it under the same dollar figure and what we were asking for was a change in the amount of the contract price.

He stated the County Manager for over a month has been saying they don’t have to negotiate; that they can unilaterally do what they want to do. Mr. Wood said the County’s letter today states the Service Delivery Agreement needs to be amended to reflect this change in the delivery of fire protection services and the County respectfully requests the City of Statesboro agree to amend the agreement to reflect this change. He said now they recognize they need our approval to change the agreement. He said the letter continues to say if the City insists on mediation the County will pursue that course promptly; however, given the Commissioners are currently in the process of establishing a Career County Fire Department to meet the need of the citizens in the current Fire District as of July 1, 2008, any agreement reached through mediation would necessarily have to take this development into account.

Mr. Wood said he does not agree with that at all. He said the mediation is to determine the best system for providing fire protection in Bulloch County and that is what the 489 Statutes say. He said basically what the County is trying to say is they will go to mediation but the City has to recognize this Fire Department is a done deal. Mr. Wood stated the Fire Department is not a done deal and under this agreement this has to be negotiated out and the citizens of this County and City have a right to know what they are going to get. He said the City still does not

have a plan from the Bulloch County Board of Commissioners for this fire department.

Mr. Wood recommends the Council to allow the Mayor to send a letter back to them and point out the discrepancy in their letter and make it clear the City intends to seek mediation on the entire issue. He said the issue is what is the best way to develop a fire protection service system for Statesboro and Bulloch County. He said he also recommends the mediation be done publicly. He said this is serious business and the public needs to know what is going on and how their fire services will be affected. He said the only thing we've heard so far is they are talking about putting a Fire Department next to our fire station. He said that is a clear duplication of service and one of the criteria in the law is there should be no duplication of service. He said the second fire station location is by the jail and the jail is in the City limits. He said the Fire Departments' service areas ought to be drawn by a series of circles across the map, then look at how to best cover Statesboro and Bulloch County, and then locate the stations as close to the center of each circle. He said you don't place a fire station on property just because you own it.

Mr. Wood stated what the City needs to do is sit down with the County, look at these maps and get the service coverage area. He said the area around the two stations in Statesboro should be covered by the Statesboro Fire Department and put the rest of the County coverage in other areas. He said why place a County Fire Station with two people around the clock next door to the City's Fire Department and you have done nothing to improve the coverage area in Brooklet?

Mr. Wood stated the City has never said the County should not go forward with enlarging their Fire Department. They need to. He said the manpower and equipment need to be placed outside this five mile area as it is covered by the Statesboro Fire Department. Mr. Wood stated the County already has eight stations. The issue is which of these stations should get the manpower? He said their plan is to take the taxpayers' money and build more stations in an area that is already covered by the Statesboro Fire Department. That is illogical. He said the City needs to go to mediation with them and point out before the mediator and the public that their proposal as it is now is clearly a duplication of services and a waste of the taxpayers' money. And it does not spread protection to other areas of the County.

Mayor Hatcher stated it was a sad day for the citizens of our community that we're playing this out in the media and having a division or a fight so to speak. He said he sent them a letter in September, 2007 stating the City wanted to begin negotiation to amend the Service Delivery Agreement that was in place. He said 30 days later we received a reply from the Chairman stating they agreed. He said there have been four sessions of negotiation together along these lines and in those sessions he never heard the proposal from the County stating they were going to create a Career Fire Department. He said Mr. Wood related to him that he had a private conversation with Tom Couch, County Manager, and he related to Mr. Wood they were not interested in getting into the Fire Suppression Business. Mayor Hatcher stated if you read the paper you hear that for a long time the County has been planning to get into the Career Fire Department. He said in four meetings this was never stated as their goals or intentions. Mayor Hatcher mentioned some key points that Mr. Wood had also spoken about. His opinions were the same as Mr. Wood and he agreed to mediation.

Mayor Hatcher stated in the letter the County sent which quotes the City saying, “*The City’s proposal states we want to stress under no circumstance would we recommend any reduction in the current staff level of the Statesboro Fire Department regardless of how these negotiation turned out.*” He said that is our stance. The City has a department that is providing excellent service. Mayor Hatcher stated if we start dismantling that program and reducing manpower then that will decrease our delivery of fire protection.

Councilman Blich stated the City needs to follow the course they set in motion, but he would also like to see some of the flaws pointed out to the County. He said he would like to move forward and send them a letter. Councilman Brannen asked if this was the last resort or can they go back. He said in the beginning the City said an 18% increase was needed from the Fire District to fund our budget. Councilman Brannen said can we go back and say 18% and then 6% the next budget year to spread it out. Mr. Wood stated the City proposed a five year phase in and one of those years has already passed. He said the \$628,000 was the estimated assessed value and what they went with was \$625,000 which is roughly 28%. Mr. Wood stated they should be paying 43%. He said the City would also like to change receiving that funding from May of each year to what they collect on a monthly basis.

Mr. Wood stated the County said it was too big of an increase. Mr. Wood gave the example of the two neighbors from the previous Council meeting. He said the issue for the City is that every year there is a delay the citizens inside the City are getting stuck with a higher tax bill. He said if the County takes the \$628,000 out of our budget to do this project they are talking about the City residents receiving a one mill property tax increase, because it will take us one mill on our tax levy to make up the \$628,000. He said when the County Manager quoted a month ago saying this should have no impact on the taxpayers of Statesboro that’s ludicrous. Mr. Wood stated you cannot take \$628,000 out of a budget and say it has no impact on the taxpayers who pay for that budget. He said if you are a property owner within the City of Statesboro the County’s plan will increase your taxes by one mil tax. Mr. Wood stated you see the logic here when they say, *our citizens*. What about the 27,000 of their citizens who are over paying right now?

Councilman Britt asked can the City and County agree to meet without mediation. Mr. Wood did not recommend that we delay the mediation. He said here is what will happen. City Attorney Sam Brannen will submit a motion to the court under the 489 statute we have reached an impasse, he will submit the letter and documents, and request under that statute we are requesting State-mandated mediation. He said that starts the process, then the court will appoint a mediator and the City will be back at the table with the County with the mediator. He said the next step it is appeal to court and a Superior Court Judge would make the decision. Mr. Wood recommends this issue needs to be done in front of the public so they can understand the issue and understand the ramifications personally for them on something this important.

Mayor Hatcher stated the City can not agree to a plan that has never been shown. He said the letter to them should state we can not agree to something we never received. Mr. Wood stated if we can’t agree by January 18th then we go to mediation. He said we need to send a

letter back to them saying we can not respond to this because you provided us with no facts on how you intend to provide fire protection and the statutes say we are to jointly negotiate the fire protection service plan County wide. Councilman Britt made a motion, seconded by Councilman Brannen, for the Mayor and City Manager to draft a letter asking what the change is the County is requesting from the letter the City received on January 2, 2008 and we need the letter back by January 18, 2008. Councilman Blich, Brannen Britt, Chance, Lewis voted in favor of the motion. The motion carried by a 5-0 vote. Councilman Lewis excused himself from the meeting at 11:22 a.m.

Mr. Wood stated he has a request from Chief York regarding the Crime Suppression Unit Grant from the Department of Justice. He said part of the grant was to have four Police officers and a Supervisor and we're requesting that Supervisor position be ranked a Sergeant. Councilman Britt made a motion, seconded by Councilman Chance, to approve the promotion for the Corporal of the new Crime Suppression Unit to a sergeant. Councilman Blich, Brannen Britt, and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Mr. Wood stated the City received a flyer from Georgia Trend Magazine and an e-mail from Peggy Chapman. Statesboro and Bulloch County is going to be highlighted in the April issue. He said the City and County has gone in together on an ad and he wanted to see if the Council would approve. Councilman Brannen made a motion, seconded by Councilman Britt, to place an ad in the Georgia Trend Magazine not to exceed \$2,000.00. Councilman Blich, Brannen, Britt, and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

DIRECTOR OF FINANCE AND ADMINISTRATION JUDY MCCORKLE: Mrs. McCorkle stated the Mayor's Day Conference is January 25 – 28, 2008 and the year end campaign reports are due.

MOTION TO ADJOURN:

Being no further business, the meeting adjourned at 11:30 a.m.