

COUNCIL MINUTES
JULY 17, 2007

A regular meeting of the Statesboro City Council was held on July 17, 2007 at 6:00 p.m. in the Council Chambers at City Hall. Present were Mayor William Hatcher, Council Members Tommy Blicht, Will Britt, Joe Brannen, Gary Lewis, and John Morris. 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 JULY 3, 2007.

Councilman Brannen made a motion, seconded by Councilman Blicht, to approve the minutes of July 3, 2007. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

RECOGNITIONS: REVEREND DONALD LOGAN

Reverend Donald Logan, Associate Minister of Elm Street Church of God, stated he was there with the pastors and members from Brannen Chapel United Methodist Church to address the issue of the motion to approve or deny the Collins request to move a house to 19 Elm Street. He stated this is not feasible and is unreasonable to the extent that the matter has been brought to the Council three times and denied three times. Mr. Logan said the Collins have expressed that the project maybe too costly for them; however, they have been encourage to go ahead regardless of the circumstances. He asked the Council to revisit the reasons for the denials and place along side them the concerns of the Churches.

Pastor Alexander Smith Jr., with Elm Street Church of God, stated this unit is too large for the lot. He said it does not allow the parking the City requires. Pastor Donald Mathis, with Brannen Chapel United Methodist Church, said at the last meeting it was stated there was no requirement for parking. He said Article 8 section 801 states parking is required within the area the house is going. Joseph Moore, Chairman of the Trustees, for Brannen United Method Church, stated his concerns are with the house being as small as it is; this will attract low income people and will bring the neighborhood down.

Mr. Logan stated the site for the final structure is in the CBD zoning and the Collins are exempt from regulations which are held in strict regard in every other zoning requirement. Mr. Logan asked does the law really state there are no requirements for parking in a CBD. He asked does the area in question meet the criteria for being declared a CBD. Mr. Logan asked when the proposal was denied three times, where is the justice in continuing to hold out in the face of common sense. He expressed concerns of the dangers to minor children, senior citizens, and handicap individuals that attend all three church ministries in that block.

Mr. Logan quoted the Municipal Code Article 8 CBD, Central Business District, sections 801 through 803. He quoted the minutes from the meeting of May 2, 2006 regarding Article XVIII of the Zoning Ordinance, page three, first paragraph. He said none of the characteristics stated fit 19 Elm Street in Statesboro and it is his opinion that, regardless of the law, 19 Elm Street does not meet the criteria for being zoned a CBD. He asked the Council to vote their conscios.

MOTION TO APPROVE OR DENY REQUEST CBD 07-06-03 BY CHARLES AND ALICIA COLLINS TO MOVE AN APARTMENT HOUSE FROM 11 BULLOCH STREET TO 19 ELM STREET.

City Manager George Wood stated the Council has not turned this down three times. Planning Director Jim Shaw has turned it down a few times so that the Collins could meet a few criteria. He said he met with the City Attorney and we do not have the legal right to require the parking because CBD does not require parking or setbacks. Mr. Wood stated at the request of the Downtown Statesboro Development Authority the City amended the Ordinance taking out the 1.5 parking spaces per apartment house. The reason was the City wanted to encourage loft apartments downtown.

Mr. Wood stated Ms. Collins asked to place four parking spaces on the lot but that would take up the whole front yard. He said his recommendation to the Council is to allow only two parking spaces. He stated he has recommended they put the building within three feet of the property line from Elm Street Church of God and nine feet on the other side. He said there is more space on the Elm Street Church of God side and they were trying to look at it from a fire protection stand point. City Attorney Sam Brannen stated the City has no legal basis to deny the requested application from the Collins. He stated the City can not tell them no on a legal basis.

Mayor Hatcher stated it is unusual to have a recognition or a statement of the case before legislation and, out of a sense of fairness; he is going to allow the Collins to make a statement so that both sides of the case are heard.

Charlie Collins stated we take pride in who we rent our properties to. This is our property and it is in our best interest to rent to suitable, respectable people. He said he would like to go over the order of events leading up to today. (1) They spoke to First United Methodist Church, who owns the house currently, regarding moving the house. (2) They searched for property zoned for apartments and found 19 Elm Street. (3) They contacted the City Planner to verify the lot was zoned CBD which allowed parking. (4) They were told there were no parking or setback requirements in a CBD. (5) They purchased the lot with the intent to move the apartment to the lot and they signed a contract with First United Methodist Church stating they would remove the house within 120 days. (6) They submitted an application and site plan to Planning Department for the June 19, 2007 meeting and they received a letter from the Planning Department stating the Planning Commission recommended denial because of inadequate parking and set backs. (7) They submitted a second site plan showing the reduction of the house allowing more setbacks and parking with a letter stating they had identified an additional five parking spaces available for lease, totaling 10 spaces. (8) The Planning Commission denied the request at the June 12, 2007 meeting stating there was not enough setbacks. (9) They submitted a third site plan showing even more reduction in the apartment to allow the setbacks and parking. (10) The Planning Commission denied it based on insufficient setbacks and overall coverage percentage of the building verses the size of the lot. (11) Mark Bruce, an attorney in Statesboro, represented them at the June 19, 2007 Council meeting and at the request of our attorney this item was tabled to the July 3, 2007 meeting. (12) On June 22, 2007 they met with the City and the City asked us to change the placement of the apartment house to allow more setbacks and, we agreed. They also wanted us to eliminate the onsite parking and lease parking from the neighboring property.

Mr. Collins stated he and his wife decided it was not feasible to invest this much money into a project and not have a right to park on their own property. He said having no parking on our

property will affect the property value, not to mention it would be extremely hard to rent the apartments out. Tenants would not be able to unload groceries, they would have to walk a distance to their home in the rain, and there is a security issue with walking ½ block away, especially if the tenant was female. He stated a CBD has no parking requirements; however, the original requirement was 1.5 parking spaces per apartment which would have been six spaces for our apartment and our original site plan was for eight parking spaces. Mr. Collins stated there was no setback requirements and, after reducing our apartment, we have sufficient setbacks. He said the setbacks will allow us to make improvements to the apartment without interfering with any neighboring property. Mr. Collins stated we want to do what is right that will satisfy the City and both parties involved. He said we have met the City's requirements in the fourth site plan regarding the placement of the house; however, it is not feasible for us to eliminate all of our onsite parking. He said site plan four shows four parking spaces and they will lease an additional four spaces from neighbors to accommodate any guest, totaling eight spaces. Mr. Collins stated in September 19, 2006, the City Council agreed to eliminate the parking requirements in a CBD. The Downtown Statesboro Development Authority agreed with the Council. He stated by eliminating the parking requirements it would encourage residential development in this district. This is an opportunity to save and restore a beautiful Victorian house and keep it in the downtown area. He said if the City's true intent and desire is to revitalize the downtown area of Statesboro by helping bring more residents to live in the downtown area, then we humbly request that the Council stand by their previous decision and approve this request.

Councilman Britt asked was the Collins request denied for lack of parking spaces and setbacks. Mr. Shaw stated a week before the meeting the Staff sends them a cover letter with a copy of the Staff and Planning Commission recommendations. Councilman Britt asked has site plan four been looked at by the Planning Commission. Mr. Wood replied no. Ms. Collins submitted this plan at the last Council meeting. Councilman Britt asked what can go in there. Mr. Wood replied any kind of retail or office. He stated the problem is this is the only lot in the CBD along College Street that is a very small lot. He said the other buildings on College Street meet setback requirements because they were standard size lots that were developed at that time. This lot was cut off the adjoining property which fronts College Street. The intent to amend the Ordinance was not to have old homes brought into the CBD, but to allow loft apartments above commercial type developments.

Councilman Lewis stated the Collins said this is the opportunity to save and restore a beautiful old Victorian house and keep it in the downtown area and if the Council does this no one will see the house. He said it is a money thing and nothing else. He said it was denied three times and the fourth time an attorney was present and it passed. He asked why? He stated there are two church buildings east toward College Street and now a Victorian home will be there that will cut it off. He said a home is being moved from behind one church to move in the path of two others.

Councilman Lewis made a motion, seconded by Councilman Morris, to deny the request. Councilman Blich asked the City Attorney if the Council votes against an ordinance, does the Council subject themselves to anything. Sam Brannen stated the Collins would be in a very powerful position to file suit for damages. Councilman Lewis stated if they file suit, the churches will stand behind the Council and the City of Statesboro. Councilman Morris stated he voted based on the interpretation of the Ordinance. It says, "CBD is to provide orderly development of a major business or commercial area of the City in accordance with future land use plans and other development in the area, and should provide uniformity of design to insure orderly arrangement of

buildings, land use, and parking area. Architectural and design arrangements of buildings are to conform to the general character of the CBD. He said based on that interpretation it does not make sense to put the apartment house there, regardless of the zoning. Councilman Lewis stated we are the City Council and we can determine what goes where. Councilman Brannen stated the ordinance says it comes to the Council with a building plan but this is an old house that is being relocated.

Councilman Britt stated his concern is not to put the Collins out because they thought what they were doing was correct, but, at the same time, the Council must listen to the neighborhood. He said the City needs to prevent these type of situations and there needs to be something put in place before anything is done, purchased, or any deal is made. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

Mayor Hatcher requested to move item 12 next due to a prior commitment and the Council agreed.

MOTION TO APPROVE OR DENY THE REQUEST OF THE STATESBORO ARTS COUNCIL TO BEGIN THEIR ENDOWEMENT DRIVE, AND TO EXTEND THE REPAYMENT DATE FOR THE CURRENT LOAN THROUGH FY 2012, PER THE LETTER FROM THE DIRECTOR TIM CHAPMAN, DATED JUNE 20, 2007.

Roger Doty, President of the Statesboro Art Council, and Tim Chapman, Executive Director, thanked the City Council for all the support shown to the Arts Council. Mr. Doty stated the Arts Council is about to complete the five year capital campaign in December and they would like to begin an endowment campaign which, over the long haul, will help the Arts Center become more financially independent. Mr. Doty said the Arts Council still owes the City \$345,000.00 and at the end of the capital campaign they will owe the City from \$158,000 to \$190,000.00. He said the Arts Council is asking to pay that debt over a four year period from the operating budget. Councilman Blich made a motion, seconded by Councilman Brannen, to approve the request by Statesboro Arts Council. Councilman Britt asked the City Manager is this in the budget to stretch this out. Mr. Wood replied yes. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT ON SECOND READING ORDINANCE #2007-20: AN ORDINANCE AMENDING CHAPTER 82 OF THE STATESBORO MUNICIPAL CODE.

Councilman Britt made a motion, seconded by Councilman Lewis, to adopt Ordinance 2007-20. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2007-36: A RESOLUTION TO APPOINT MUNICIPAL ELECTION OFFICIALS.

City Manager George Wood stated it is required, every time there is an election, for the Council to appoint the election officials. He said the Election Superintendent is Judy McCorkle and the Absentee Ballot Clerks are Lynn Dedge and Shontay Jones. Councilman Brannen made a motion, seconded by Councilman Morris, to adopt Resolution 2007-36. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2007-37: A RESOLUTION DECLARING PERSONAL PROPERTY SURPLUS AND AUTHORIZING ITS METHOD OF DISPOSAL.

Councilman Brannen made a motion, seconded by Councilman Lewis, to adopt Resolution 2007-37. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE NECESSARY DOCUMENTS TO RETURN THE EXISTING WATER MAINS WITHIN THE PROPERTY TO HOWARD LUMBER COMPANY, WHICH ORIGINALLY PAID FOR THEM, AND HAVE THE WATER AND WASTEWATER DEPARTMENT INSTALL NEW METERS AND VAULTS AS RECOMMENDED BY THE DIRECTOR OF WATER AND WASTEWATER.

City Manager George Wood stated the City installed water and sewer lines and Claude Howard Lumber paid for them. He said they're expanding and the City decided to put meters on either end and turn the interior lines over to them. Director of Water and Wastewater Wayne Johnson stated the City would put 6" meters, backflow preventers, and vaults on each line entering into the lumber yard and past our water tank. He said every time Howard Lumber wants to expand they must get permission from us because of the lines. Mr. Johnson said the lines would be Howard Lumber's responsibility and liability; so, if they continue to expand and a line blows out it is their responsibility. Councilman Blicht made a motion, seconded by Councilman Britt, to authorize the Mayor and City to execute the necessary documents to return water mains within the property of Howard Lumber Company to them and install new meters and vaults. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AWARD A BID FOR LOT A OF THE FURNISHING CONTRACT FOR THE STATESBORO POLICE STATION PROJECT.

Councilman Morris made a motion, seconded by Councilman Britt, to award the bid for Lot A to Contract Interior. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AWARD A SOLE SOURCE BID FOR SENSUS WATER METERS AND PARTS TO KENDALL SUPPLY FOR \$48,940.00, BASED UPON OUR NEED TO CONTINUE STANDARIZING OUR WATER METERS TO ELIMINATE EXCSSIVE PARTS INVENTORIES.

Councilman Brannen made a motion, seconded by Councilman Lewis, to award a sole source bid to Kendall Supply. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO APPROVE THE IT SERVICES BEING HANDLED IN-HOUSE RATHER THAN UNDER CONTRACT, PER THE RECOMMENDATION OF THE DIRECTOR OF FINANCE AND ADMINISTRATION.

Director of Finance and Administration Judy McCorkle stated the City has previously outsourced the IT services and the vendor provides us with one full time employee. She said that person is overwhelmed with the volume of work. Ms. McCorkle stated with the new e-mail exchange server, the additional needs of the Police Department, and with the City's growth,

additional help is needed. She said the City's needs will be better served to hire our own in house IT staff. Councilman Britt made a motion, seconded by Councilman Lewis, to approve the IT service being handled in-house. Councilmen Blitch, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO APPROVE THE LIST OF STREETS FOR SUBMITTAL TO GDOT IN A REQUEST FOR RESURFACING.

Councilman Morris made a motion, seconded by Councilman Brannen, to approve the list of streets for submittal to GDOT in a request for resurfacing. Councilmen Blitch, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

DISCUSSION AND POSSIBLE MOTION TO APPOINT MR. C. FRANK COBB, PASTOR, MILLER GROVE BAPTIST CHURCH, TO FILL THE UNEXPIRED TERM OF THE LATE MRS. CONSTANCE JONES ON THE BULLOCH COUNTY ALCOHOL AND DRUG COUNCIL, INC.

Councilman Brannen made a motion, seconded by Councilman Britt, to appoint Mr. C. Frank Cobb to fill the unexpired term of the late Mrs. Constance Jones on the Bulloch County Alcohol and Drug Council, Inc. Councilmen Blitch, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

DISCUSSION AND POSSIBLE MOTION TO APPOINT MR. JOHN KARRH TO FILL THE UNEXPIRED TERM OF DR. GRANT ON THE PLANNING COMMISSION.

Councilman Britt made a motion, seconded by Councilman Morris, to appoint Mr. John Karrh to fill the unexpired term of Dr. Grant on the Planning Commission. Councilmen Blitch, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

REPORTS FROM STAFF:

CITY MANAGER GEORGE WOOD: (1) Mr. Wood stated there is a work session scheduled for July 19, 2007 at 6:00 pm for discussion on the Alcohol Control Ordinance. (2) Georgia Power Company is requesting an increase before the States Public Service Commission. This will be a 7% increase on residential customers. Rates are in three parts: base charge, charge per kilo watt hour, and fuel adjustment charge. Georgia Power wants to get their base rate up to 7%. (3) He has been asked by GMA to testify on behalf of the City to a Joint Study Committee on transportation funding in Savannah. The issue at the State level is the cost of asphalt and concrete have doubled in the last three years and the State's long term planning for road construction is in jeopardy. GMA also asked the City to put in a plug for the Municipal Option Sales Tax. (4) A routine inspection at the Statesboro Solid Waste Landfill received an excellent report. (5) The annual peanut boil was last Friday, July 13, 2007, and there were 1169 people who attended it. (6) He provided the Council with a copy of an article called, "Water Wars, Will Georgia, Alabama, and Florida Ever Agree?" This article discusses the problem between the three states on the Chattahoochee River Basin and why it's dragged on for two decades.

DIRECTOR OF FINANCE AND ADMINISTRATION/CITY CLERK JUDY MCCORKLE:

(1) Ms. McCorkle stated the Council packets for this meeting were emailed to council members who have e-mail and they were also still provided with a paper copy. She said our goal is to provide the department heads and others with electronic copies where they can go to their e-mail and print it off. Councilman Morris said his came in a word font. Councilman Britt stated some of

the PDF files were weird. She said we will make some adjustments. (2) She introduced Clint Rushing as the City's new Human Resource Director.

DIRECTOR OF ENGINEERING MAZ ELHAJ: Mr. Elhaj stated there are two traffic improvement projects he would like to present to the Council. (1) At the intersection of Highway 67, Gentilly Road, and Chandler Road. The left turn lanes are back to back allowing only four cars there at any given time reducing the lane width of the two lanes to 11 feet and creating two left hand lanes at 12 feet, side by side accordingly. The concept allowed us to go from 80 feet to 200 feet and GDOT has approved this concept. Mayor Hatcher asked how many cars can be stacked there now. Mr. Elhaj stated eight cars. Mayor Hatcher asked where West Gentilly was to this highway. Mr. Elhaj said the new alignment on West Gentilly will allow the two intersections to be perpendicular. (2) This project is on Tillman Road, Zetterower Avenue, and Highway 67 dealing with the Georgia Southern traffic. When school is in session the line of cars goes down almost across from Arby's and they spill over into the thru lanes creating a physical barrier. Most students turn left onto Tillman to go toward the college. The concept is to put two left hand lanes from 67 going to Tillman. The partial lanes on 67 must be changed to one lane. Mayor Hatcher asked if there will only be one lane from Tillman going south on 67. Mr. Elhaj stated yes, the City needs to widen the road by 8 feet on the north side of this intersection on the right-of-way. (3) This is a CIP project and the objective is to place a traffic signal at Rucker Lane and 301 South on Old Register Road. This is where the BP Gas station and Cleve White Nissan are. There was a traffic study a few years ago where we found that a traffic signal is warranted at this intersection. The problem is Old Register Road is not aligned with Rucker Lane. The City took Rucker Lane all the way out and tied it to the existing pavement. Down to 301 South and Old Register Road we are installing a right hand lane. The scenario is to improve the traffic issue there and take out the four way stop and replace it with a round-about. The round-about will be near the entrance to the College of Education Building. Mayor Hatcher asked what is the projected time line on this project. Mr. Elhaj stated this will be in by the fall. .

Mr. Wood stated there was a joint study with GDOT, the City, and Georgia Southern where we identified all the points where university traffic comes back into the City. The meeting was to discuss what needed to be done with the increase in traffic and the projected growth. He said this project and Akins Blvd. are the last two projects that were on the list.

PLANNING DIRECTOR JIM SHAW: Mr. Shaw stated the Council members are registered for Planning and Zoning training on Tuesday July 31, 2007 from 9:00 to 4:00 in the Council Chambers.

There are four public hearings for the next Council meeting:

(1) Application RZ 07-07-01; Fionn E. Thomas requests a zoning change from R-15 (Single-Family Residential) to O (Office and Professional Office) for a 0.55 acre lot located at 219 Savannah Avenue.

(2) Application SE 07-07-02; Denna Hughes and Rena Woodcock request a special exception to allow a beauty salon in the O (Office and Professional Office) zoning district and a variance to reduce the required number of parking spaces from 18 to 15 for the property located at 304 South Zetterower Avenue.

(3) Application RZ 07-07-03; Scott Joyner requests a zoning change from PUD (Planned Unit Development) with a maximum density of 2.4 units per net developable acre to PUD with a maximum density of 3.4 units per net developable acre, and a change the previously approved conditions to increase the maximum number of dwelling units from 45 to 65, reduce the minimum

heated floor area of each dwelling unit from 1,750 to 1,600 square feet, and reduce the requirement of a two-car garage for each dwelling unit to an average of a one-car garage per dwelling for the entire development for a 27.02 acre tract on the west side of Cawana Road, west of Bradford Place Subdivision.

(4) Application T 06-12-08; An amendment of Article XVI, Off-street Parking and Loading, of the Zoning Ordinance to place restrictions on parking within the R-15, R-20, R-30, and R-40 zoning districts.

MOTION TO ADJOURN

Being no further business, the meeting adjourned at 8:09 p.m.