

**COUNCIL MINUTES
JULY 3, 2007**

A regular meeting of the Statesboro City Council was held on July 3, 2007 at 9:25 a.m. in the Council Chambers at City Hall. Present were Mayor Pro-Tem Joe Brannen, Council Members Tommy Blicht, 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. Absent were Mayor William Hatcher and Councilman Will Britt.

APPROVAL OF MINUTES OF JUNE 19, 2007.

Councilman Morris made a motion, seconded by Councilman Lewis, to approve the minutes of June 19, 2007. Councilmen Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

APPLICATION V 07-06-01; BRUCE LANE REQUESTS A VARIANCE TO INCREASE THE MAXIMUM ALLOWED DENSITY IN THE R-4 ZONING DISTRICT FROM 12 UNITS/ACRE TO 14.76 UNITS/ACRE AND A VARIANCE TO ELIMINATE THE REQUIRED BUFFER BETWEEN A MULTI-FAMILY USE AND A SINGLE FAMILY RESIDENTIAL ZONING FOR 2.96 ACRES LOCATED ON THE WESTSIDE OF DELOACH STREET, NORTH OF WEST JONES AVENUE AND SOUTH OF WEST GRADY STREET.

Planning Director Jim Shaw stated the applicant would like to build five buildings with eight units, totaling 40 units. Mr. Shaw stated the standard R-4 density cap at 12 units per acre would allow 36 units on the property. He said at the Planning Commission meeting the applicant stated he could reconfigure the property and provide the buffers. Staff and Planning Commission recommended approval. Councilman Lewis made a motion, seconded by Councilman Blicht, to approve application V 07-06-01. Councilmen Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

APPLICATION RZ 07-06-02; MARKET DISTRICT CENTER MSB, LLC REQUESTS A ZONING CHANGE FROM R-4 (HIGH DENSITY MULTI-RESIDENTIAL) TO CR (COMMERCIAL RETAIL) AND A VARIANCE TO ELIMINATE THE BUFFER BETWEEN A NONRESIDENTIAL USE AND A RESIDENTIAL ZONING TO ALLOW THE CONSTRUCTION OF ADDITIONAL PARKING FOR 0.636 ACRES OF PROPERTY LOCATED AT 1100 BRAMPTON AVE.

Planning Director Jim Shaw stated the applicant's request will allow additional parking for the Market District Center which is a development that includes McAllister's Deli. Mr. Shaw stated the proposed lot would include a total of 62 parking spaces. He said a ten foot landscape buffer is required along the southern and western property lines. Staff recommended approval and a variance to reduce the landscape buffer from ten feet to five feet. Planning Commission recommended approval of the rezoning and the buffer width reduced from ten feet to two feet.

Leonard Blount, part owner of the Market District Center, stated they had to purchase additional land to the rear to allow parking for employees. He said they hired Maxwell and Associates and Ellis Wood to begin the process. He stated at the last Planning meeting he requested

the set back to two feet. Mr. Blount said if they **had to meet the five feet set back** they anticipate losing 23 parking spaces. Councilman Morris made a motion, seconded by Councilman Lewis, to approve application RZ 07-06-02. Councilmen Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

APPLICATION RZ 07-06-04; THE CITY OF STATESBORO REQUESTS A ZONING CHANGE FROM R-3 (MEDIUM DENSITY RESIDENTIAL) AND R-15 (SINGLE FAMILY RESIDENTIAL) TO LI (LIGHT INDUSTRIAL) AND A VARIANCE FOR BUILDING AND PARKING SETBACKS, ELIMINATION OF BUFFER STRIPS, AND ELIMINATION OF CONSTRUCTION AND DIMENSIONAL REQUIREMENTS FOR PARKING AREAS FOR 57.52 ACRES OF PROPERTY LOCATED ON THE NORTH AND SOUTH SIDES OF BRASWELL STREET APPROXIMATELY 500 FEET EAST OF BEST STREET.

Planning Director Jim Shaw stated the City of Statesboro is requesting a zoning change. He said this property's current location is at the Public Works Department. Mr. Shaw stated the property is split zoned and by changing the zoning to Light Industrial this will correct the zoning and will make it appropriate for what takes place on the property. Councilman Blitch made a motion, seconded by Councilman Morris, to approve application RZ 07-06-04. Councilmen Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote

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.

Planning Director Jim Shaw stated the applicant is requesting approval to move an existing apartment house into a Central Business District. Mr. Shaw stated the C.B.D. section of the zoning ordinance does not specify minimum lot standards. He said there was a number of issues and the Collins have agreed to four changes to their proposal. Staff recommends approval with the four changes.

City Manager George Wood stated the reason parking was not added is because it would take up the whole front yard and the City does not allow multiple exit points from driveways coming directly onto a street. He said there is no required parking in a C.B.D.; however, if they do provide parking, they have to meet the City's standards. Councilman Lewis stated there will be four apartments without a parking area and he asked where are these residents going to park. Mr. Wood stated in a C.B.D. a person would use public parking. Councilman Lewis stated the lot is too small for this apartment. Mr. Wood stated he agrees with him; however, in a C.B.D. there are no setback requirements.

Pastor Alexander Smith from Elm Street Church of God stated the issues are the size of the building in proportion to the lot and the inadequate parking. He said this is not a favorable situation. Mr. Wood stated he agreed; however, from a legal stand point we're not on solid ground denying this. In a C.B.D. they're allowed to fill the whole lot with no parking requirements under the Ordinance. He said legally the Collins have property rights the same as everyone else and the City must respect everyone's property rights. Mr. Smith said that may be the letter of the law, but where is the regard for the spirit of the law, for the well being of community at large. Mr. Wood said he agreed, but it would not hold up in court.

The members of Brannen Chapel United Methodist Church and Elm Street Church of God voiced their concerns on this matter. Their concerns were the building is too large, the lot is too small and, where will the tenants park. They were also concerned about the tenants who will occupy this building. Where is the protection for the churches from the tenants and from possible fires? Mr. Wood stated there is a total of 38 feet between the Church of God and the apartment. He said some of the houses along College Street, which have been converted to businesses, are 35 feet from building to building. This allows enough room for the fire department to get behind the building if necessary. Mr. Wood stated again the parking it is not required in a C.B.D. Councilman Lewis asked what if they park in the church area. Mr. Wood stated an individual can not park on private property without their permission.

Reverend Mathis from Brannen Chapel United Methodist Church stated Mrs. Collins met with him to discuss leasing some parking spaces and the Church Council turned it down. He stated the parking agreement should not be obtained from the adjacent property. If an agreement can not be made, residential visitors could be tempted to park on the adjacent properties without permission. Mr. Mathis stated what the Council is not considering is the expense on the tenants for occupying the building. He said if they park on either of the churches property, they're running into a liability, because the church will have these cars towed off the property. He said both churches are also concerned as to what type of tenants will move into those apartments.

Mayor Pro-tem Joe Brannen asked Mrs. Collins how old the house was and when the last tenants lived **there**. Alicia Collins stated the house was built in 1950 and it has been a year. Mr. Brannen asked what type of improvements must be made to the house. Mrs. Collins said they plan to do extensive remodeling of the exterior and interior house including a new roof. Mr. Brannen stated it would be negligent of you not to have parking on the premises for the tenant. Mrs. Collins said yes, she also has a signed letter from the adjacent property owner, Anna Spence from Teaching Tree, for five parking spaces. Mr. Brannen asked for the terms of the lease. She said the parking spaces would run \$20.00 +/- per parking space per month and, we're looking for a one to three year lease with her.

Mr. Wood stated he has heard the concerns of the two churches and sympathies with them and agrees with them; however, the Collins are within their legal rights. Councilman Lewis asked Mrs. Collins if they could reduce the house and add a parking lot. Mrs. Collins stated in the third site plan that was submitted it showed eliminating two of the offsets if necessary. She said if we do that we would like more parking in the front. Mr. Wood said if that is done it becomes an unsafe situation because of all the cars backing out onto Elm Street and, then there is no front yard. Councilman Blich made a motion, seconded by Councilman Lewis, to table this item until the next Council meeting. Councilmen Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

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

City Manager George Wood stated a few technical changes have been made to this ordinance in this amemdment. Councilman Blich made a motion, seconded by Councilman Lewis, to adopt Ordinance 2007-20. Councilmen Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

DISCUSSION, AND MOTION TO CALL A PUBLIC HEARING ON PROPOSED ORDINANCE #2007-03: AN ORDINANCE AMENDING THE ZONING ORDINANCE PROVISION ON FRONT YARD PARKING.

City Manager George Wood stated the Staff has incorporated the five changes the Council decided on. Councilman Blitch made a motion, seconded by Councilman Morris, to call a public hearing on August 7, 2007. Councilmen Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO ADOPT RESOLUTION #2007-31: A RESOLUTION ON PERSONAL PROPERTY TAX COLLECTION.

Councilman Morris made a motion, seconded by Councilman Lewis, to adopt Resolution 2007-31. Councilmen Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO ADOPT RESOLUTION #2007-32: A RESOLUTION AMENDING THE SCHEDULE OF FEES AND CHARGES FOR THE WATER AND WASTEWATER DEPARTMENT OF THE CITY OF STATESBORO; #2007-33: SOLID WASTE DIVISION OF THE PUBLIC WORKS DEPARTMENT; #2007-34: THE SOLID WASTE DISPOSAL DIVISION OF THE PUBLIC WORKS DEPARTMENT; #2007-35: THE ENGINEERING DEPARTMENT OF THE CITY OF STATESBORO

City Manager George Wood stated he will discuss Resolution 2007-32 through 2007-35 together. He said the Budget Resolution was predicated on four different schedules of fees. (1) 2% increase on water and sewer rates and increases on tap fees to recover the cost of labor and materials. (2) 2% increase on Solid Waste Collection fees. (3) 8% increase on non governmental customers for landfill and transfer station. (4) 5% increase on building and related permit fees in the Engineering Department. Mr. Wood stated there has not been an increase in his seven years. These are inflationary increases to offset the loss of buying power over the seven year period. Mayor Pro-tem Joe Brannen asked the City Attorney if the Council can vote on all four resolutions together. Sam Brannen stated yes. Councilman Morris made a motion, seconded by Councilman Lewis, to adopt Resolution 2007-32, 2007-33, 2007-34, and 2007-35. Councilmen Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$17,750.00 TO THE LOWEST BIDDER, SAM JOHNSON CONTRACTING, FOR THE CHANDLER ROAD DRAINAGE.

Councilman Blitch made a motion, seconded by Councilman Lewis, to award a bid in the amount of \$17,750.00 to Sam Johnson Contracting. Councilmen Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote

MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR THE FINANCIAL ASSISTANCE ON THE CONSTRUCTION OF #1 BLUE DEVIL ALLEY, THE NEW ENTRANCE ROAD TO STATESBORO HIGH SCHOOL.

City Manager George Wood stated City Engineer Maz Elhaj has requested participation from the Georgia Department of Transportation for this project. He said the agreement with GDOT is for \$115,745.00. Councilman Blitch made a motion, seconded, by Councilman Morris, to authorize the

Mayor and City Clerk to execute an agreement with GDOT for assistance on the construction of #1 Blue Devil Alley. Councilmen Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote

MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE BULLOCH COUNTY BOARD OF COMMISSIONERS FOR THE FINANCING OF A CORPORATE HANGAR AT THE STATESBORO-BULLOCH COUNTY REGIONAL AIRPORT.

City Manager George Wood stated the City and County jointly own the Statesboro Airport. He said the County wants to finance a corporate hanger with a lease agreement. In order to accomplish this, they need to be the sole owners of the property. Mr. Wood said the agreement temporarily gives the City's property interest to the County until the lease is paid off with the 2007 SPLOST proceeds and then it will revert back to us. Councilman Morris made a motion, seconded by Councilman Blich, to authorize the Mayor and City Clerk to execute an agreement with Bulloch County for the airport hanger. Councilmen Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote

REPORTS FROM STAFF:

CITY MANAGER GEORGE WOOD: Mr. Wood stated Director of Wastewater Wayne Johnson is requesting the Council add to today's meeting a standard Water Sewer Agreement with Coastal Georgia Development Group. Mr. Johnson stated this is for the property located on the East side of Veterans Memorial Parkway off of North side Hwy 24 East. He said this is the first phase of development. Councilman Blich made a motion, seconded by Councilman Morris, to authorize the Mayor and City Clerk to execute a Water and Sewer agreement with Coastal Georgia Development Group. Councilmen Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote

Mr. Wood stated the Director of Bulloch County Alcohol and Drug Council Joyce Stubs is submitting the name of Mr. C. Frank Cobb, Pastor of Millergrove Baptist Church, to fill the vacancy on the Bulloch County Alcohol and Drug Council. The Council agreed to discuss the applicant when all members are present.

Mr. Wood said there is an article regarding the state wide water plan and water concerns that he would like the Council to read.

PLANNING DIRECTOR JIM SHAW: Mr. Shaw stated they still have a vacancy on the Planning Commission and if the Council knows of any person interested in serving on the board, let them know. Councilman Morris asked what the length of the term was. Mr. Shaw stated a three year term.

EXECUTIVE SESSION – PERSONNEL

Councilman Morris made a motion, seconded by Councilman Lewis, to enter into an executive session for the purpose of discussing a legal matter. Councilmen Blich, Lewis, and Morris voted in favor of the motion. The motion carried out by a 3-0 vote.

EXECUTIVE SESSION

An executive session of the Statesboro City Council was held on July 3, 2007 to discuss a legal matter. Present were Mayor Pro-Tem Joe Brannen, Council Members Gary Lewis, John Morris, and Tommy Blich. Also present were City Manager George Wood and Director of Finance and Administration Judy McCorkle. Mayor William Hatcher and City Councilman Will Britt were absent. No action was taken and the meeting adjourned at 10:27 a.m.

RECONVENED SESSION

The regular meeting of the Statesboro City Council reconvened after the executive session on July 3, 2007. Mayor Pro-tem Joe Brannen announced a personnel matter was discussed in executive session and no action was taken.

MOTION TO ADJOURN

Being no further business, the meeting adjourned at 10:29 a.m.