

**COUNCIL MINUTES
MARCH 6, 2007**

A regular meeting of the Statesboro City Council was held on March 6, 2007 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor William S. Hatcher, Council Members Will Britt, Tommy Blitch, Gary Lewis, John Morris and 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 FEBRUARY 20, 2007.

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

RECOGNITIONS: Ms. Deb Blackburn with the Amethyst Project requested approval of support for a grant for the HUD program. This project is for social services and housing for citizens in Bulloch County, Chandler County, and Evans County. She stated she would like to ask the Statesboro City Council for their support and approval. Councilman Britt made a motion, seconded by Councilman Morris to approve the support of the Amethyst Project. Councilmen Britt, Blitch, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

APPLICATION AN 07-02-02 BY SCOTT JOYNER, ON BEHALF OF INMAN MILLER, REQUESTS ANNEXATION BY THE 100% METHOD OF 24.78 ACRES OF LAND AND ZONING CHANGE FROM R-40 (SINGLE FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) FOR PROPERTY LOCATED ON THE WEST SIDE OF CAWANA ROAD, DIRECTLY ACROSS FROM BRADFORD PLACE.

Planning Director Jim Shaw stated the applicant is requesting the annexation and rezoning to construct a gated single family residential community. He stated the requirements for a PUD application is to submit a site plan for the development. The site plan submitted shows 65 single family detached homes with two entrances of Cawana Road and a 6 foot tall fence along Cawana Road. He said since this is a gated community, the internal road will be a private street that will be maintained by the homeowner's association and the association will include lawn maintenance of the development. Mr. Shaw stated the applicant's original proposal shows each home would have a minimum size of 1400 square feet with a one car garage. Mr. Shaw noted during the annexation of the property to the north the council placed several restrictions on the development which included a minimum heated floor area of 1750 square feet, two-car garages, and an all brick exterior. He stated the applicant provided a survey of the property that indicates a total acreage of 27.02 acres which is a total of 2 1/4 acres more than originally thought. He stated the pond on the property measures 8.3 acres to the top of the bank leaving approximately 18.7 acres that can be developed. Mr. Shaw stated with 65 units the density results in 3.5 units per acres. The density of the R-15 development to the north is 2.4 units per acre and if you apply the 2.4 limit to this property the result would be a total of 45 units.

Mr. Shaw stated there are a lot of aspects to the property that limits development options. With the location adjacent to the bypass, most useable property is on a narrow strip of land and there is a large pond. Staff feels it is important to note the portion of the property to the north was a narrow strip of land adjacent to the bypass and was similar to this property; yet, they requested R-15 zoning. Staff feels the proposal is not consist with the existing neighborhood and recommends denial. The Planning Commission recommended approval with conditions.

Robert Cheshire, representing the applicant, stated the reason they went with the PUD is because it gives the flexibility that is needed to develop this piece of property. He said there will be 65 homes with garages, common areas, a separate area for boats and RV's, and the lake. Mr. Cheshire stated if you took the 27 acres divided by the 15,000 square feet required in an R-15 subdivision you can get 78 homes and we are only requesting 65 homes. Mr. Cheshire stated the difference between our calculation and the staff's is they are removing the lake and we felt the lake wasn't developable but, it wasn't different from common green space area. However, if you look at the whole picture, the density itself on 65 homes would be a total of 18,100 square feet per lot. He stated the only discrepancy is the lake. Our survey shows the lake at 6.3 and the City shows the lake at 8.3 and that is probably due to the water level. City Manager George Wood asked how the City interprets water. Mr. Shaw stated it is not included as developed land in-terms. We would treat it like wetlands.

Laura Marsh with the law firm of Franklin and Taulbee, representing the applicant, stated our Federal and State Constitution guarantees us life, liberty, and the pursuit of happiness and under liberty and the pursuit of happiness falls the right to all of us to own and use property as we see fit. She said the Smith Court, which is the Georgia Supreme Court, says a zoning decision should never be exercised for private purpose or the benefit of a particular individual or class. It should only protect the public at large, and not the desires of a neighboring subdivision or individuals. She stated this property is going to be developed. The question is what is going to go there. Ms. Marsh stated Mr. Joyner spent several weeks trying to find a development that would work in Statesboro and he came up with a Charleston/Savannah old style housing development. She stated this is currently a barrow pit and he is turning it into a nice 6.8 acre pond with homes around it. A homeowner's association that will care for the lawns and well lit sidewalks and street lights. She stated there will also be a 6 foot fence along Cawana Road. Ms. Marsh stated not permitting this rezoning does not protect what the Georgia Supreme Court says are the reasons to rezone something; health, welfare, safety, or morality. She said Fire, Police, and EMS service is close by and it can be connected to City Sewer and Water so, we will not have a negative environmental impact and it will be a gated subdivision which, will slow down traffic. Ms. Marsh stated with the pond we can put it in a perpetual easement for the enjoyment of the subdivision.

Laura Regassa, a resident of Bradford Place, stated our neighborhood is well laid out with large lots which give us the feel of being in a real nice residential area. She said Mr. Joyner asked our residents to work with him and come up with something that would be acceptable and that would be consistent to our neighborhood. She stated if you look at Bradford place and look at what Mr. Joyner is requesting it will not match the zoning of Bradford Place. Ms. Regassa stated that 100% of the residents that were contacted oppose the rezoning and annexation request. She stated we are opposed to this proposal because we feel the zoning is completely inconsistent with Bradford Place and we are looking at a high density zoning area. She stated this increases traffic and the hazards that come with it and also the quality of life

will go down with the noise, trespassing and more. She said if the Council decides to go with the PUD we request that the homes be a minimum of 1750 square feet heated, two-car garages, and minimum of 75% of the homes bricked.

Hazel Hendrix from Century 21, representing the seller, stated she is a property owner at Bradford Plantation and her daughter lives in Bradford Place. She said the property will develop whether it will be for college students or a well planned gated community that will be kept by a homeowner's association. Ms. Hendrix stated the concerns are property values and noise. She said the property value will not go down with this type of development and, there is noise currently due to the bypass. Putting up a 6 foot vinyl fence will decrease the noise.

Dave Bacon of Bradford Place stated there was a program on national television last night stating people are fleeing high density areas for low density areas for a better quality of life. He stated if the Council continues the type of development Bradford Place is you will attract people that have a lot more disposable income and you will have a lot less economic negative impact on social services. The council needs to have a little bit of vision to see what's coming down the road. Mr. Bacon stated he knew the property would be developed. The Council's decision here today is what kind of neighborhood you want to have.

Several property owners voiced their concerns on the property being proposed. The main concerns were the noise, the traffic and the high density. Laura Marsh stated according to our engineers, Maxwell & Associates, we could put 20 four bedroom homes for students and we could house 60 unrelated students and even more if they're related. She said there is a difference between this piece of property and Bradford Place. This property is on the bypass and people buying Bradford Place are not the same people we want to attract to this piece of property. These homes are for first time buyers and we need some good high quality affordable housing. Ms. Marsh stated 40 of the 93 homes in Bradford Place would not meet the requirements they're asking you to put on Scott Joyner. Either they are not brick homes or not 1750 square feet under heat. She stated this is a compatible use for this particular property. The large lots you find in Bradford Place are what contribute to urban sprawl. If we continue to build on ½ acre and 1 acre lots we will eat up our entire county. Ms. Marsh said this property is within the City and within the City is where we need to put higher density areas. She said Bradford Place will not be looking at 30 homes. They will be looking at a nice vinyl fence. Ms. Marsh stated near-by property was zoned R-15, which is 15,000 square feet per resident. Now if we include the common area, the roads, and the sidewalks, we're only proposing one resident per 16,600 square feet of land.

Mayor Hatcher asked about the gravel treated area and what the visual impact from the perimeter road will be. Ms. Marsh stated they're planting a 6 foot high vegetative buffer so it is completely blocked off from the road and our resident's visual site. City Manager George Wood stated this request is for a PUD not a zoning request. He said if you were to go with an R-15 PUD the density factor would be 2.4 but, the density here, if you take the pond out of the calculation, would be almost 4. Ms. Marsh stated this is almost like a river front where you actually include the banks in the lot size all the way to the water line. Mr. Wood stated the question is what is developable and at what density factor. He said if you break it down you are looking at 4 homes to one acre which is between an R-8 and an R-10 zoning. Ms. Marsh stated if you look at the whole property being a PUD you share access to all the parking area and common area. Mr. Wood stated the problem is in a PUD you don't know visually where

the property lines are. The visual impact of this property is going to be a house every 6,500 square feet. While it may have a density of an R-10, the visual impact will be quite different and that is the impact the neighboring community is looking at. Ms. Marsh stated that is why we want a Charleston type development. Mr. Wood stated he agrees this property should be a PUD but, at what density factor. He said we have gone R-15 across the street and adjacent to this property and that allows 2.4 units per acre of developable property so, why would we do less with this property.

Councilman Britt stated if this is developed into a lower density area that does not necessarily mean traffic will be less. In my experience, when you move into a rental establishment the traffic count goes up. Prime examples are Talons Lake and South Edgewood. He said this is density verses quality. Councilman Britt stated this development has lawn maintenance. All the yards will have fenced in back yards, security systems per home, and a private area for their boats. He said that density is better than building 27 rental homes like Talons Lakes where within the first year it will be packed and the traffic count will go up. Councilman Morris stated the City is progressing out in that area and anything inside the City will have a higher density. He said the City needs growth and in that area and this proposal is the best for that area. Mayor Hatcher stated the property has come to Council about annexation into the City and what density level should be allowed. Councilman Blich stated he does not want to see the Council diminish the R-15 zoning. Councilman Brannen asked if we grant this request can the Beasley Brothers come back to change their zoning. Mr. Wood stated yes. Councilman Morris stated the 39 units are based on the 24.7 acres and it's actually 27.02 acres. He said if you did the pond at 6.6 acres that would give you a 2.4 density level which becomes a total of 49.08 units. Mr. Wood said the way they calculated it is to the main water level and we are calculating it to the bank. Councilman Morris stated if you did the pond at 8.3 you still have 45 units. Mr. Wood said you should set the density factor on a specific number of units and then there is no question about the lake. Councilman Brannen made a motion, seconded by Councilman Lewis, to approve the annexation and zoning request of a PUD with the stipulation of an R-15 overlay and the homes having 1750 under heat with a two-car garage and a brick veneer or comparable exterior with 45 units. Councilman Brannen, Blich, and Lewis in favor of the motion and Councilman Britt and Councilman Morris voted to deny the request. The motion carried by a 3-2 vote. Laura Marsh stated she wanted to note for the record that we constitutionally object to the square footage being constitutionally discriminatory. She believes, constitutionally, the City cannot actually add that requirement. Mr. Wood stated if Mr. Joyner constitutionally feels that way then he does not have to annex into the City.

MOTION TO ADOPT ON SECOND READING ORDINANCE #2007-08: AN ORDINANCE TO ANNEX PROPERTY INTO THE CITY OF STATESBORO, GEORGIA.

Planning Director Jim Shaw stated Mr. Jennings has agreed to the five conditions and has already contracted the traffic study which is the first item. Councilman Lewis made a motion, seconded by Councilman Britt to approve Ordinance 2007-08. Councilmen Britt, Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Britt made a motion, seconded by Councilman Lewis, that the property annexed and the recent one on 301 North, East of Veterans Memorial Parkway be zoned according to the

plan submitted. Councilmen Britt, Blich, 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 #2007-09: AN ORDINANCE AMENDING THE MUNICIPAL CODE, CHAPTER 6, REGARDING ALCOHOLIC BEVERAGE SALE (EXEMPTION FOR MOVIE THEATERS).

City Manager George Wood stated the Alcohol Control Board recommended clarifying the language in the Alcohol Ordinance allowing a theater to charge different ticket prices for movies for senior citizens and youth. Councilman Morris made a motion, seconded by Councilman Lewis, to approve Ordinance 2007-09. Councilmen Britt, Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT ON FIRST READING ORDINANCE #2007-10: AN ORDINANCE AMENDING THE MUNICIPAL CODE, CHAPTER 62, REGARDING THE RESIDENTIAL SUBDIVISION INCENTIVE PROGRAM.

City Manager George Wood stated single family residential development is taking place outside the City limits and the primary reason for that is because outside the City the developers do not need to hook up to City sewer and water. He said the cost to develop outside the City limits was less expensive. Mr. Wood said the incentive program would set criteria on how to evaluate the developments. He said the primary criteria would be the Cities relative cost per lot to fund the incentive program including the cost of major sewer lines to the property, minus any capital cost or recovery fees or similar reimbursement cost to offset some of these cost to the City. Mr. Wood stated if the City does not do this we maybe incentivizing some areas that are not as good a location as others and therefore will not have as marketable value and that maybe a miss use of our limited resources. The primary purpose of this is to encourage single family development within the City limits. Councilman Blich made a motion, seconded by Councilman Morris, to adopt Ordinance 2007-10. Councilmen Britt, Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2007-12: A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN MUNICIPAL RECORDS.

Councilman Brannen made a motion, seconded by Councilman Britt, to adopt Resolution 2007-12. Councilmen Britt, Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2007-13: A RESOLUTION TO DECLARE A POLICE SERVICE WEAPON SURPLUS AND PRESENT IT TO A VETERAN OFFICER.

City Manager George Wood stated Captain Wendell Turner has submitted his resignation. Mr. Turner has put in 13 years of dedicated service to the Police Department. Mr. Wood stated by law we have to declare his weapon as surplus and authorize it to be disposed in order to present it to him. Councilman Britt made a motion, seconded by Councilman Morris, to adopt Resolution 2007-13. Councilmen Britt, Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2007-14: A RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS AND AUTHORIZING ITS DISPOSAL (VEHICLE).

City Manager George Wood stated Public Works Director Bobby Colson is requesting 4 units from the Police Department, based upon age and condition, to be declared surplus. He stated we would like to do this by the electronic auction process. Councilman Brannen made a motion, seconded by Councilman Britt, to adopt Resolution 2007-14. Councilmen Britt, Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2007-15: A RESOLUTION DECLAIRING CERTAIN PROPERTY SURPLUS AND AUTHORIZING ITS DISPOSAL (HAWTHORNE ROAD REMAINDER PARCEL).

City Manager George Wood stated this is to declare a 35 foot wide strip of road on Hawthorne Road surplus. He said the adjoining property owner requested acquiring this road. His complaint was the property is being turned up with mud. Mr. Wood said the City could quit claim it to the owner. Mr. Wood stated he should point out he was the developer in the area and he dedicated the street to the City and we felt since he deeded us the property we should deed it back to him. Councilman Morris made a motion, seconded by Councilman Lewis to adopt Resolution 2007-15. Councilmen Britt, Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO APPROVE APPLICATION SUB 07-02-03, FOR A PRELIMINARY PLAT REQUESTED BY STATESBORO BLUES, LLC, DIVIDING 61.26 ACRES INTO 104 LOTS ZONED R-15 FOR PROPERTY LOCATED ON THE EAST SIDE OF PACKINGHOUSE ROAD, 450 FEET SOUTH OF ACORN LANE.

Planning Director Jim Shaw stated much of this property is covered with wetlands and no development. He stated the lots shown on the plat meet the R-15 zoning standards. He said access will be from a single entrance along Packing House Road and all the internal roads will be constructed by City standards. Mr. Shaw stated there are still some provisions that need to be made and the applicant has been working with us to take care of those provisions. Staff and the Planning Commission recommend approval. Mayor Hatcher asked is one entrance on Packing House Road sufficient for public safety. City Manager George Wood stated they prefer two, but with the lay of the land there is no way to do two entrances. Councilman Britt made a motion, seconded by Councilman Lewis, to approve application 07-02-03 for a preliminary plat requested by Statesboro Blues. Councilmen Britt, Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AWARD A BID FOR 4 FORD CROWN VICTORIAN POLICE CRUISERS TO THE LOWEST BIDDER WHEN WARRANTY WORK IS CONSIDERED, ROZIER FORD, IN THE AMOUNT OF \$84,668.60 (\$21,167.15 EACH)

Captain Mike Chapel stated there is a cost increase of \$49.30 per car due to the fact Ford went up on their price since the November bid expired. City Manager George Wood stated this was not Ford's fault. We held onto this for a while. He said then the cost becomes \$21,216.45 each with a total cost of \$84,865.80. Councilman Morris made a motion, seconded by Councilman Lewis, to award the bid for 4 Ford Crown Victorian Police Cruisers to the lowest bidder Rozzier Ford. Councilmen Britt, Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AWARD A BID FOR 2 DODGE CHARGERS (FULLY EQUIPED) TO THE LOWEST BIDDER, CARL GEGORY, IN THE AMOUNT OF \$49,572.00.

Councilman Lewis asked if these are pursuit vehicles. Captain Chapel stated these are for administrative purposes; however, any vehicle used by the Police Department is considered pursuit vehicles. Councilman Lewis asked how many officers does the City have. Captain Chapel stated we are currently 6 short with a total of 63 officers. Councilman Britt made a motion, seconded by Councilman Lewis, to award a bid for 2 Dodge Chargers (fully equipped) to the lowest bidder, Carl Gregory. Councilmen Britt, Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE A FEE WITH THE RECOMMENDED WIRELESS INTERNET CONSULTANT, CIVITIUM, FOR FURTHER APPROVAL BY THE MAYOR AND CITY COUNCIL.

City Manager George Wood stated this motion and the following motion are connected so he will discuss them both together. Council agreed. Mr. Wood stated the City authorized us to seek qualifications from consultants for wireless internet and telecommunication. He stated we are looking at vendors that could help us look at various options on a Wireless Internet System. Mr. Wood stated this goes anywhere from the City owning and operating a system, to the City owning a system and contracting with a company like Earthlink to operate and manage it. He stated Civitium is our recommended choice.

Our recommendation on the telecommunication is Elert and Associates. The City has had the same phone system for 10 years and with a new Police Station we are looking at updating the phone system. He stated we also want to do a systematic review of our phones as a complete system in the City. Mr. Wood stated we actually wrote the RFQ in two separate implementations, one for the Police Department and the other for the rest of the City.

Councilman Britt made a motion, seconded by Councilman Blich to authorize the City Manager to negotiate a fee with the recommended wireless consultant, Civitium. Councilmen Britt, Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AUTHORIZE THE CITY MANGER TO NEGOTIATE A FEE WITH THE RECOMMEND TELECOMMUNICATIONS CONSULTANT, ELERT AND ASSOCIATES, FOR FURTHER APPROVAL BY THE MAYOR AND CITY COUNCIL.

Councilman Britt made a motion, seconded by Councilman Blich, to authorize the City Manager to negotiate a fee with the telecommunications consultant, Elert and Associates. Councilmen Britt, Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

REPORT FROM STAFF:

CITY MANAGER GEORGE WOOD: Mr. Wood stated last Friday and Saturday the community retreat was held and he thought it was a real good retreat. Secondly, he gave a presentation for Habitat for Humanity's executive directors in Athens and they wanted to know more about our partnership with habitat and how they might duplicate that in other areas in the state. Mr. Wood stated this Friday and Saturday GMA is having a training session here. He said we will be doing a presentation for them on downtown revitalization including the art

center project, the parking lot, the Willie McNeal Trail and other areas we have done in Statesboro to try to spur redevelopment downtown.

OTHER BUSINESS:

Councilman Lewis Thanked everyone for their cards and flowers while he was out sick and now he is doing much better. Also, the Statesboro Blues will be at the Telfare Square Museum on March 16, 2006 to tip off the Irish Day.

Judy McCorkle stated a few employees lost their loved ones recently Annette Waters lost her father Sunday night and JR Halloway lost his mother.

MOTION TO ADJOURN.