

**COUNCIL MINUTES
MAY 1, 2007**

A regular meeting of the Statesboro City Council was held on May 1, 2007 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor William S. Hatcher, Council Members Will Britt, Tommy Blich, Gary Lewis, 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 Assistant City Engineer Brad Deal. Absent was City Engineer Maz Elhaj.

APPROVAL OF MINUTES: APRIL 17, 2007

Councilman Blich made a motion, seconded by Councilman Britt, to approve the minutes of April 17, 2007. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

Mayor Hatcher recognized Mr. Kent Brannen's civics class from Southeast Bulloch High School for attending the Council meeting.

APPLICATION RZ 07-04-02; K STATE, LLC REQUEST A ZONING CHANGE FROM CR (COMMERCIAL RETAIL) TO PUD/CR (PLANNED UNIT DEVELOPMENT WITH COMMERCIAL RETAIL OVERLAY) TO ALLOW THE CONSTRUCTION OF TWO SEPERATE FAST FOOD RESTAURANTS WITH COMMON PARKING AND ACCESS FOR A 2.05 ACRE PARCEL LOCATED AT THE NORTHEAST CORNER OF INTERSECTION OF BUCKHEAD DRIVE AND BRANNEN ROAD.

Planning Director Jim Shaw stated the applicant is requesting the rezoning to allow the construction of two separate fast food restaurants with common parking and access. He said rezoning to PUD will allow two options for development. 1) The property owner could sell or lease the individual building footprints and all other property would remain in common ownership. 2) The property would be subdivided in a traditional manner, but function as one development with shared access and parking. Mr. Shaw said a variance would need approval for the parking lot setback because of the possible division line; the setback of three feet would not be met. Staff and Planning Commission recommend approval of the requested rezoning and the variance on the parking facility setbacks.

Joey Maxwell with Maxwell Reddick was available for questions. City Manager George Wood said the driveway coming off of Brannen Street is close to the intersection and it looks impossible to get out. Mr. Maxwell stated they shifted the driveway over and added drive-thru lanes so people can circulate around the parking lot and get back out onto Buckhead Drive. Mayor Hatcher asked what happens, under this proposal, to the required setbacks. Mr. Maxwell stated the setbacks would stay the same except there would be no setbacks between the parking areas. He stated they have revised another site plan to add another area adjacent to the drive-thru to control the flow of traffic. Councilman Morris made a motion, seconded by Councilman Lewis, to approve the rezoning of K State, LLC. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

APPLICATION AN 07-04-03; MAXWELL REDDICK, ON BEHALF OF CJV, LLC, REQUESTS ANNEXATION BY THE 100% METHOD AND ZONING CHANGE FROM HC (HIGHWAY COMMERCIAL) TO PUD/CR (PLANNED UNIT DEVELOPMENT WITH COMMERCIAL RETAIL OVERLAY) TO ALLOW THE CONSTRUCTION OF A

MULTIPLE TENANT COMMERCIAL BUILDING FOR A 0.87 ACRE PARCEL LOCATED ON STAMBUCK LANE APPROXIMATELY 1500 FEET WEST OF HIGHWAY 67.

Planning Director Jim Shaw stated the applicant is requesting annexation and rezoning to allow the construction of a multi tenant commercial building. He said the request shows a 5,000 square foot building divided into four individual tenant spaces. Mr. Shaw said the applicant has stated that could change according to the needs of the tenants. He said the site plan shows a self service ice machine and an ATM machine located on the eastern end of the property. Mr. Shaw stated the commercial building would require 25 parking spaces and the ice machine would need 2 parking spaces. He said the 25 parking spaces that remain would be sufficient for retail use; however, if there are restaurants then the parking requirements may or may not be met.

Mr. Shaw stated staff is concerned about the one-way traffic flow on the property, especially the tight areas on the eastern side and at the front. He said a 10 foot landscape buffer is required along the northeast property line adjacent to the Garden District. The applicant is requesting a variance to the buffer requirements as part of the PUD approval. Mr. Shaw stated the applicant is also requesting a variance for the height of the ground sign from 15 feet to 30 feet. He stated the sign is 600 feet from the edge of the bypass. Staff feels the property itself does not relate to the bypass and there is no reason to allow additional sign height. Staff and Planning Commission recommended approval of the annexation and rezoning, but denial of the sign height variance. The Planning Commission recommended reducing the landscape buffer from 10 feet to 3 feet with a 6 foot high wooden fence with climbing vines or shrubs.

Joey Maxwell, with Maxwell Reddick, stated he agrees with all the Staff and Planning recommendations except for the landscape buffer. He said he agrees to the 6 foot wooden fence but not the vegetation because there is a 200 foot detention basin. Mr. Maxwell said the detention basin is man made and has never been maintained and the basin is on the Garden District property.

Mr. Wood said the map shows there is a 20 foot sewer easement going through the middle of this property. Director Wastewater Wayne Johnson stated the sewer line has been relocated around the property.

Councilman Britt made a motion, seconded by Councilman Morris, to approve annexation and a zoning change for CJV, LLC to allow construction of a multi-tenant commercial building and to reduce the landscape buffer from 10 feet to 3 feet with a 6 foot wooden fence. 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 #2007-12: AN ORDINANCE TO ANNEX PROPERTY INTO THE CITY OF STATESBORO, GEORGIA (SCOTT JOYNER PROPERTY ON CAWANA ROAD).

Planning Director Jim Shaw stated at the last meeting the Council discussed approval of this annexation with the following conditions: 1) PUD with an R-15 overlay; 2) Maximum of 45 single family residences; 3) Each home would have a minimum heated area of 1,750 square feet; 4) Each home would have a minimum 2 car garage; and, 5) Each home would have a brick veneer or comparable material. Mr. Shaw said staff has recommended one more condition: 6) a revised site plan or subdivision plat shall be submitted for review and approved by the Planning Commission and City Council prior to the subdivision of the property or issuance of a building permit for the property. Councilman Brannen made a motion, seconded by Councilman Blich, to adopt

Ordinance 2007-12 with the conditions stated. Councilmen Britt, Blitch, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO APPROVE THE ZONING OF PROPERTY OF SCOTT JOYNER ANNEXED BY ORDINANCE #2007-12 AS PUD-PLANNED UNIT DEVELOPMENT WITH AN R-15 OVERLAY FOR DENSITY; A MAXIMUM OF 45 SINGLE-FAMILY RESIDENCES; EACH HOUSE TO HAVE A MINIMUM HEATED AREA OF 1,750 SQUARE FEET; EACH HOUSE TO HAVE A GARAGE MINIMUM OF TWO AUTOMOBILES; AND EACH HOUSE TO HAVE AN EXTERIOR OF BRICK VENEER OR COMPARABLE MATERIAL SUCH AS HARDY PLANK; AND A REVISED SITE PLAN OR SUBDIVISION PLAT MUST BE SUBMITTED FOR REVIEW AND APPROVAL BY THE PLANNING COMMISSION AND THE CITY COUNCIL PRIOR TO THE SUBDIVISION OF THE PROPERTY OR ISSUANCE OF ANY BUILDING PERMIT FOR THE PROPERTY.

Councilman Brannen made a motion, seconded by Councilman Morris, to approve the zoning of the property on Cawana Road for Scott Joyner which was annexed in by Ordinance 2007-12. Councilmen Britt, Blitch, 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 #2007-13: AN ORDINANCE TO ANNEX PROPERTY INTO THE CITY OF STATESBORO, GEORGIA (SOUTHERN LIVING PROPERTY ON US 301 NORTH).

Councilman Brannen made a motion, seconded by Councilman Morris, to adopt Ordinance 2007-13. Councilmen Britt, Blitch, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO APPROVE THE ZONING OF PROPERTY OF SOUTHERN LIVING PROPERTIES, LLC ANNEXED BY ORDINANCE #2007-13 AS HOC-HIGHWAY ORIENTED COMMERCIAL.

Councilman Brannen made a motion, seconded by Councilman Morris, to approve the zoning of Southern Living Property which was annexed in by Ordinance 2007-13. Councilmen Britt, Blitch, 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 #2007-14: AN ORDINANCE TO ANNEX PROPERTY IN TO THE CITY OF STATESBORO, GEORGIA (AFFORDABLE HOME BUILDERS, INC. AND JMB DEVELOPERS).

Planning Director Jim Shaw stated this is property the Council considered back in November in a public hearing. He said there is a 35 acre parcel that fronts Bird Lane which is proposed R-10 zoning. He said the other annexed property is between Bird Land and Lanier Drive and contains 6 acres and it will be incorporated into the property to the east. Mr. Shaw stated both the annexations came to Council with a positive recommendation from the Planning Commission and staff. Councilman Brannen made a motion, seconded by Councilman Britt to adopt Ordinance 2007-14. Councilmen Britt, Blitch, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2007-24: A RESOLUTION DECLAIRING THAT A PORTION OF BIRD LANE RIGHT-OF-WAY, AND AUTHORIZING ITS DISPOSAL BY QUITCLAIM DEED.

City Manager George Wood stated he recommends the Council close Bird Lane. He said after discussing it with the City Attorney this can be accomplished by a quitclaim deed. Mr. Wood stated we do not need the road and this will be developed as one solid parcel. Councilman Britt made a motion, seconded by Councilman Morris, to adopt Resolution 2007-24. Councilman Blich said back when this was brought to Council, at the property where Carol Nesmith lives there was going to be a way she could exit to the right and get back onto the highway. Mr. Wood asked Planning Director Jim Shaw if this was one of the conditions. Mr. Shaw stated no. Mr. Wood suggested the Council table this item so they may look into this. Councilman Blich made a motion, seconded by Councilman Brannen, to table Resolution 2007-24. 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 #2007-15: AN ORDINANCE AUTHORIZING A CAPITOL COST RECOVERY FEE FOR THE EXTENSION OF WATER AND SEWER TRUNK LINES INTO AREAS WITHIN AND ADJACENT TO THE CITY LIMITS.

City Manager George Wood stated the City has been working with Hussey, Gay, Bell, and Deyoung to come up with the means to develop major trunk lines for key areas around the City. This ordinance authorizes the creation of a Capital Cost Recovery Fee. He said this fee allows the City to borrow the money for larger areas with a GEFA Loan for 20 years. He said the City would establish the district, impose the fees on the district, and then calculate the fee based on what it would cost for the water and sewer lines in the district. Mr. Wood stated the City would collect the CCR fees at the time the building permit is issued for a new development. He stated the City would separate the source of revenue within the water and sewer fund for accounting reasons and it can only be appropriated to pay the principle and interest on the outstanding debt for the 20 year period. Mr. Wood stated the duration of the district would be until all the property in the district was developed. He said this will allow the City to get the major trunk lines in place. He said once this ordinance is in place the Council would adopt an area by resolution based on an engineering study. Mr. Wood stated the Council was given the first engineering study of the Southeast Quadrant Area (Cawana Road) at the budget retreat.

Councilman Brannen made a motion, seconded by Councilman Blich, to adopt Ordinance 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 ADOPT RESOLUTION #2007-21: A RESOLUTION ADOPTING MAXIMUM FEES FOR TOWING AND STORAGE OF ILLEGALLY PARKED VEHICLES.

City Manager George Wood stated this is the resolution that was tabled at the last Council Meeting. He said the information has been received from Lieutenant Roach, the regulations from the Department of Motor Vehicles, and the applications from the Public Service Commission. He said City Attorney Sam Brannen has indicated cities are authorized to regulate towing under State Statues Section 44-1-13D. Mr. Wood said now the Council must set the fees. He said there are two fees; one for towing and one for storage.

Councilman Blich made a motion, seconded by Councilman Brannen, to adopt Resolution 2007-21 with one change the maximum towing fee of \$85.00 instead of \$75.00. Councilman Britt stated cars are being towed illegally and the car owner has no idea what happen to their car. He said the Council should consider adding a fee for non-consensual towing or impound and making the fee equal to the State at \$125.00. He said the reason for this is if an individual wants a car to

be towed off a piece of property at any given hour, that takes more labor time for the towing company than someone needing their car towed because it broke down. Councilman Britt said we are not allowing for the provision of labor and cost the towing company incurs. He said the complaints he received were not because of the price being \$125.00, but where their vehicles were. Mayor Hatcher stated the comments he received is \$125.00 is an excessive amount. Chief York stated the Council is looking at only one segment of towing and that is non-consensual towing and that is what the ordinance is regarding, not impounds or other towing needs. Councilmen Blicht, Brannen, Lewis, and Morris voted in favor of the motion and Councilman Britt voted against the motion. The motion carried by a 4-1 vote.

MOTION TO ADOPT RESOLUTION #2007-25: A RESOLUTION DECLAIRING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING ITS METHOD OF DISPOSAL.

Councilman Brannen made a motion, seconded by Councilman Lewis, to adopt Resolution 2007-25. Councilmen Britt, Blicht, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO SET THE DATE OF JUNE 12, 2007 AT 5:00 PM IN THE COUNCIL CHAMBERS AT CITY HALL FOR THE PUBLIC HEARING ON THE F/Y 2008 BUDGET.

Councilman Morris made a motion, seconded by Councilman Lewis, to set the date of June 12, 2007 at 5:00 p.m. in the Council Chambers for the public hearing on the F/Y 2008 Budget. Councilmen Britt, Blicht, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ERECT SIGNS ON THE BLOCK OF WEST VINES STREET BETWEEN WALNUT STREET AND SOUTH MAIN STREET PROHIBITING ON STREET PARKING ON EITHER SIDE OF THE STREET, DUE TO THE LACK OF LANE WIDTH TO ACCOMADATE SUCH PARKING.

City Manager George Wood stated City Engineer Maz Elhaj has spoken to both property owners, Vandy's and Hugo's, regarding prohibiting street parking and they have no objection. Councilman Britt asked as the downtown area continues to grow is this something we have looked at or considered making this road one way. Mr. Wood stated if the parking is eliminated on the street, the lanes are adequate. Councilman Lewis stated we are only eliminating 13 parking spaces. Assistant Engineer Brad Deal said it's around 10 parking spaces that would be eliminated. Councilman Morris asked has the City reviewed any other interior streets within the City to see if these problems exist in any other areas. Mr. Wood stated no. He stated the problem on this street is it's a blind turn and that is where the danger for accidents occurs.

Mayor Hatcher excused himself from the Council meeting and Mayor Pro-tem Joe Brannen proceeded with the meeting. Councilman Blicht made a motion, seconded by Councilman Britt, to authorize the Public Works Director to erect signs on the block of West Vine Street between Walnut Street and South Main Street prohibiting on-street parking. Councilmen Britt, Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE AN INCREASE OF \$25,400 IN THE DESIGN CONTRACT WITH HGBD FOR APPROXIMATELY 2,200 LINEAR FEET OF ADDITIONAL SEWER

LINE FOR LINE 3 OF THE SOUTHEAST ANNEXATION AREA STUDY (CAWANA ROAD AREA).

City Manager George Wood stated the City has authorized Hussey, Gay, Bell, and Deyoung to do the initial part of this line. He said this will connect our 42 inch sewer line on the interior side of the parkway and goes into the Wastewater Treatment Plant. Mr. Wood said this will attach to that and come across to Cawana Road and then that will take us to the Coleman property. He said part of this project is to open water and sewer up to residential and part of the project is to get sewer to the Coleman track, which is a 65 acre tract on Cawana Road.

Councilman Morris made a motion, seconded by Councilman Blitch, to approve the increase of \$25,400 in the design contract with HGBD for approximately 2,200 linear feet of additional sewer. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

REPORTS FROM STAFF:

CITY MANAGER GEORGE WOOD: 1) Mr. Wood stated there is a letter in the packet from Pastor Smith at Elm Street Church of God thanking the Council for the variance request approval. 2) The Mayor received a letter from the Georgia Department of Natural Resources. We had asked for seasonal permit limits. This will allow us to handle the decreases in ammonia limits they have given us. He stated HGBD presented the information to them; however, the Georgia Department of Natural Resources turned it down because they didn't think it would be a difference from the limits recommend in the dissolved oxygen in the TMDL. 3) The State is supposed to do the TMDL analyst on every river basin in the State of Georgia. He stated Statesboro would fall under the Ogeechee River because Little Lots Creek flows into there. 4) He stated he was not clear at the budget retreat regarding the Occupational Tax Ordinance. He wanted to clarify if the Council wanted a work session on this or to go straight to a public hearing. Mayor Pro-tem Brannen asked what the Council wanted to do on this matter. The Council decided a work session for front yard parking and the Occupational Tax Ordinance would be on May 8, 2007 in the Council Chambers at 6:00 p.m.

DIRECTOR OF FINANCE AND ADMINISTRATION/CITY CLERK JUDY MCCORKLE: Ms. McCorkle stated at the budget retreat a memo was given to the Council regarding the city's liability insurance recommending changes in the deductibles which would save money on the premiums. She stated the liability deductibles would increase from \$1,000 to \$10,000 and the remainder of the insurance coverage deductibles would increase from \$1,000 to \$5,000. The renewal date for the insurance is May 1, 2007 and Council would need to take action to authorize this change. Councilman Morris made a motion, seconded by Councilman Lewis, to approve the changes to the deductibles from \$1,000 to \$10,000 for liability and from \$1,000 to \$5,000 on the remainder deductibles in the insurance coverage. Councilmen Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADJOURN

Being no further business, the meeting adjourned at 10:15 a.m.

