

**COUNCIL MINUTES  
NOVEMBER 21, 2006**

A regular meeting of the Statesboro City Council was held on November 21, 2006 at 6:00 p.m. in the Council Chambers at City Hall. Present were Mayor William S. Hatcher, Council Members Tommy Blitch, Gary Lewis, John Morris and Joe Brannen. Absent was Councilman Will Britt. Also present were Director of Finance and Administration Judy McCorkle, City Attorney Sam Brannen, Planning Director Jim Shaw, and City Engineer Maz Elhaj.

**APPROVAL OF MINUTES OF NOVEMBER 7, 2006.**

Councilman Brannen made a motion, seconded by Councilman Blitch, to approve the minutes of the November 7, 2006 meeting. Councilmen Blitch, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**PUBLIC HEARINGS:**

**APPLICATION AN 06-10-03; TERRY MOTLEY, ON BEHALF OF AFFORDABLE HOME BUILDERS, INC, REQUESTS ANNEXATION BY THE 100% METHOD OF 35.01 ACRES OF LAND AND ZONING CHANGE FROM PDR (PLANNED DEVELOPMENT RESIDENTIAL) TO R-10 (SINGLE FAMILY RESIDENTIAL) FOR PROPERTY LOCATED ON THE EAST SIDE OF BIRD LANE APPROXIMATELY 800 FEET SOUTH OF THE INTERSECTION OF BIRD LANE AND LANIER DRIVE.**

Planning Director Jim Shaw stated the annexation was tabled at the last Council meeting and the applicant has provided a revised proposal in response to the concerns that were raised. He stated they are still requesting R-10 zoning; however, the lots located at the southern boundary will be a minimum of 15,000 square feet each and a landscape buffer with a 6-foot high fence and evergreen shrubs will be placed along the southern boundary. He stated that staff continues to feel the R-10 zoning is appropriate as it provides a logical transition from the existing high-density apartment development immediately south of the parkway, to the medium-density apartment zoning on the next property, and finally to this property which would have medium-density single-family zoning with R-10. Staff recommends approval of the annexation and R-10 zoning with the conditions agreed to by the applicant.

Robert Cheshire, a representative for Terry Motley, stated they addressed the two primary concerns expressed at the last Council meeting. He stated they increased the minimum size of the lots along the southern property line to 15,000 square feet and they are putting a fence and shrubs along the entire southern boundary. Mr. Cheshire stated the property with R-10 zoning would equal out to about 4 lots per acre and the larger lots on the southern boundary would actually be under 3 lots per acre. Laura Marsh, a representative from the law firm of Franklin and Taulbee stated one of the concerns at the last Council meeting was the extent the value of the surrounding properties will be diminished if this was approved. Ms. Marsh stated some of the surrounding property now is in terrible condition and this will be a nice brick development with restrictive covenants and a homeowner's association. She stated they increased the lot size by 50% along the southern boundary and agreed to add a buffer. Ms. Marsh stated the R-10 zoning allows the most efficient use of the property.

Hal Roach, representing Carol Nesmith, stated Ms. Nesmith's concerns are still that the R-10 zoning will be packing approximately 100 lots in the area and this development will almost certainly become college rentals. He stated there will be cars parked on lawns, parties, and a lot of police cars and ambulances. Mr. Roach stated the more you pack people in an area, the greater the problems; so, we request the City stick with the R-15 zoning that was discussed at the previous meeting. John Budack stated he owns property in the area and would like to see the property held at R-15. He stated his concerns were the traffic conditions in and around most apartment complexes which is horrendous and dangerous. He stated he would like the Council to address some kind of traffic control. Mr. Budack asked how much the City will be spending on streets and water and sewer for this project. He stated he felt the developers should pay for this instead of the City. Mayor Hatcher stated the City will not be providing assistance of any kind.

Councilman Blich made a motion, seconded by Councilman Brannen, to annex the property by the 100% method and to change the zoning to R-10 with the conditions that the lots on the southern boundary will be restricted to a minimum lot size of 15,000 square feet, the developer will place a five-foot wide buffer consisting of a six-foot high opaque fence and evergreen shrubs along the south boundary, except that the buffer will continue across the southwestern lots in line with the remainder of the buffer, and the four lots near the southwestern corner of the development that adjoin the Nesmith property will be reduced to two lots. Councilmen Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

**APPLICATION AN 06-10-04; JMB DEVELOPERS, INC REQUESTS ANNEXATION BY THE 100% METHOD OF 4.94 ACRES OF LAND AND ZONING CHANGE FROM PDR (PLANNED DEVELOPMENT RESIDENTIAL) TO R-10 (SINGLE FAMILY RESIDENTIAL) AND A PUD W/R-4 OVERLAY (PLANNED UNIT DEVELOPMENT) FOR PROPERTY LOCATED AT 5 LANNIER DRIVE, ON THE EAST SIDE OF LANIER DRIVE, SOUTH OF THE INTERSECTION OF BIRD LANE AND LANIER DRIVE.**

Planning Director Jim Shaw stated this property is to the west and northwest of the property that was just considered. The developer has proposed that the zoning assigned to the property be the same as the two parcels immediately to the west, so the southern half would be R-10 with the same restrictions that were just approved and the northern half would be PUD with an R-4 overlay as was approved for the property immediately east of it last year. That would allow this property to be combined with the larger parcels on the east side of Bird Lane, close Bird Lane itself, and allow those developments direct access to Lanier Drive. The staff and Planning Commission recommend approval. Robert Cheshire, representative for JMB Developers, Inc. stated this request will allow the property to match with the previous annexation and the property north of it. Laura Marsh, a representative from the law firm of Franklin and Taulbee, stated they intend to keep this consistent with the adjoining property.

Hal Roach, representing Carol Nesmith, stated since the Annexation 06-10-03 has passed he did not have much to say; however, he asked whether the driveways on the southern portion would be separate or tied together. He stated they are shown combined, but they are zoned separately. Mr. Roach stated that after this is approved they can bring back a different proposal for the property. He stated we would request that the property south of the southern

entrance be zoned R-15. Mayor Hatcher stated he understands his concerns but the Council has the final approval of the subdivision plans.

Councilman Morris made a motion, seconded by Councilman Brannen, to annex the property by the 100% method and to change the zoning of the southern portion to R-10 with the same conditions as the previous case and to change the zoning of the northern portion to PUD w/R-4 overlay. Councilmen Blich, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

Councilman Blich left the meeting for a brief period.

**MOTION TO AUTHORIZE CHRISTMAS BONUSES OF \$75.00 IN THE NET PAY AFTER FICA FOR ELIGIBLE EMPLOYEES AND BOARD MEMBERS.**

Director of Finance and Administration Judy McCorkle stated this is the yearly Christmas bonus for our employees and Boards. We are requesting the Council include the Alcohol Control Board members this year. Councilman Brannen made a motion, seconded by Councilman Lewis, to authorize the Christmas Bonuses of \$75.00 in the net pay after FICA for eligible employees and Board Members including the Alcohol Control Board. Councilmen Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

Councilman Blich returned to the meeting and Councilman Brannen left the meeting for a brief period.

**MOTION TO AWARD A 2 YEAR CONTRACT, CONTINGENT UPON ANNUAL REVIEW OF SERVICE, CONTINGENT UPON ANNUAL REVIEW OF SERVICE, IN THE AMOUNT OF THE COST PER ITEM ON THE ATTACHED BID SCHEDULE TO UNIFORMS BY PATRICK IN SAVANNAH, GEORGIA FOR F/Y 2007 AND 2008 FOR UNIFORMS FOR THE STATESBORO POLICE DEPARTMENT.**

Chief Stan York stated there were 5 bids submitted and he recommends Uniforms by Patrick; however, if the Police Department does not receive good service or if orders are not in a timely fashion, he will reevaluate the bid award and make a recommendation. Councilman Morris made a motion, seconded by Councilman Blich, to award the contract, contingent upon annual review of service to Uniforms by Patrick in Savannah, Georgia. Councilmen Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

**MOTION TO APPROVE A WAIVER OF BOTH THE APPLICATION FEE AND THE PER DIEM FEE FOR THE TEMPORARY VENDORS REQUIRED BY SECTION 18-2 (c) OF THE CITY'S CODE OF ORDINANCE FOR VENDORS PARTICIPATING IN THE DOWNTOWN HOLIDAY CELEBRATION ON DECEMBER 7, 2006, AS REQUESTED BY THE DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY.**

Director of Finance and Administration Judy McCorkle stated this waiver would be for vendors for the annual Downtown Holiday Celebration as we have done in recent years. Councilman Morris made a motion, seconded by Councilman Blich, to waive the application fees for temporary vendors on December 7, 2006 for the Downtown Holiday

Celebration. Councilmen Blicht, Lewis, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

Councilman Joe Brannen returned to the meeting.

## **REPORTS FROM STAFF:**

**DIRECTOR OF FINANCE AND ADMINISTRATION JUDY MCCORKLE:** Mrs. McCorkle stated we would like you to authorize increasing the maximum deferral that an employee can make into his flexible spending account from \$2,400 to \$3,000. The last time we increased this was in 2005 when we went from \$1,800 to \$2,400. Councilman Blicht made a motion, seconded by Councilman Morris, to authorize an increase in the maximum deferral an employee can make into their flexible spending account to \$3,000. Councilmen Blicht, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

Mrs. McCorkle stated we will have two terms expiring on the Alcohol Control Board at the end of this year. The two vacancies will be a citizen at large seat and a licensee seat. Mrs. McCorkle stated there will be a recommendation on these appointments at the next meeting and she asked the Council if they knew of any one interested or had recommendations to get them to her before the next meeting.

## **DIRECTOR OF PLANNING AND ZONING JIM SHAW:**

Application AN 06-11-01; Whispering Pines Statesboro, LLC requests annexation by the 100% method of 1.73 acres of land and zoning change from R-25 (Single-Family Residential) to R-10 (Single-Family Residential) for property located on the east side of Cypress Lake Road approximately 1300 feet north of Veterans Memorial Parkway.

Application V 06-11-02; Statesboro Mall, LLC, requests a variance to reduce the number of required parking spaces from 1766 to 1479 for the Statesboro Mall and Theatre located on the south side of Highway 80 East and the east side of Lovett Road.

Application V 06-11-03; Beezer's Gourmet Sandwich Shop Inc, on behalf of T. Holmes Ramsey Jr., requests a variance to reduce the number of required parking spaces from 296 to 129 to construct a restaurant within University Plaza on the southwest side of Georgia Avenue, approximately 350 feet southeast of its intersection with Chandler Road.

Application V 06-11-04; Jenning-DeLoach Properties, LLC requests a variance to reduce the number of required parking spaces from 62 to 52 for property located at 839 Buckhead Drive.

Application AN 06-11-05; Lotts Creek Developers, LLC requests annexation by the 100% method and zoning change from R-25 (Single-Family Residential) and R-40 (Single-Family Residential) to R-15 (Single-Family Residential) for 9.69 acres located on the west side of Cawana Road and 20.0 acres on the east side of Cawana Road, immediately north of Bradford Place and approximately 1400 feet south of Railroad Bed Road.

Application RZ 06-11-06; Mary Brown, on behalf of herself and Clintina Watts, requests rezoning from R-4 (High Density Multi-Family Residential) to CBD (Central Business District) to allow the operation of a daycare center for property located at 109 Broad Street.

#### **EXECUTIVE SESSION**

An executive session of the Statesboro City Council was held on November 21, 2006 to discuss a legal matter. Present were Mayor William Hatcher, Council Members Gary Lewis, Joe Brannen, John Morris, and Tommy Blicht. Absent was Councilman Will Britt. Also present were City Attorney Sam Brannen, Director of Finance and Administration Judy McCorkle. No action was taken.

#### **RECONVENED SESSION**

The regular meeting of the City Council reconvened at 7:15 p.m. Mayor Hatcher announced there was no action taken in the executive session.

#### **ADJOURNMENT**

Being no further business, the meeting adjourned at 7:17pm.