

**COUNCIL MINUTES  
NOVEMBER 7, 2006**

A regular meeting of the Statesboro City Council was held on November 7, 2006 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, and Joe Brannen. Absent was Councilman 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 OCTOBER 17, 2006.**

Councilman Brannen made a motion, seconded by Councilman Blitch, to approve the minutes of October 17, 2006. Councilmen Britt, Blitch, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**PUBLIC HEARING:**

**a) APPLICATION V 06-10-01; GEORGE DICKENS REQUEST A 10 FOOT VARIANCE OF THE 50 FOOT SETBACK REQUIRED FROM RESIDENTIAL ZONING DISTRICT AND A PARKING VARIANCE TO ALLOW 12 SPACES INSTEAD OF THE REQUIRED 17 SPACES FOR THE PROPERTY LOCATED AT 713 SOUTH MAIN STREET.**

Planning Director Jim Shaw stated the applicant is requesting two variances for construction of a 60 foot by 60 foot commercial building and a parking lot. In the HOC district the Zoning Ordinance requires a setback of 50 feet from any district line and 20 feet from any property line. He stated the applicant is requesting an extra 10 feet to place a building 40 feet from the district line. Mr. Shaw stated the parking guidelines for a bookstore in a building of this size requires a minimum of 17 parking spaces and the applicant is proposing 12 spaces. The Staff and Planning Commission recommended denial.

Patty Dickens stated she would like to start a book store from that location. She stated a book store does not have the influx of people at any given time; so 12 parking spaces will be plenty. Catherine Dickens stated she owned the residential property behind the store and there are plenty of parking spaces without infringing on her residential property. She stated since the property belongs to us no one will be hindered by this arrangement. Mayor Hatcher stated half of the lot on the south portion adjoins property belonging to Mary Sue Hodges and her property will also be affected. Councilman Britt asked Mr. Shaw what will make this comply. Mr. Shaw stated if they change to a rectangular shape building they can easily get it back into the setback area. He stated then they can reconfigure the parking behind the building as well as the front of the building; which will allow them 17 parking spaces.

Councilman Lewis made a motion, seconded by Councilman Brannen, for to deny the request for a 10 foot setback and parking variance for 12 parking spaces. Councilmen Britt, Blitch, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**b) APPLICATION RZ 06-10-02; ROBERT BYRD, REQUEST REZONING FROM R-6 (SINGLE FAMILY RESIDENTIAL) TO CR (COMMERCIAL RETAIL) AND REQUEST A 5 FOOT VARIANCE OF THE 25 FOOT FRONT YARD SETBACK REQUIRED ALONG ROUNDTREE STREET AND MARTIN LUTHER KING JR.**

**DRIVE, A 15 FOOT VARIANCE OF THE 25 FOOT REAR YARD SETBACK REQUIREMENT, AND A VARIANCE OF THE 10 FOOT BUFFER REQUIREMENT ALONG THE NORTH PROPERTY LINE FOR A 0.16 ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF MARTIN LUTHER KING JR. DRIVE AND ROUNDTREE STREET.**

Planning Director Jim Shaw stated the applicant is proposing a 20 foot by 40 foot two story commercial building with a basement. The top floor will be utilized for offices, the main floor for a retail business, and the basement for a storm shelter. He stated the proposal does not adhere to the Zoning Ordinance in regards to setbacks, buffers, and parking. Mr. Shaw stated the site plan shows a 20 foot front yard setback, a 10 foot side yard setback, and a 10 foot rear yard setback. The Zoning Ordinance states the setback for a commercial building is 25 foot front yard setback, a 25 foot rear yard setback, and a 10 foot side yard setback. He stated the Ordinance requires buffers along the western and northern property lines at a minimum of 10 feet wide. Mr. Byrd provided a revised drawing at the Planning Commission meeting that showed a smaller that would not require any variances. Mr. Shaw stated there are businesses immediately to the south that are legal nonconforming uses. There are other commercial uses to the north. Martin Luther King Jr. Drive serves as a collector and its traffic and the nearby commercial development make this property less desirable for residential use. The rezoning is justified but the variances are not. Staff and Planning Commission recommended approval of the rezoning and denial of the variance. Robert Byrd stated a variance is not needed at this time.

Councilman Lewis made a motion, seconded by Councilman Brannen, to approve the rezoning from R-6 to CR and to deny the variance. Councilmen Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**c) 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 land adjacent to the north was annexed into the City in 2001 and was rezoned to PUD/R-4 in 2005 with a maximum density of six units per acre. He stated the applicant is requesting annexation of this property and a zoning change. The proposed R-10 zoning provides a logical transition from the higher density residential development on the north to the single family residential on the south. He stated the Staff and Planning Commission recommended approval. Robert Cheshire a representative for Terry Motley was present for questions. City Manager George Wood stated this was the plan when the City first started annexing the previous property. The staff wanted to see a transition from the existing high-density apartment development adjacent to the Bypass to lower-density apartments and then single-family residential. He stated the next item on the agenda deals with the property to the east of this property and to the east of the PUD and those would have the same zoning. With that, we would be able to take out portions of Bird Lane. He stated the citizens who live on Bird Lane would enter and exit through Lanier Drive; which is a paved road.

Alice Budack stated closing Bird Lane would seriously affect the residents in the area and Lanier Drive has a heavy amount of traffic due to Langston Chapel. She stated she did not see a proposal that would control or help with the traffic congestion. Attorney Hal Roach representing Mrs. Nesmith stated her property is on the corner of Bird Lane and Bird Road. He stated her parcel is 3 acres and all the parcels in the area are rather large. To put a house on 10,000 square foot lot would look cramped together verses all the other homes in the area. Mr. Roach stated the City has some options on the property, they can put conditions on the property or it could be changed to an R-30 or R-40. He stated the less density the better for the community. Mr. Wood stated this is an urban area and the definition of an urban area is more compact development. When an urban area grows, it grows with a higher density than the rural areas.

Councilman Britt made a motion, seconded by Councilman Blicht, to annex in by the 100% method and change the zoning from PDR to R-15 with a buffer on the south side. Mr. Wood stated the Council needs to make a motion saying this is what they intend to do at the next meeting. He also stated if the applicant wants to go forward with the annexation, it is their option. Councilman Britt made a motion, seconded by Councilman Blicht, to table this request until the next council meeting. Councilmen Britt, Blicht, Brannen, and Lewis voted in favor of the motion to table. The motion carried by a 4-0 vote.

**d) APPLICATION AN 06-10-04; JMB DEVELOPERS, INC REQUEST 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 PUD (PLANNED UNIT DEVELOPMENT) WITH AN R-4 OVERLAY FOR PROPERTY LOCATED AT 5 LANIER DRIVE, ON THE EAST SIDE OF LANIER DRIVE, SOUTH OF THE INTERSECTION OF BIRD LANE AND LANIER DRIVE.**

Planning Director Jim Shaw stated the property was owned by JMB Developers, Inc who also owns the 35.02 acre parcel to the east that was annexed into the City in 2001. He stated the applicant is requesting annexation and zoning change from PDR to R-10 for the 2.5 acres of land directly west of the property previously considered and annexation and zoning change from PDR to PUD with an R-4 overlay for the 2.44 acres immediately west of the PUD property to the north. This will allow the future closing of Bird Lane and permit both developments to have direct access on Lanier Drive. Robert Cheshire a representative for JMB Developers was present for questions.

Councilman Britt made a motion, seconded by Councilman Lewis to table this until the next council meeting with the intent to annex in by the 100% method and a zoning change PDR to R-10 and PUD with an R-4 overlay and the R-15 would be on the southern portion to match the current annexation, with a buffer. Councilmen Britt, Blicht, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**e) APPLICATION RZ 06-10-05; DNA PROPERTIES, LLC REQUESTS REZONING FROM R-15 (SINGLE FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR SINGLE-FAMILY ATTACHED DWELLING UNITS WITH A DENSITY OF 5.3 UNITS PER ACRE FOR PROPERTY LOCATED ON THE EAST SIDE OF ZETTEROWER ROAD, NORTH OF ALDRED AVENUE AND 250 FEET SOUTH OF JEF ROAD.**

City Manager George Wood secluded himself from this discussion due to the fact he lives on Jef Road. Planning Director Jim Shaw stated the applicant is requesting the rezoning to PUD (Planned Unit Development) to allow construction of 15 single family attached dwelling units. He stated the applicant is proposing a density of 5.3 units per acre and the density of the surrounding properties is between 2 and 3 units per acre. Mr. Shaw stated the Staff and Planning Commission recommend approval with a density of 3.53 units per acre, which would allow a total of ten units on the property.

Tim Durden representing DNA Properties stated he has been approached by many senior citizens regarding more accessible living for senior citizens. He stated he could develop 7 houses and 7 driveways on the property, but it is hard to back out of the driveway safely. With town homes; however, there would be 10 units and a single entrance and exit, which would be much safer. Mr. Durden stated these are 2 bedroom 2 bath town homes with handicap access and ample parking for the seniors including 2 parking spaces for each resident. He stated this is far better living for the senior citizens and safer.

John Karrh, Gene Curry, Herb Schaff, Gary McCubbins, Eleanor Schneider, and many other homeowners spoke against the rezoning. Their concerns were that the town homes would actually be duplexes and there was nothing requiring this to be for seniors. Several homeowners made the comment that a group of students could move in and vandalize the area, bringing violence and heavy drinking, along with loud parties. The neighborhood would no longer be peaceful; however, 7 houses would be better for the community. Mr. Karrh stated the properties are zoned R-15 and to change it would make it incompatible with the area. He stated you can call them town homes or duplexes; but however you look at them, they are still just homes and assisted living for seniors has rules and control. There is no control here. He stated this will decrease the value of our homes and bring in more traffic. Ms. Schneider asked where are the covenants that protect the neighborhood and what is the vision of Statesboro. She stated Statesboro was known as the Dogwood city, but the trees keep getting cut down to put in more population. Mr. Durden stated he respects all the concerns and he is not going to clear cut the land.

Councilman Blich made a motion, seconded by Councilman Brannen, to deny the rezoning from an R-15 to a PUD with a density of 3.53 units per acre. Councilman Britt stated he got a better look at the plan and he prefers the town homes verses the 7 homes and 7 driveways. He stated the town homes have 35 parking spaces, 10 garages and handicap accessibility seems more sensible. Councilman Britt stated the main concern is the density and this is actually less density compared to 7 houses. Councilmen Blich, Brannen, and Lewis voted in favor of the motion. Councilman Britt voted against it. The motion carried by a 3-1 vote. The request was denied.

**f) APPLICATION V 06-10-07 RICHARD F. MARZ REQUESTS A VARIANCE TO REQUIRE 77 PARKING SPACES INSTEAD OF 102 FOR THE PROPERTY LOCATED AT 441 SOUTH MAIN STREET.**

Planning Director Jim Shaw stated the request is for the Midtown development across from RJ's. He stated an approval of the PUD was granted for the site to allow separate ownership of each of the buildings and common ownership of the parking. Since then, the entire front portion of the property was sold to Dr. Marz and he has completed one building with two restaurants and a wine store. He is constructing another building that will house a restaurant, banquet room, and two retail spaces. He stated the applicant is requesting a

variance to require 77 parking spaces instead of 102. Mr. Shaw stated the applicant made an argument that Wrapsody Grill and Midtown Coffee House peak hours are morning and mid-day and Christopher's will be open in the evening hours only for dinner. He stated with the different hours the applicant feels 77 parking spaces are more than enough. Staff was unable to recommend anything at the time it went before the Planning Commission, due to the late submittal of the application, but stated at that meeting staff has previously recommended denial of requests that were the result of actions taken by the owner. That appeared to be the situation here. The Planning Commission recommends denial.

Richard Marz, part owner of Christopher's, stated he did a traffic survey in the month of October and it concurred that 70.6 percent of the business was before 5:00 pm, and 4 percent of the business was after 5 pm and, Christopher's will be open after 5:00 pm. He stated the banquet room that requires 26 spaces is not based on the number of seats but based on the square footage, 1 person per 15 square feet. It will be open on Tuesday, Wednesday, and Thursday for business luncheons. He stated the number of seats in the whole development is 98 and we have a deficit of 20 parking spaces and the hours of operation differ with the three restaurants.

Jerry Sapp, the owner of the rear property that is undeveloped, stated the original plan for Midtown shows one restaurant that seats 150 people and parking accessible for the plan and now there is more seating that requires more parking spaces. Mr. Sapp stated this plan was developed based on the guidelines of the City and represents 12 percent of the square footage capacity for the whole development and the parking represents 30 percent. He stated the amount of parking on the original plan was extremely high because they wanted to make sure it was adequate. Mr. Sapp stated now, based on the square footage, just for the front we have 68 percent of the total square footage that is dedicated to restaurant space and there is not enough parking. He is asked for denial of the variance because the parking is an issue and when you give a variance for parking by 25 percent you are killing the development. Mr. Wood asked how the parking is split. Mr. Sapp stated Mr. Marz owns the front parking and he owns the rear parking. He stated he had a signed agreement allowing Mr. Marz and himself for access to cross over each other's property. Mr. Marz stated the agreement is for shared parking.

Councilman Britt made a motion, seconded by Councilman Lewis, to approve the variance requiring 77 parking spaces for the property located at 441 South Main Street. Councilmen Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO ADOPT RESOLUTION #2006-35: A RESOLUTION TO ADOPT THE FIRST BUDGET AMENDMENT TO FISCAL YEAR 2007 BUDGET.**

City Manager George Wood stated at the end of each fiscal year we have a number of projects that have not been completed and in our first budget amendment we adjust for these projects. Councilman Brannen made a motion, seconded by Councilman Britt, to approve Resolution #2006-35 to adopt the first budget amendment for fiscal year 2007. Councilmen Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO ADOPT RESOLUTION #2006-36: A RESOLUTION APPROVING THE UNCOLLECTABLE PERSONAL PROPERTY TAX BILL LIST.**

City Manager George Wood stated this is to write off \$735.62 in personal property taxes. He stated Georgia law states we can write off personal property taxes that are uncollectible for one reason or another. Councilman Britt made a motion, seconded by Councilman Brannen, to adopt Resolution #2006-36 to approve the uncollectible personal property tax. Councilmen Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO ADOPT RESOLUTION #2006-37: A RESOLUTION REGARDING THE PUBLIC SERVICE COMMISSION'S HEARING ON GEORGIA POWER COMPANY'S FRANCHISE FEES.**

City Manager George Wood stated the Georgia Municipal Association is requesting we adopt this Resolution. Councilman Blich, made a motion seconded by Councilman Brannen, to adopt Resolution #2006-37 regarding the Public Service Commission's hearing on Georgia Power Company's Franchise Fees. Councilmen Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO ADOPT RESOLUTION #2006-38: A RESOLUTION AMENDING THE JOB POSITION CLASSIFICATION AND COMPENSATION PLAN (AMEND. #3)**

City Manager George Wood stated we had a miscommunication with Dr. Condrey regarding the three pay plan appeals in October 2006. He stated The Gas Operator with a CDL license, Senior Gas Operator with a CDL or Pipeline Welding Certificate, and Gas Supervisor with a Pipeline Welding Certificate should go up one grade instead of one step. Councilman Brannen made a motion, seconded by Councilman Blich, to adopt Resolution #2006-38 amending the job classification and compensation plan. Councilmen Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO AWARD A CONTRACT IN THE AMOUNT OF \$45,000 TO MCCI/MUNICIPAL CODE CORPORATION TO PROVIDE FOR THE SCANNING OF 300,000 IMAGES OF THE CITY'S OFFICIAL RECORDS.**

Director of Finance and Administration Judy McCorkle stated document scanning will be vital to advance the City's records management program. She stated the first contract is to provide for scanning 300,000 documents at \$.15 per document for a maximum not to exceed \$45,000. Mrs. McCorkle stated the second contract is for \$9,909 to purchase the software for the system. She stated we will need to purchase a scanner at a cost of \$5,967.05 and a shredder for \$1,675.00. We plan to purchase this through the GMA equipment leasing Pool.

Councilman Britt made a motion seconded by Councilman Blich, to award a contract up to \$45,000 to MCCI to provide for the scanning of 300,00 images. Councilmen Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Councilman Brannen made a motion, seconded by Councilman Blich to award the contract for \$9,909 for software from MCCI. Councilmen Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO AWARD THE SALE OF A JET TRAC 920 DIRECTION DRILL, MUD MIXING SYSTEM, TRAILER AND ACCESSORIES TO THE CITY OF WAYNESBORO FOR THE APPRAISED VALUE OF \$14,000.**

City Manager George Wood stated Jerry Colson, the City Manager of Waynesboro, has agreed to buy the drill at the appraised value of \$14,000. Councilman Blich made a motion,

seconded by Councilman Brannen, to award the sale of a Jet Trac 920 Directional Drill, mud mixing system, trailer and accessories to the City of Waynesboro for \$14,000. Councilmen Britt, Blicht, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO AWARD A BID IN THE AMOUNT OF \$39,954.50 TO CUMMINGS POWER SOUTH, A SOLE SOURCE PROVIDER, FOR THE PURCHASE OF AN ALTERNATOR UNIT FOR AN EMERGENCY GENERATOR FOR THE WASTE-WATER TREATMENT PLANT.**

City Manager George Wood stated the emergency generator for the Wastewater Treatment Plant is out of service due to the alternator unit not working. All attempts to rebuild the alternator have failed. He stated it is imperative that we get the main generator in operating condition. Mr. Wood stated the estimated cost to rebuild the emergency generator is \$39,954.50, which will be paid out of ATC Fees.

Councilman Britt made a motion, seconded by Councilman Blicht, to award a bid in the amount of \$39,954.50 to Cummins Power South for the purchase of an alternator unit for an emergency generator at the Wastewater Treatment Plant. Councilmen Britt, Blicht, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**REPORTS FROM STAFF:**

**CITY MANAGER GEORGE WOOD:** Mr. Wood stated he met with Joey Maxwell and Billy Hickman regarding the 40 GSU banners. He stated they agreed on putting them all up from December 2006 to July 4, 2007 and then afterward alternating them ½ GSU and ½ DSDA. Councilman Britt made a motion, seconded by Councilman Lewis, to put all the banners up from December 2006 to July 4, 2007 and afterward alternating the banners ½ GSU and ½ DSDA. Councilmen Britt, Blicht, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

George Wood stated Jeff Akins is working on an airport property lease. He stated the City sold 2 acres that were leased to the Horseman Association; however, the lease was never recorded. Mr. Wood stated we need to put the lease in a format without the 2 acres that were sold. Councilman Britt made a motion, seconded by Councilman Blicht, to approve the Horseman Association Lease. Councilmen Britt, Blicht, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**DIRECTOR OF FINANCE AND ADMINISTRATION JUDY MCCORKLE:** Mrs. McCorkle stated they will be getting their invitations for the Christmas party to be held on December 8, 2006 at 6:30 pm. She stated she has provided the Council with GMA training information. Mrs. McCorkle stated if you have not received your certification you need to take the required classes first and then electives for your certification.

**EXECUTIVE SESSION**

An executive session of the City Council was held on November 7, 2006 to discuss possible litigation. Present were Mayor William Hatcher, Council Members Gary Lewis, Joe Brannen, Will Britt and Tommy Blicht. Absent was Councilman John Morris. Also present were City Manager George Wood, City Attorney Sam Brannen, Director of Finance and Administration Judy McCorkle. No action was taken and the executive session adjourned at 1:50 pm.

### **RECONVENED SESSION**

The regular meeting of the City Council reconvened at 1:51 p.m. Mayor Hatcher announced there was no action taken in the executive session.

### **OTHER BUSINESS:**

Mayor Hatcher stated the American Legion V.F.W. had sent a letter regarding the illegal immigrants in Georgia. He stated in Hazleton, Pennsylvania Mayor Lou Barletta has begun the fight against illegal immigrants and has created an ordinance on this behalf. He said if you would like anymore information on this matter go to [www.smalltowndefenders.com](http://www.smalltowndefenders.com).

### **ADJOURNMENT**

Being no further business, the meeting adjourned at 1:53 pm.