

**COUNCIL MINUTES  
OCTOBER 2, 2007**

A regular meeting of the Statesboro City Council was held on October 2, 2007 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor William Hatcher, Council Members Tommy Blich, Will Britt, Joe Brannen, 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.

**APPROVAL OF MINUTES: SEPTEMBER 18, 2007.**

Councilman Morris made a motion, seconded by Councilman Britt, to approve the minutes of September 18, 2007. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**RECOGNITIONS: RESOLUTION #2007-46: A RESOLUTION HONORING THE SERVICE OF MR. THOMAS WILSON.**

Mayor Hatcher stated Thomas Wilson, Assistant Director of Information Technology Services at Georgia Southern University, has been volunteering his time to help the City of Statesboro hire a consultant for the City's telecommunication and broadband wireless services. The City honored Mr. Wilson with Resolution 2007-46 for his services. Mayor Hatcher read the Resolution. Councilman Brannen made a motion, seconded by Councilman Britt, to adopt Resolution 2007-46. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**APPLICATION AN 07-09-01; BIRD LANE, LLC REQUESTS ANNEXATION AND A ZONING CHANGE FROM PDR (PLANNED DEVELOPMENT RESIDENTIAL) TO R-4 (HIGH DENSITY RESIDENTIAL) FOR 2 AND 4 BIRD LANE.**

Planning Director Jim Shaw stated this property consist of two lots that have been developed with apartment buildings and single family residents. This annexation is a logical extension of the City's boundaries and the R-4 zoning corresponds to the existing development of the property. The Planning Commission and staff recommended approval. Councilman Britt made a motion, seconded by Councilman Lewis, to approve application AN 07-09-01. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**APPLICATION RZ 07-09-02; JAMES B. LANIER, JR. REQUESTS A ZONING CHANGE FROM O (OFFICE AND PROFESSIONAL OFFICE) TO R-3 (MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL) FOR A 0.68 ACRE PARCEL LOCATED AT THE NORTHEAST CORNER OF NORTH ZETTEROWER AVENUE AND WOODROW AVENUE.**

Planning Director Jim Shaw stated this is an odd shape lot with frontage on three streets and it is adjacent to a creek. He said the creek is classified as state waters and requires a 25 foot buffer from the edge of the banks. He said the applicant is requesting the construction of two duplexes on the property. Mr. Shaw said the lots to the east front on Woodrow Circle and the lots to the north front Woodrow Avenue and they are both developed single family residential. To the south side of Woodrow Avenue are two churches and further to the east are apartments. The staff feels that office zoning is more compatible with the near by commercial uses and the vehicular traffic along Zetterower Avenue. Staff recommended denial and the Planning Commission recommended approval.

James Lanier was present on behalf of his sons, Joe and Jerry Lanier, and he stated they

purchased the property a year ago for an office for his a construction business. He said the process was started in November; however, since they never received approval his son lost the tenant for the other side of the building. He said they decided not to build the office and began looking at other uses and the next best use was duplexes. Mr. Lanier said the Zetterower area is mixed uses ranging from Church buildings, fuel depot, car wash, rentals, and stores. He said we're proposing the construction of duplexes with access to Woodrow Circle and no access on Zetterower. He said we plan to try and leave a buffer between Zetterower and the duplex to minimize the appearance of the duplex to Zetterower. Councilman Blich made a motion, seconded by Councilman Britt, to approve application RZ 07-09-02. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**APPLICATION V 07-09-04; HUBERT CLARK REQUESTS A VARIANCE TO REDUCE THE SIDE YARD SETBACK ALONG THE EAST PROPERTY LINE FROM 15 FEET TO 4 FEET TO ALLOW THE CONSTRUCTION OF A CARPORT ADDITION AT 204 NORTH EDGEWOOD DRIVE.**

Planning Director Jim Shaw stated the applicant would like to construct a carport at the east end of his house. He said that end is approximately 37 feet from the side property line and the proposed carport would be four feet from the line. Staff and Planning Commission recommended approval.

Hubert Clark stated, on behalf of his mother-in-law who is 91 years of age, stated he is building a carport for her. Mr. Clark spoke to Bob Conley who owns the property that he will infringe on and Mr. Conley has no problem with the infringement on his property. Councilman Britt made a motion, seconded by Councilman Brannen, to approve application V 07-09-04. 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 #2007-25: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING THE PLACING OF YARD WASTE FOR COLLECTION.**

Councilman Morris made a motion, seconded by Councilman Lewis, to adopt Ordinance 2007-25. 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 FIRST READING ORDINANCE #2007-26: AN ORDINANCE TO ANNEX PROPERTY INTO THE CITY OF STATESBORO, GEORGIA.**

City Manager George Wood stated this is the Ordinance annexing in the two properties previously discussed on Bird Lane. Councilman Brannen made a motion, seconded by Councilman Britt, to adopt Ordinance 2007-26. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**MOTION TO ADOPT RESOLUTION #2007-42: A RESOLUTION TO ADOPT THE FIRST AMENDMENT TO THE FISCAL YEAR 2008 BUDGET FOR EACH FUND OF THE CITY OF STATESBORO, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES/EXPENSES, ADOPTING THE SEVERAL ITEMS OF REVENUE ANTICIPATIONS, AND PROHIBITING EXPENDITURES OR EXPENSES FROM EXCEEDING THE ACTUAL FUNDING APPROPRIATED.**

City Manager George Wood stated the first budget amendment brings forth projects that have not been completed in the previous year. He said there are two items that need to be addressed. 1)

Phase II of the Streetscape project, he recommends saving some of the 2002 S.P.L.O.S.T. fund for this project. Several other projects would be deferred until the 2007 S.P.L.O.S.T. becomes available. Mr. Wood reminded the Council that the County is getting the first 15 months of the 2007 S.P.L.O.S.T. for the jail. 2) The Police Station project where reserved funds have been used. He recommended reallocating a million dollars from the 2002 S.P.L.O.S.T. from the water and sewer projects to the Police Station project. (1) This will stop the use of reserved funds. (2) The City has under spent a number of water and sewer S.P.L.O.S.T. projects. (3) The City under spent the west side outfall G.E.F.A. loan. He said we can fund the well house on US 301 north with the remaining G.E.F.A. funds. Together this will free up the million dollars needed to fund the Police Station without using as much reserves. He stated Wayne Johnson and Van Collins are overwhelmed with projects at this time and will not get to them all. Wayne Johnson stated they had 19 projects and six new projects and the staff can not handle them all at this time, so this will free up some time for them to complete the projects they already have.

Councilman Brannen made a motion, seconded by Councilman Morris, to adopt Resolution 2007-42. Mr. Wood stated he should have added in the Resolution to formally transfer a million dollars from the water and sewer 2002 S.P.L.O.S.T. to the Police Station project. Councilman Brannen amended the motion, seconded by Councilman Morris, to include reallocating a million dollars from the 2002 S.P.L.O.S.T. fund from the water and sewer project to the Police Station project. Councilman Britt asked Mr. Wood when the City will receive the 2007 S.P.L.O.S.T. Mr. Wood said the first amount will be in December but all the City will receive per the agreement is the air rights money and the money for the purchase of the Cemetery expansion. He said after that we're looking at 18 months because the County borrowed 11 million of the 2007 S.P.L.O.S.T. for the jail. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**MOTION TO ADOPT RESOLUTION #2007-43: A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING ITS DISPOSAL.**

Councilman Britt made a motion, seconded by Councilman Lewis, to adopt Resolution 2007-43. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**MOTION TO ADOPT RESOLUTION #2007-44: A RESOLUTION ABANDONING THE EXISTING 20' WIDE UTILITY EASEMENT FOR AN ABANDONED SEWER LINE OVER PROPERTY OF DR. HUDSON POWELL AT 108 GENTILLY ROAD.**

City Manager George Wood stated Dr. Powell would like to expand his office; however, there is the issue of the sewer easement line. He said the City abandoned that line years ago with the Simons project. The City recommend abandoning the sewer lines over to Dr. Powell with the understanding the removal of the sewer line is at his expense. Councilman Brannen stated Wayne Johnson recommended that the City get a hold harmless agreement to protect the City in the event the contractor builds over the existing sewer line without removing it. Mr. Wood stated the Council may want to add that and he asked the City Attorney Sam Brannen if that was necessary. Sam Brannen stated no. Councilman Brannen asked if that agreement could be added in. Councilman Blich made a motion, seconded by Councilman Britt, to adopt Resolution 2007-44 also including the hold harmless agreement. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**MOTION TO ADOPT RESOLUTION #2007-45: A RESOLUTION AMENDING THE FEES**

**AND CHARGES SCHEDULE FOR THE WATER AND WASTEWATER DEPARTMENT.**

City Manager George Wood recommended the Council adopt this Resolution with the deletion of the fourth paragraph regarding the 2% increase. Councilman Morris made a motion, seconded by Councilman Lewis, to adopt Resolution 2007-45 with the exception of the fourth paragraph. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**MOTION TO CALL A PUBLIC HEARING ON THE POSSIBLE CLOSING OF WALNUT STREET FROM COLLEGE STREET TO BULLOCH STREET.**

City Manager George Wood stated the City has a request from the Trustees Board of the First United Methodist Church regarding the closure of Walnut Street between West Cherry Street and Bulloch Street. Mr. Wood provided the engineering report from Maz Elhaj and the state law on street closure to the council. He said once the street is closed the property is offered to the people on the adjoining sides and, in this case, that would be First United Methodist since they own the property on both sides.

Don Marsh, on behalf of First United Methodist Church, stated they're a church of over 1200 people with a preschool with approximately 100 students. He said we are presently in the initial stages of doing a building campaign. He said the preschool has to go across Walnut Street to get to the playground area. Mr. Marsh said if the Church is going to build any type of building or have a master plan, we need know if Walnut Street is going to be there or not. He said they understand there are utilities there and they are responsible to move them.

Councilman Lewis asked about the traffic count. Maz Elaj stated there are approximately 488 cars daily through there with 23% percent relating to the Church. Mr. Wood stated that is why we're holding a public hearing so the City can hear from the surrounding community and businesses. Councilman Britt made a motion, seconded by Councilman Morris, to call a public hearing at the next Council meeting October 16, 2007 at 6:00 p.m. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**MOTION TO APPROVE THE PRELIMINARY PLAT FOR STATESBORO CROSSING, AN 11-LOT SUBDIVISION OF A 50.04 ACRE PARCEL AT THE SOUTHWEST CORNER OF BRANNEN STREET AND VETERANS MEMORIAL PARKWAY.**

Planning Director Jim Shaw stated the plat includes a 17.7 acre lot for the shopping center and nine out lots ranging from 1.2 to 2.8 acres each for commercial development. He said lots 10 and 11 are for detention and wetlands and these lots will not be developed. He said the only significant issue found so far is lot 11, the wetlands, does not have access to a public street and even though the lot can not be developed there should be access. Mr. Shaw said the applicant has agreed to combine lots 10 and 11 into one lot. The staff and the Planning Commission recommended approval of the preliminary plat subject to approval by all reviewing agencies and departments. Councilman Brannen made a motion, seconded by Councilman Blich, to approve the preliminary plat for Statesboro Crossing. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**MOTION TO APPROVE CHANGE ORDER #4 TO THE CONSTRUCTION CONTRACT WITH POPE CONSTRUCTION FOR THE STATESBORO POLICE DEPARTMENT, TO INCLUDE TILE FLOORING IN THE DRYING ROOM FOR \$833.00.**

City Manager George Wood stated this change order is in regards to the floor in the drying room of the new Police Station. He said the people in forensics stated the floor needs to be tile in order to scrub it down. Councilman Morris abstained from the discussion and voting on this item due to a conflict of interest as a result of his company's involvement in this project. Councilman Brannen made a motion, seconded by Councilman Lewis, to approve change order #4 to the construction of the contract with Pope Construction. Councilmen Blitch, Britt, Brannen, and Lewis, voted in favor of the motion. The motion carried by a 4-0 vote.

#### **MOTION TO SCHEDULE AN APPEAL HEARING ON THE ALCOHOL LICENSE REVOCATION OF THE ORIENT EXPRESS.**

City Manager George Wood stated the City has 30 days from the date of the request to set a date for an appeal hearing. Councilman Brannen made a motion, seconded by Councilman Blitch, to schedule an appeal hearing for Orient Express at the first Council meeting in November. Councilmen Blitch, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

#### **SELECTION OF DATE FOR NIMS TRAINING FOR ELECTED OFFICIALS.**

Fire Chief Dennis Merrifield and Police Chief Stan York asked the Council to check their date books between the days of October 22 to October 27 to set a meeting with the National Incident Management System. This meeting is for the elected officials and their counter parts at the County. The course is two and a half hours long. Chief York stated the Council is not directly involved in the normal part of the on seen ISC command system or the organization. He said it is important that the Council know the roles the employees play in the event of a catastrophic incident. Councilman Morris made a motion, seconded by Councilman Lewis, to set a date for NIMS training for Tuesday October 23, 2007 at 6:00 p.m. at City Hall. Councilmen Blitch, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

#### **REPORTS FROM STAFF:**

**CITY MANAGER GEORGE WOOD:** (1) Mr. Wood said an invitation was placed in the packet from the Board of Public Safety to attend their meeting at the Nesmith Lane building on October 11, 2007. (2) He provided council with an article from the Atlanta Constitution regarding the lake levels at Lake Sidney Lanier and Lake Altoona. He said North Georgia is in fact exceeding its natural resources level and this drought is bringing the point home and that's why they're discussing the inter basin transfer. (3) The council was given a copy of the HR900 proposal from the speaker of the house which proposes doing away with property taxes. (4) He stated the Mayor had received a letter from Saxby Chambliss who agreed with the City regarding the recent bill that passed the House of Representatives, HR980; requiring collective bargaining with public safety officers. He agrees we should stay with current Georgia Law. (5) On October 5, 2007 First Friday Downtown starts 5:30 pm. (6) A meeting of the RDC Board will be held on October 10, 2007 at 10:30 a.m. where they will go over the Coastal Comprehensive Plan. (7) The Public Service Commission sent a letter to Troy Edenfield who is still complaining to them regarding the changes the City made to the towing fees. The letter states the City has a right to change the towing fee amount and if Mr. Edenfield wants to file a grievance, a hearing will be held. (8) The executive session today is no longer needed due to the fact the matter has been resolved.

**DIRECTOR OF FINANCE AND ADMINISTRATION/CITY CLERK JUDY MCCORKLE:** Ms. McCorkle said the 2007 property tax bills will be going out toward the end of next week and the

due date is December 20, 2007. She spoke to James Deal with the County and those bill are also going out next week with the same due date. She also stated next Monday is the date of the fair parade and Maggie Fitzgerald and her team has worked hard to prepare a float for the Council to ride on.

**OTHER BUSINESS:**

Mayor Hatcher stated there is an invitation to tour the new Public Works facility immediately after the council meeting.

**MOTION TO ADJOURN:**

Being no further business, the meeting adjourned at 10:13 a.m.