

**COUNCIL MINUTES
OCTOBER 3, 2006**

A regular meeting of the Statesboro City Council was held on October 3, 2006 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, 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 ON SEPTEMBER 19, 2006

Councilman Brannen made a motion, seconded by Councilman Britt to table the minutes from September 19, 2006 until the October 17, 2006 meeting. Councilmen Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

PUBLIC HEARING:

APPLICATION RZ 06-09-02: LISE TILLMAN REQUESTS REZONING FROM R-3 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL TO CR-COMMERCIAL RETAIL FOR PROPERTY LOCATED AT 17 WEST JONES AVENUE.

Planning Director Jim Shaw stated the applicant is requesting the rezoning to CR to convert the home to an office or retail shop. He stated commercial redevelopment is pushing into the area from multiple sides and a lot of homes have been converted into businesses over time. If the request is approved the primary issue will be parking. Mr. Shaw stated the site plan submitted shows proposed parking along South Walnut Street; however, it does not meet City parking requirements for commercial development. In the zoning ordinance, Article XVI states all parking lots shall be provided with an entrance and an exit; therefore, parking must be constructed at the back of the building. Staff and Planning Commission recommended approval. John Dotson, representing Lise Tillman, was present for questions.

Councilman Blich made a motion, seconded by Councilman Britt, to approve application RZ 06-09-02: a rezoning request from R-3 Medium density Multi-family residential to Commercial Retail. Councilman Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

APPLICATION RZ 06-09-03: ROBERT LARRY ALLEN REQUEST REZONING FROM R-10 SINGLE FAMILY RESIDENTIAL AND A VARIANCE TO ALLOW THE CREATION OF LOTS THAT DO NOT MAINTAIN THE MINIMUM LOT WIDTH FOR THE ENTIRE DEPTH OF THE LOTS FOR A 0.375 ACRE PARCEL LOCATED ON THE SOUTHWEST CORNER OF WEST MAIN STREET AND BAY STREET.

Planning Director Jim Shaw stated the R-10 zoning requires a minimum of 10,000 square feet and this will not be met. The owner wants to divide the property into two lots for minimal upkeep for future buyers. The applicant is requesting rezoning to R-8 which allows a minimum lot size of 8,000 square feet and this will allow him to meet the requirements. Staff and Planning Commission recommended approval. Robert Larry Allen stated his intentions for this particular neighborhood is to build houses in the area, demolition of the existing homes and replace them with affordable housing.

Councilman Lewis made a motion, seconded by Councilman Britt, to approve application RZ 06-09-03 an R-8 rezoning with 8,000 square feet to fit the minimum required lot size. Councilman Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

APPLICATION RZ 06-09-05: NEVILLE FAMILY FARM C/O LOVETT BENNETT, JR. REQUESTS REZONING R-20 SINGLE FAMILY RESIDENTIAL TO PUD PLANNED UNIT DEVELOPMENT FOR A 63.962 ACRE PARCEL LOCATED ON THE SOUTHEAST CORNER WEST JONES AVENUE AND CYPRESS LAKE ROAD.

Planning Director Jim Shaw stated the applicant is requesting the rezoning in order to develop the property into a mixed development with an assisted living facility attached and detached single family homes and commercial retail. He stated a PUD zoning will allow property to be developed with a mixture of land use without rigid zoning lines. Staff and planning Commission recommended approval with the following conditions: 1) Commercial area shall be limited to 20% of the total development. 2) Adult villa area shall be limited to 40% of the total development and a maximum density of 4.5 units per acre. 3) Assisted living facility, including required parking, shall be limited to 15% of the total development. 4) Single family residential area shall be limited to an R-10 density.

John Dotson, representing the Neville family, stated the assisted living facility is the primary concern. Becky Livingston, CEO of Bethany homes, stated they are an organization that is owned and operated by the Primitive Baptist Denomination, which has been in existence since 1923. She stated the board of trustees would like to extend their services to serve all citizens of Bulloch County. Councilman Blich asked will this be a phase in operation. Ms. Livingston stated yes, the first phase is the assisted living facility.

Councilman Blich made a motion, seconded by Councilman Lewis, to approve application RZ 06-09-05 rezoning from R-20 single family residential to a PUD. Councilman Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

APPLICATION V 06-09-06: CLEVE DAVIS REQUESTS A 14 FOOT VARIANCE OF THE 20 FOOT SIDE YARD SETBACK FOR PROPERTY LOCATED AT 302 NORTH MAIN STREET.

Planning Director Jim Shaw stated the applicant is request the setback variance to allow construction of a storage and pool house addition onto the existing garage. The addition would extend 32 feet from the front of the garage toward North Main Street and would be 24 feet wide. Staff and Planning Commission recommended approval. Cleve Davis was present to answer questions.

Councilman Brannen made a motion, seconded by Councilman Britt, to approve application #V 06-09-06 a request for a 14 foot variance of the 20 foot side yard setback. Councilman Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT ON SECOND READING ORDINANCE #2006-13: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING THE ZONING ORDINANCE (PARKING IN CBD).

Councilman Brannen made a motion, seconded by Councilman Blich, to adopt Ordinance #2006-13 amending the Code regarding the Zoning Ordinance. Councilman Britt, Blich, Brannen, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT RESOLUTION #2006-31: A RESOLUTION AMENDING THE CLASSIFICATION AND COMPENSATION PLAN OF THE CITY OF STATESBORO TO ADD A SENIOR PLANNER POSITION.

City Manager George Wood stated we would like to add a Senior Planner position to the City's Planning Department at a grade of 21. The development in Statesboro has risen and we will need help with updating the comprehensive plan. We can either hire a consultant or hire an employee and, in the long run, the employee will be more cost efficient. He stated a consultant would still need to be hired for a joint transportation project with the County and these funds would come from SPLOST.

Councilman Brannen made a motion, seconded by Councilman Blich, to adopt Resolution #2006-31: amending the Classification and Compensation Plan to add a Senior Planner Position. Councilmen Britt, Brannen, Blich, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO ADOPT RESOLUTION #2006-32: A RESOLUTION DEEDING PROPERTY TO THE BULLOCH COUNTY SCHOOL DISTRICT FOR PARKING AT STATESBORO HIGH SCHOOL.

City Manager George Wood stated the Bulloch County Board of Education is requesting the referenced land located within the right-of-way of Fleming Drive for a parking lot. Fleming Drive is divided into a two way road with a pavement width of 20 feet in each direction. He stated the right-of-way width is 100 feet. Statesboro High School needs to provide additional parking and this will give them 50 feet which will give them at least another 100 parking spaces. He stated there are four conditions in the proposed resolution that need to be included: 1) BCSD shall construct a 22 foot wide pavement road to City specifications within the City's remaining right-of-way to replace the existing Fleming Drive, including any necessary drainage using open ditches and shoulder, not curb or gutters. 2) BCSD shall be financially responsible for the relocation of any utility lines or poles within the deeded or remaining right-of-way to comply with the City's normal utility location policies. 3) BCSD shall be financially responsible for any repair of Fleming Drive needed because of heavy equipment or other construction activities on the new Statesboro High School. 4) BCSD shall design and construct the new parking along Fleming Drive in consultation with the City Engineer so that it meets the City's standards for design and construction. Mr. Wood stated this will protect the City if there are any complications.

Councilman Brannen made a motion, seconded by Councilman Blich, to adopt Resolution #2006-31 deeding property to the Bulloch County School District for parking at Statesboro High School.

Councilman Blich asked what is our responsibility regarding public awareness of Fleming Drive changes and Mr. Wood replied we can send letters out and notify the community. Councilman Britt stated from 7:30- 8:00 in the morning and 2:30 -3:15 in the afternoon the buses are coming and going and he asked will there be a problem with the

distance and space size for the buses to get in and out. City Engineer Maz Elhaj stated 22 feet wide is perfectly fine. Mr. Wood stated the busing is going to change.

Councilmen Britt, Brannen, Blich, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO AUTHORIZE THE TRANSFER OF THE CITY'S INTEREST IN THE ADECCO BUILDING TO THE DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY EFFECTIVE SEPTEMBER 1, 2007, AND TO ACCEPT TRANSFER FROM DSDA ITS INTEREST IN THE WALNUT STREET PARKING LOT, EXCEPT FOR THE SMALL PARCEL OF PROPERTY IT INTENDS TO SELL TO AN ADJOINING BUSINESS.

City Manager George Wood stated per our last meeting our concerns rested on the records stored in the Adecco Building. We are recommending a date of September 1, 2007 for the Adecco Building and the Walnut Street Parking lot transfer. He stated this will give us time to handle the records accordingly and when the new Police Department is completed in July 2007 we can use their storage for our records if needed.

Councilman Blich made a motion, seconded by Councilman Brannen, to authorize the transfer of the Adecco Building to DSDA and to accept transfer from DSDA for the Walnut Parking lot on September 1, 2007, or sooner if possible. Councilmen Britt, Brannen, Blich, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO SET THE DUE DATE FOR AD VALOREM (PROPERTY) TAXES AT DECEMBER 20TH TO MATCH BULLOCH COUNTY'S DUE DATE.

Councilman Brannen made a motion, seconded by Councilman Lewis, to set the due date for AD Valorem (property) tax for December 20th to match Bulloch County's due date. Councilmen Britt, Brannen, Blich, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO SET THE DATE OF OCTOBER 17TH AT 6:00 P.M. FOR THE APPEAL HEARING OF MICHELLE MASRI, GLEN CAMPOPIANO, AND OASIS RESTAURANT FROM THE ALCOHOL CONTROL BOARD'S ACTION FINING THEM \$2,000 AND A 30-DAY LICENSE SUSPENSION FOR A SECOND VIOLATION AND FINING THEM \$5,000 AND A 90-DAY LICENSE SUSPENSION FOR A THIRD VIOLATION.

Councilman Brannen made a motion, seconded by Councilman Lewis, to set the date of October 17, 2006 at 6:00pm for the Appeal Hearing of Michelle Masri, Glen Campopiano, and Oasis Restaurant. Councilmen Britt, Brannen, Blich, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE A TWO-YEAR RENEWAL CONTRACT WITH THE CITY SOLICITOR FOR PROFESSIONAL SERVICES.

City Manager George Wood stated this is a renewal contract for the City Solicitor with an increase of 3%. Councilman Blich made a motion, seconded by Councilman Britt, to authorize the Mayor and City Clerk to renew the contract with the City Solicitor for two more years with a 3% increase.

Councilmen Britt, Brannen, Blitch, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO AWARD A BID TO THE LOWEST BIDDER, BLOUNT AND SONS, IN THE AMOUNT OF \$159,310.50 FOR THE WEST GENTILLY ROAD AND GA. 24 SIDEWALK AND DRAINAGE IMPROVEMENTS.

City Engineer Maz Elhaj stated there are two projects, one is West Gentilly Road and the second one is Hwy 24 sidewalk and drainage improvements. He stated we took a different approach and bidded out the labor separate from the materials. We received four bids and the lowest bid was Blount and Son. We are recommending them for both projects.

Councilman Britt made a motion, seconded by Councilman Lewis, to award the bid to Blount and Sons in the amount of \$159,310.50 for West Gentilly Road and Ga. 24 sidewalk and drainage improvement. Councilmen Britt, Brannen, Blitch, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE CHANGE ORDER #2 ON THE SAVANNAH AVE/POLICE DEPARTMENT SITEWORK CONTRACT IN THE AMOUNT OF \$7,092.00.

City Manager George Wood stated we have two issues one being to utilize elliptical pipe to try to get under the gas main at Institute. Secondly to void a health and sizeable tree, so we are trying to re-route some things there. Due to the two adjustments and reasonable cost, the Engineering Department recommends approval of change order #2.

Councilman Brannen made a motion, seconded by Councilman Blitch, to approve change order #2 on the Savannah Ave/Police Department site contract in the amount of \$7,092.00. Councilmen Britt, Brannen, Blitch, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO APPROVE CHANGE ORDER #3 ON THE SAVANNAH AVE/POLICE DEPARTMENT SITEWORK CONTRACT IN THE AMOUNT OF \$32,486.00.

City Manager George Wood stated the run off water from Savannah Ave onto Gentilly Road is creating flooding. Video camera images show the structures are outdated and need replacement. In order to resolve the issue we must make a few adjustments. 1) Due to the quantity of runoff on Savannah Ave, a 24-inch concrete pipe is needed instead of 18 inches. 2) Additional drainage box, round pipes and concrete patching will be required to complete the work. He stated the total cost will be \$32,486.00.

Councilman Brannen made a motion, seconded by Councilman Blitch, to approve change order #3 on the Savannah Ave/Police contract in the amount of \$32,486.00. Councilmen Britt, Brannen, Blitch, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO AWARD A BID TO ROZIER FORD IN THE TOTAL AMOUNT OF \$39,739.00 FOR ONE ½ -TON AND ONE 1-TON PICKUP TRUCKS FOR THE PUBLIC WORKS DEPARTMENT.

City Manager George Wood stated this bid is \$269.80 higher than the lowest bid however, Rozier Ford is located in Statesboro and OC Welch Ford is located in South Carolina. He stated the greater distant to travel for warranty and factory recalls would be costly and he recommended Rozier Ford be awarded the bid. Councilman Blitch made a motion, seconded by Councilman

Britt, to award a bid to Rozier Ford in the amount of \$39,739.00 for one ½ -ton and one 1-ton pickup truck for Public Works. Councilmen Britt, Brannen, Blich, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MOTION TO AWARD A BID TO DITCH WITCH OF GEORGIA, THE LOWEST BIDDER MEETING ALL SPECIFICATIONS, IN THE AMOUNT OF \$104,027.00 FOR A REPLACEMENT DIRECTIONAL BORING MACHINE FOR THE NATURAL GAS DEPARTMENT.

City Manager George Wood stated the lowest bid was not Ditch Witch of Georgia in the amount of \$104,027.00. This is about \$9,000 more than the lowest bidder, but Ditch Witch meets all the requirements we need.

Councilman Brannen made a motion, seconded by Councilman Britt, to award the bid to Ditch Witch in the amount of \$104,027.00 for a replacement directional drill.

Mayor Hatcher asked if the drill we are replacing is going to surplus. Director of Natural Gas Steve Hotchkiss stated the City of Waynesboro is interested in buying the drill. He stated we will have it appraised and offer it to them at the appraised price.

Councilmen Britt, Brannen, Blich, 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 we took bids last week on Gateway Industrial Park Phase 2, which will be paid by the Development Authority of the County and some of the 2002 SPLOST fund. We received 9 bids and the lowest bidder was Benton Georgia Inc. at \$1,668,987.42. Director of Wastewater Wayne Johnson stated we may have a problem with this company. Mr. Wood stated if that's the case the next lowest bidder would be Tyson Utilities at \$1,682,288.60, which is \$14,000 more than the lowest bidder. Mr. Johnson stated he is researching the problem with Benton Georgia Inc. and he will have a recommendation at the next Council meeting.

Director of Finance and Administration Judy McCorkle: Mrs. McCorkle stated the Alcohol Control Board has a hearing today at 3:00 pm. Secondly, a reminder of the Fair Parade next Monday and the Council needs to be at the fire truck at Farmers & Merchants Bank at 4:30 pm.

Director of Engineer Maz Elhaj: Mr. Elhaj stated we are almost through with the installation on Beasley Road and Hwy 80 of the traffic signal. Secondly, the paving project is almost completed however; we made one change on Zetterower Ave. to make the traffic operation more efficient. Mayor Hatcher asked when is the projected time for Savannah Ave. to be completed and Mr. Elhaj replied Savannah Ave will be closed until March 2007.

Director of Planning Jim Shaw: Mr. Shaw stated application V 06-10-06: Asset Plus, on behalf of Cambridge at Southern, LLC, is requesting a 3 foot variance of the 35 foot maximum building height and a variance of 18 feet of the 648 foot required parking spaces for property located at 130 Lanier Drive.

EXECUTIVE SESSION

An Executive Session of the City Council was held on October 3, 2006 to discuss a personnel matter and a legal matter. Present were Mayor William Hatcher, Council Members Gary Lewis, Joe Brannen, Will Britt, and Tommy Blich. 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 meeting adjourned at 10:30 a.m.

RECONVENED SESSION

The regular meeting of the City Council reconvened after the Executive Session. Mayor Hatcher announced there was no action taken in the Executive Session on personnel matters or the legal matter discussed.

OTHER BUSINESS

Councilman Brannen stated due to the increased amount of citations the Police Department is writing, he would like to make a motion that we move the part-time employee in the Municipal Court to a full-time position effective October 4, 2006. Councilman Britt seconded the motion. Councilmen Britt, Brannen, Blich, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Councilman Blich stated several people had mentioned that our street lights (traffic signals) need synchronization. City Manger George Wood stated he would get with Maz Elhaj of Engineering on the matter.

ADJOURNMENT

Being no further business, the meeting adjourned at 10:35a.m.