

**COUNCIL MINUTES
SEPTEMBER 18, 2007**

A regular meeting of the Statesboro City Council was held on September 18, 2007 at 6:00 p.m. in the Council Chambers at City Hall. Present were Mayor William Hatcher, Council Members Tommy Blicht, 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 5, 2007.

Councilman Brannen stated on page ten under reports from staff it states *September 21* and it should say *August 21*. Councilman Brannen made a motion, seconded by Councilman Britt, to approve the amended minutes of September 5, 2007. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

RECOGNITIONS:

Fire Chief Dennis Merrifield stated the National Institute Management System, NIMS, is the single comprehensive incident management model mandated to be used to handle emergencies in the United States. He said NIMS includes a course set of concepts, principles, terminology, and technology covering the incident command system. This management model recognizes the need to limit the number of people that any one person should supervise. He said this supervisory principle called "span of control" identifies that number as being between three and seven with the ideal number being five. The City has funded the request to bring the organizational structure of the Fire Department in line with NIMS. Six fire personnel were promoted to the position of company officers which allows the Fire Department to achieve a proper "span of control".

Chief Merrifield stated 16 fire personnel went through a three month process designed to assess the skills indicative of a company officer. The top six candidates from this process are Lieutenants Bobby Dugger, Chris Colson, Jason Baker, Merritt Kearns, Tim Grams, and Neal Lee who has served the City of Statesboro for more than 20 years. Mayor Hatcher administered an Oath of Appointment and congratulated all of these employees on their accomplishment.

APPLICATION V 07-08-05; (CONTINUED FROM THE PREVIOUS MEETING) STEPHEN M. JORDAN, JR. REQUESTS A VARIANCE TO REDUCE THE REAR YARD SETBACK FROM 25 FEET TO 10 FEET AND REDUCE THE REQUIRED LANDSCAPE BUFFER FROM 10 FEET TO 3 FEET ALONG A PORTION OF THE EAST PROPERTY LINE FOR PROPERTY LOCATED AT 356 NORTHSIDE DRIVE EAST.

Planning Director Jim Shaw gave a brief summary to remind the Council of this discussion from the last council meeting. City Manager George Wood stated the question from the last Council meeting concerning the Fire Code Issue has been resolved. Charles Brown, representing Dr. Jordan, stated the only issue before the Council is on the north property line where, under the City Ordinance, 25 feet is required. The owner is requesting 19 feet which is a total variance of six feet. Councilman Britt stated his concerns are the look of the building. He said the construction of the buildings in the area are similar to houses and he would like Mr. O'Reilly to use the same type of construction. Mr. Brown stated he knew of the concerns and the O'Reilly's said they would use brick construction.

Dr. Dale Madison stated Dr. Jordan offered him first refusal on the property; however, due to financial limitations, he had to turn the opportunity down. Dr. Madison stated he doesn't like the long

term effects the auto parts store may have on the neighborhood as whole. He said his office is at the bottom of the run-off and if they place as much concrete there as he thinks, the run-off water would flood his office property. He said the trees are also an issue to him. He has nurtured some of the trees on Dr. Jordan's property for 30 years and he would like those trees to remain.

Mr. Wood asked if the trees are in the front or back. Dr. Madison stated both. Dr. Jordan stated he told Steven Jordan Jr. to see Dr. Madison first before anything is done. He said if you would have let us know that you wanted to save the trees something could have been done earlier. Dr. Jordan said we have had a commitment with Mr. O'Reilly for several months and there is nothing we can do this late in the game.

Councilman Blich made a motion, seconded by Councilman Morris, to approve Application V 07-08-05 based on plan three which grants the variance and requires the building be brick. Mr. Wood stated he would like to recommend the Council keep two of the Oak Trees fronting the property. He said Mr. O'Reilly is asking for a lot more parking than required and he proposes having the Tree Board along with the City Planner look at whether we could preserve those trees and how many parking spaces will that take out. Councilman Lewis asked if the Council can tell him what to do with his trees and Mr. Wood replied no. He said they're requesting a variance from the Council and if we denied the request the building would have to be 15 feet toward the front or cut down in size. He said what we are talking about is a compromise where he gives up a few parking spaces and the Council gives him the variance request. Mr. Brown stated they will address the issue to Mr. O'Reilly. Councilman Blich stated his motion stands as stated and if you want to see about the trees, that is an issue for the seller and the buyer of the property. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

APPLICATION V 07-09-05; THE MARKET DISTRICT CENTER, LLC REQUESTS A VARIANCE TO INCREASE THE MAXIMUM BUILDING HEIGHT FROM 35 FEET TO 36 FEET FOR THE BUILDING AT 1100 BRAMPTON AVENUE.

Planning Director Jim Shaw stated this request is for the first building in the Market District Center Development. He said an as-built survey was recently completed showing the building height at 35.8 feet and the limit is set at 35 feet. He said the additional height is minimal given the size and scope of the project. Mr. Shaw stated the Zoning Ordinance says if a height variance is granted the setback has to increase by one foot for each additional height. He said because of the way the building is situated it exceeds that. Staff and Planning Commission recommend approval. John Dotson representing Leonard Blount was present for questioning. Councilman Morris made a motion, seconded by Councilman Lewis, to approve Application V 07-09-05. 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 #2007-23: AN ORDINANCE AMENDING CHAPTER 6 OF THE STATESBORO MUNICIPAL CODE.

City Manager George Wood stated this is the second reading of the Ordinance and this issue has been discussed for a couple months regarding the suspension of an alcohol license within a 24 month period. Councilman Brannen made a motion, seconded by Councilman Lewis, to adopt Ordinance 2007-23. 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 #2007-24: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING THE ZONING

ORDINANCE.

Planning Director Jim Shaw stated this is the amendment regarding the regulation in the Central Business District, CBD. He said this eliminates single-family detached dwelling units as a permitted use and it also limits residential uses such as condominiums or apartments to the upper floors of buildings in the CBD. Councilman Morris made a motion, seconded by Councilman Lewis, to adopt Ordinance 2007-24. Councilmen Blicht, 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 #2007-25: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING THE PLACING OF YARD WASTE FOR COLLECTION.

City Manager George Wood stated this states that yard waste can be placed in front of the road nearest the property from which it was removed. Councilman Brannen made a motion, seconded by Councilman Britt, to adopt Ordinance 2007-25. Councilman Morris stated in his neighborhood they place their yard waste in the culd-a-sac. Mr. Wood stated there will be unique situations; however, as long as the neighbors agree on where the yard waste will go that is fine. He said our main concern is that our equipment can get to it. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO ADOPT RESOLUTION #2007-41: A RESOLUTION SETTING THE 2007 CALENDAR YEAR AD VALOREM (PROPERTY) TAX MILLAGE RATE FOR THE CITY OF STATESBORO, GEORGIA (ROLLBACK RATE OF 6.358 MILLS).

Councilman Blicht made a motion, seconded by Councilman Britt, to adopt Resolution 2007-41. Councilmen Blicht, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO APPROVE IN PRINCIPAL AGREEMENTS WITH THE BULLOCH COUNTY BOARD OF COMMISSIONERS, THE BOARD OF EDUCATION, AND FLYING J CORPORATION TO FINANCE THE WATER AND SEWER EXTENSION TO A LOCATION NEAR THE INTERSECTION OF US 301 SOUTH AND I-16.

City Manager George Wood stated this is a six mile stretch going down 301 South. He said the Development Authority has been trying for years to get water and sewer down to the intersection of I-16 and 301 South because that is a prime industrial location. He said the Flying J provides us with a unique opportunity because they generate a considerable amount of sales tax. He said a 20 year GEFA loan at the current rate would be \$447, 000 in debt service payments annually for this project. Mr. Wood said the estimated additional SPLOST revenues would be \$489,570. He said the sales tax revenue from the SPLOST should be enough to off-set the cost. He said the City would put in a one-million gallon water tank and a well. Mr. Wood said the sewer would be a gravity flow sewer in this area and that would then go to a centralize lift station. He said that would be force-main for about five and a half miles all the way back to the lift station at gateway industrial park.

Mr. Wood stated this will open up a large area for future commercial and industrial growth. He said the reason this was not done in the past was due to the prohibitive cost of getting the water and sewer out there. He stated it is still a high cost but the difference is we have one entity that will generate enough sales tax. He said the City and County would need to amend the SPLOST agreement and say this additional fund revenue will be ear-marked specifically for this debt service. Mr. Wood stated the Board of Education was also asked to contribute because they receive two percent of the sales tax. He said we've asked them to contribute \$101,000 for a 10 year period in which they will

receive money from the County's Hospital Authority for \$800,000. Mr. Wood said the Board receives the LOST and the ELOST so the \$489,000 this generates for the City will generate double that, which is almost a million dollars a year, for the school system.

Councilman Blich asked where the Flying J will be located. Mr. Wood said this will be on the Statesboro side near Nevil Dairy Road. Councilman Brannen asked if Flying J has purchased the property. Mr. Wood stated he did not know. Councilman Brannen asked for some information about Flying J. Mr. Wood stated they are a closely held company with over a hundred Flying Js. He said they are out of Ogden Utah. Councilman Britt stated this will be the only one on I-16. Mr. Wood stated Flying J makes agreements with large trucking firms. Councilman Morris, made a motion, seconded by Councilman Britt, to approve in principle agreement with Bulloch County Board of Commissioners, Board of Education, and Flying J to finance the water and sewer extension. 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 REQUEST OF THE DSDA TO WAIVE THE APPLICATION FEES AND PER DIEM FEES FOR TEMPORARY VENDORS FOR FESTIVALS SPONSORED BY THE DSDA THROUGH DECEMBER 31, 2008, PER THE MEMORANDUM OF THE DIRECTOR.

Councilman Britt made a motion, seconded by Councilman Brannen, to approve the DSDA to waive the application fees and per diem fees for temporary vendors for festivals sponsored by the DSDA through December 31, 2008. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE A WATER/SEWER AGREEMENT WITH STATESBORO BLUES DEVELOPMENT, LLC FOR THE HARTFORD SUBDIVISION.

Councilman Britt made a motion, seconded by Councilman Morris, to authorize the Mayor and City Clerk to execute a water/sewer agreement with Statesboro Blues Development, LLC. Councilman Brannen stated the agreement is dated August 31, 2007 and it should be dated when it is approved by Council. Mr. Wood agreed. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$26,750.00 TO THE LOWEST BIDDER, CINDOT CONSTRUCTION, INC. FOR THE POLICE STATION LANDSCAPING PROJECT.

City Manager George Wood stated there is only one change that needs to be amended. It should say CinDot Construction Inc. D/B/A Surescapes. Councilman Britt made a motion, seconded by Councilman Brannen, to award a bid in the amount of \$26,750,000 to Cindot Construction, Inc. D/B/A Surescapes. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

UPDATE ON THE REQUIREMENTS OF THE NEW WATER SYSTEM PERMIT ISSUED BY THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION.

City Manager George Wood stated this is the new water permit from the State and from his understanding they issued all new water permits across the state. He said they're starting to incorporate new rules but part of our problem is they are referencing rules that don't exist yet. Mr. Wood said for example in 'A' the permittee shall develop a water conservation education program in accordance with the guidelines provided by GEP, which the City has. He said the problem is we don't know if we

meet the guidelines because they don't have guidelines yet. He said in example 'D' the permittee shall conduct a reuse feasibility study. He said that is where we would take the water that was treated at our waste water treatment plant and see if there is other viable uses for it. Mr. Wood stated then will have to evaluate alternate water sources as a substitute for the groundwater uses. He said the Ogeechee River is the only viable source. Our question is how much money are we going to have to spend to tell them the obvious? Mr. Wood said some of these can be fairly expensive.

RECOGNITION OF VISITORS

Mayor Hatcher stated there are two important visitors attending the Council Meeting. He said they are two senators from the Student Government Association at Georgia Southern University, Senator Samantha Graves representing the School of Liberal Arts and Senator Drew Murray representing the College of Business and Administration. He said we are delighted to have you with us tonight and we hope you will come back when you can and we will help you any way we can.

REPORTS FROM STAFF:

CITY MANAGER GEORGE WOOD: Mr. Wood stated the City continues to work with our consultant on the wireless system. We're looking at both a WI-FI System and a WI-MAX System. The difference is the WI-MAX is cheaper and it works on a radio frequency, so you'll need a spectrum of band width.

DIRECTOR OF FINANCE AND ADMINISTRATION/CITY CLERK JUDY MCCORKLE: Ms. McCorkle yielded the floor to Maggie Fitzgerald regarding the Habitat for Humanity Build-a-Thon. Ms. Fitzgerald stated in order to have a team for the Habitat for Humanity you must raise \$1,000. She said we're holding a raffle to raise the money. Tickets are \$5,00 and you can win a TV/DVD/VCR Combo and several other prizes. She said the last day to buy tickets is Friday September 28, 2007 before 5:00pm and the drawing will be held at City Hall October 1, 2007. (2) Ms. McCorkle stated Maggie Fitzgerald and Anita Hall have contacted the Council regarding the Fair Parade the Council participates in every year. This year they're trying to prepare a float for the Council Members to ride on instead of on the fire trucks. They are asking the Council to dress in theme costumes for the parade.

PLANNING DIRECTOR JIM SHAW:

Public Hearings for the October 2, 2007 Council Meeting are: (1)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.

(2) 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.

(3) 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.

MOTION TO ADJOURN:

Being no further business, the meeting adjourned at 7:20 p.m.