

**CITY COUNCIL MEETING  
APRIL 18, 2006**

A regular meeting of the Statesboro City Council was held April 18, 2006 at 6:00 p.m. Present were Mayor William S. Hatcher. Council Members John Morris, Gary Lewis, Joe Brannen, Tommy Blitch and Will Britt. Also present were City Manager George Wood, City Attorney Sam Brannen, Director of Finance and Administration Judy McCorkle, City Engineer Maz Elhaj and Planning Director Jim Shaw.

**APPROVAL OF MINUTES-APRIL 4, 2006**

Councilman Joe Brannen requested the following corrections be made to the April 4, 2006 Council meeting minutes:

Page 2 - change “the 50/50% ration will still exist” to “the 50/50% ratio will still exist”

Page 6 – change “she was very active in the tennis program at Georgia Southern University” to “she was very active in the tennis program at Statesboro High School”

Councilman Brannen made a motion, seconded by Councilman Blitch to approve the minutes of April 4, 2006 as corrected. Councilmen Brannen, Blitch, Lewis, Morris and Britt voted in favor of the motion. The motion carried by 5-0 vote.

**MOTION TO ADOPT ON SECOND READING ORDINANCE #2006-02: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING ALCOHOLIC BEVERAGES.**

Mr. Wood stated this is the amendment dealing with the 4 major roads that circle Georgia Southern University. This would reduce the proximity requirements and in lieu of that, there are provisions to be met which include the 65/35% alcohol and food ratio allowed in this area. Primarily that is why it was put back on the second reading. Councilman Blitch made a motion, seconded by Councilman Morris, to adopt on second reading ordinance #2006-02: an ordinance amending the Statesboro Municipal Code regarding Alcoholic beverage. Councilmen Brannen, Blitch, Morris and Lewis voted in favor. Councilmen Britt opposed and the motion carried with a 4-1 vote.

**MOTION TO ADOPT RESOLUTION #2006-12: A RESOLUTION RECOGNIZING GEORGIA CITIES WEEK, APRIL 23-30, 2006 AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES**

Mr. Wood stated Public Information Officer Maggie Fitzgerald has put together the following information on this event:

- (a) Monday, April 24, 2006 at 10:00 a.m. will be the Willie McTell Beautification Project.
- (b) Tuesday, April 25, 2006 at 3:30 p.m. to 5:00 p.m. will be the Planning Session for the Mock Council Meeting.
- (c) Wednesday, April 26, 2006 at 6:00 p.m. will be the Mock Council Meeting and Award Ceremony at City Hall.
- (d) Friday, April 28, 2006 at 5:00 will be the dedication of the Willie McTell Trail, formerly the Linear Park.

Councilman Britt made a motion, seconded by Councilman Blitch, to adopt resolution #2006-12 recognizing Georgia Cities Week April 23-30, 2006. Councilman Britt, Blitch, Brannen, Lewis and Morris voted in favor of the motion. The motion carried by a 5-0- vote.

**MOTION TO ADOPT RESOLUTION #2006-13: A RESOLUTION DECLARING SOME PERSONAL PROPERTY SURPLUS AND AUTHORIZING ITS DISPOSAL**

Mr. Wood referred to a list of equipment to be declared as surplus. He said one unusual feature about this is we asked for 17 ballistic vests and 13 ballistic vest carriers to be donated to the Police Department of Bradford, Tennessee. On April 3, 2006 they were completely destroyed by a tornado losing everything with the exception of the clothes they were wearing. Mr. Wood recommended these items be donated to this department at no cost. The remainder will go to auction. Councilman Brannen made a motion, seconded by Councilman Lewis, to adopt resolution #2006-13 declaring personal property surpluses and authorizing its disposal. Councilmen Lewis, Britt, Morris, Brannen and Blitch voted in favor of the motion. The motion carried by a 5-0 vote.

Director of Finance and Administration Judy McCorkle stated the auction will be held by Performance Auction on May 6, 2006 at 9:00 a.m. on Highway 67.

**MOTION TO ADOPT RESOLUTION #2006-14: A RESOLUTION NAMING THE VOTING AND ALTERNATE DELEGATE TO THE MUNICIPAL GAS AUTHORITY OF GEORGIA ANNUAL MEETINGS.**

Mr. Wood stated this is a requirement for the Gas Authority. He said presently Steve Hotchkiss is the voting delegate and he is the alternate. Since Mayor Hatcher has been voted to the Board of Directors for MGAG, Mr. Wood recommends he also be the voting delegate and Steve Hotchkiss be the alternate. Mr. Wood would resign his position. Councilman Morris made a motion, seconded by Councilman Britt, to adopt resolution #2006-14 naming the voting and alternate delegate to the Municipal Gas Authority. Councilmen Morris, Britt, Blitch, Lewis and Brannen voted in favor of the motion. The motion carried with a 5-0 vote.

**MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE A CITY CONTRACT WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR PAVING FOR FY 2006**

Mr. Wood stated this is the money we get from the state Department of Transportation to pave our streets. It is 100% at the state's cost and all we have to do is execute the contract. Councilman Brannen made a motion, seconded by Councilman Lewis to authorize the Mayor and City Clerk to execute a city contract with the Georgia Department of Transportation for paving for FY 2006. Councilmen Britt, Morris, Lewis, Brannen and Blitch voted in favor of the motion. The motion carried by a 5-0 vote.

## **APPEAL FROM THE ACTION OF THE ALCOHOL CONTROL BOARD BY MR. RON WHIDBY**

Solicitor Keith Barber stated the Alcohol Control Board has denied the application for a license to sell alcoholic beverages to Ron Whidby due to a nolo contender misdemeanor within the last 5 years.

Craig Bonnell, attorney with Hall & Kirkland representing Ron Whidby, gave Mayor and Council a handout of confirmation showing the "Appeal of Alcohol License Application of Ron Whidby for Old Register Wings. He gave 12 documents with an explanation and asked everyone to follow as he explained them.

1. A copy of Statesboro City Ordinance 6-29 and 6-30.
2. A copy of Statesboro City Ordinance 1602
3. A copy of our notice of appeal, a letter to City Council dated April 3, 2006
4. A copy of the certified mail envelope (mailed April 5) in which was sent the letter to Mr. Whidby dated April 4 notifying him of the denial of his alcohol license.
5. A copy of the certified mail envelope (mailed April 5) in which was sent the letter to Mr. Whidby confirming this appeal dated April 5, 2006.
6. A copy of the Affidavit of James Lanier regarding misinformation about Mr. Whidby's criminal background.
7. A copy of Mr. Whidby's criminal history report.
8. A copy of my letter to Judy McCorkle dated February 21, 2006
9. A copy of the Affidavit of William P. Britt
10. A copy of Judy McCorkle's letter to Ron Whidby dated January 27, 2006 requesting a list of unauthorized information.
11. A copy of Mr. Sam Brannen's letter to me dated February 9, 2006.
12. A copy of my letter of February 1, 2006 to George Wood.

Mr. Bonnell informed the council members that Ron Whidby applied for an alcohol license in which he feels Mr. Whidby was treated unfairly by City Clerk Judy McCorkle. Mr. Bonnell stated that Mr. Whidby did not receive notification that his application was denied by the Alcohol Control until he read it in the Eleventh Hour. Mr. Bonnell further stated that Mrs. McCorkle requested items from Mr. Whidby that she or anyone else from the City was authorized to ask for. Mr. Bonnell further stated that Mr. Whidby just wanted to be treated fairly.

Mr. Bonnell informed city council that he had an affidavit from Jim Lanier, who is a member of the City of Statesboro Alcohol Control Board stating that Mr. Lanier voted to deny Mr. Whidby's application because the Alcohol Control Board was informed that Mr. Whidby had multiple DUI's.

City Solicitor Keith Barber said the Alcohol Control Board was informed that Mr. Whidby had one DUI and pled nolo contendere.

City Manager George Wood questioned Police Chief Stan York about the background investigation delay. Chief York stated that fingerprints are checked from two sources, the GBI and the FBI. Mr. Wood asked which entity the delay was with. Chief York stated the delay was with the FBI. Mr. Wood questioned City Attorney Sam Brannen about the additional items requested from Mr. Whidby. Mr. Brannen informed Mr. Wood there is a general authorization in which the Alcohol

Control Board can gather information to review and discuss an application. Mr. Wood questioned Mr. Brannen in his opinion did the City have the right to ask for this additional information. Mr. Brannen replied yes.

Regarding the parking, Mr. Wood asked Mr. Brannen if the City did make it clear we could not determine the occupancy load of the restaurant until we knew the number of parking spaces. Mr. Brannen said yes and they had discussed this with Mr. Bonnell. The parking plan did not have to be implemented, it would be done to allow us to determine the occupancy load for the establishment. Mr. Wood said the occupancy load is based upon whether you have the correct parking to handle it. The reason we asked for this is because Georgia Southern University has bought some of the adjacent property to Legends previous to Mr. Whidby's application and there is a certain amount of field that could be used for parking. Secondly, there is a field there and no demarcation for any parking spaces or how you back out or whether it has adequate distances for the isles between the parking. Mr. Wood stated there is nothing to denote where the parking is. Mr. Brannen said that is correct and there is nothing to denote the property line. Mr. Wood said without a diagram to show how the parking would be, there is no way to determine whether there would be sufficient parking for a restaurant that has an occupancy load that the previous restaurant had, is that correct? Mr. Brannen said yes. Mr. Wood asked if that was the reason they asked for the information. Mr. Brannen said correct. Mr. Brannen said that was related to Mr. Bonnell also.

Mr. Wood said the statement was made that we have not turned down anyone that had a conviction for a DUI, is that correct? Mr. Brannen said no, that is not true, we have turned down applications we receive that have been convicted of a DUI within the last 5 years. Mr. Wood asked did we not recently do that at Turtles with both the manager and the owner? Mr. Brannen said yes.

Mr. Bonnell said first he did not say the City has approved all alcohol license application of applicants with DUI's. What he said was the City has regularly given licenses to people that have DUI's and if you need a list of names we will provide it. Mr. Wood asked Mr. Bonnell have we also turned people down. Mr. Bonnell said yes you have. And I appreciate Mr. Wood's explanation that what the City meant was for a *parking plan*, but what you asked for was a plan to pave the parking lot which is not required on the City ordinance. Mr. Wood said what I asked for was a parking diagram which lays out the parking lot, that's what we wanted. We never wanted him to pave the parking lot, we never required him to pave it and we have already explained to him why we have to do that. Mr. Wood stated we did not ask him to pave it so we could have had this discussion later. All I asked for was a diagram to determine the number of parking spaces and that was explained to your client.

City Attorney Sam Brannen said Mr. Bonnell; let me ask you a question. Has your client been convicted of driving under the influence? Mr. Bonnell yes he has. Mr. Brannen asked within the prohibited time of our ordinance? Mr. Bonnell said I have no idea what the prohibited time is. Mr. Brannen said within a 5 year period of time, has he been convicted with a DUI? Mr. Bonnell said yes he has. Mr. Brannen said no further questions.

City Solicitor Keith Barber stated the February 21st, 2006 letter to Mrs. McCorkle from Mr. Bonnell indicated he expected to be put on the agenda for the next Alcohol Control Board meeting. Mr. Barber informed the board that Mr. Whidby was placed on the agenda and he did not attend the

meeting. Mr. Barber said Mr. Whidby received a copy of the alcohol ordinance and initialed the application stating he read and understood it. Mr. Barber further stated this being the case, Mr. Whidby should never have applied for a license. Mr. Barber asked the City Council to uphold the decision of the Alcohol Control Board.

Councilman Morris made a motion, seconded by Councilman Blich to uphold the decision of the Alcohol Control Board. Councilmen Morris, Blich, Lewis and Brannen voted in favor of the motion. Councilman Britt abstained. The motion carried by a 4-0 vote.

**APPEAL FROM THE ACTION OF THE ALCOHOL CONTROL BOARD BY MR. SANJAY PATEL**

Solicitor Keith Barber said the Alcohol Control Board denied Mr. Patel’s alcohol license due to the background information they received stating he had been convicted of a misdemeanor within the last 5 years.

Attorney Malcolm Bryant represents Mr. Patel. Mr. Bryant read the ordinance and stated the Alcohol Control Board could waive the conviction for a non-alcoholic offense. He said they feel like in this case there is no conviction because the charge was disorderly conduct. Mr. Bryant stated the case was a misdemeanor involving a domestic dispute that took place in Lyons between Mr. Patel and his wife back in 2003 and they are still married.

Councilman Britt stated he did not feel this offense would have any bearing on his fitness and made a motion, seconded by Councilman Morris, to overturn the Alcohol Control Board’s decision on the appeal of Mr. Sanjay Patel and to issue his license. Councilmen Morris, Britt and Lewis voted in favor of the motion. Councilmen Brannen and Blich voted against the motion. The motion carried by a 3-2 vote.

**MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO ENDORSE THE DCA GRANT APPLICATION OF CITIZENS AGAINST VIOLENCE, INC FOR DCA EMERGENCY SHELTER GRANT PROGRAM FUNDING**

Mr. Wood stated we have endorsed several Citizens Against Violence - Safe Haven grants in the past years and request we do it this year. Councilman Brannen made a motion, seconded by Councilman Britt, to authorize the Mayor and City Clerk to endorse the DCA grant application of Citizens Against Violence, Inc. for DCA Emergency Shelter Grant funding. Councilmen Britt, Brannen, Lewis, Morris and Blich voted in favor of the motion. The motion carried by a 5-0 vote.

**MOTION TO AWARD A BID IN THE AMOUNT OF \$76,550.00 TO MODERN BUSINESS SYSTEMS, INC. FOR THE POLICE STATION’S MOBILE SHELVING SYSTEM.**

Mr. Wood said this is a specialized piece of equipment. In the new Police Station there is a smaller storage area than previously and would recommend this shelving system. Councilman Morris made a motion, seconded by Councilman Blich to award a bid in the amount of \$76,500.00 to Modern Business Systems, Inc. for the Police Station’s Mobile Shelving System. Councilman Britt, Blich, Lewis, Morris and Brannen voted in favor of the motion.

**MOTION TO AWARD A BID IN THE AMOUNT OF \$13,855.55 TO ROZIER FORD FOR ONE FORD F-150 ½ TON PICKUP FOR THE WATER & WASTEWATER DEPARTMENT**

Mr. Wood said this is a budgeted replacement truck. He said there were three bids and this was the lowest bid. Councilman Britt made a motion. Seconded by Councilman Lewis, to award a bid in the amount of \$13,855.55 to Rozier Ford for one Ford 150 ½ ton pickup for the Water/Wastewater Department. Councilmen Morris, Blitch, Britt, Lewis and Brannen voted in favor of the motion. The motion carried by a 5-0 vote.

**MOTION TO AWARD A BID IN THE AMOUNT OF \$67,700.00 TO MAVERICK TECHNOLOGIES AS A SOLE SOURCE PURCHASE TO UPGRADE THE WATER & WASTEWATER DEPARTMENT'S SCADA SYSTEM, PER THE DIRECTOR'S MEMO OF APRIL 11, 2006.**

Mr. Wood stated this one and the next item are interrelated and deal with the SCADA System which is a computerized system. It gives a lot of feedback on the systems, we can turn on and off the pumps, water tanks and lift stations and it will monitor them for us. Since it is interrelated we have to replace it with similar equipment and it is a sole source purchase. Director of Water and Wastewater Wayne Johnson said through our relationship with what was formerly Microwave Data Systems, now Maverick Technologies, they will allow us to buy direct from the factory rather than a 3<sup>rd</sup> person mark up. They will still honor the warranty and install the equipment so it is still the same. Councilman Blitch made a motion, seconded by Councilman Britt, to award a bid in the amount of \$67,700.00 to Maverick Technologies as a sole source purchase to upgrade the Water & Wastewater Department's Scada System. Councilmen Britt, Blitch, Lewis Morris and Brannen voted in favor of the motion. The motion carried by a 5-0 vote.

**MOTION TO AWARD A BID IN THE AMOUNT OF \$55,470.00 TO MICROWAVE DATA SYSTEMS, INC. AS A SOLE SOURCE PURCHASE TO UPGRADE THE WATER & WASTEWATER DEPARTMENT'S SCADA SYSTEM PER THE DIRECTOR'S MEMO OF APRIL 11, 2006**

Mr. Wood said this is the same upgrade and to be compatible we will have to go with the sole source. Councilman Morris made a motion, seconded by Councilman Lewis, to award a bid in the amount of \$55,470.00 to Microwave Data Systems, Inc. as sole source purchase to upgrade the Water & Wastewater Department's SCADA System per the Director's memo of April 11, 2006. Councilmen Lewis, Morris, Brannen, Britt and Blitch voted in favor of the motion. The motion carried by a 5-0 vote.

**MOTION TO AWARD A BID IN THE AMOUNT OF \$20,296.00 TO CONSOLIDATED PIPE FOR THE PURCHASE OF 8,000 LINEAR FEET OF 4-INCH GAS PIPE**

Mr. Wood said this is to rebuild our inventory for 8,000 feet of 4-inch gas pipe and it is the low bid. Councilman Brannen made a motion, seconded by Councilman Blitch to award a bid in the amount of \$20,296.00 to consolidate pipe for the purchase of 8,000 linear feet of 4-inch gas pipe. Councilmen Blitch, Brannen, Britt, Lewis and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

## **STAFF REPORTS-CITY MANAGER**

Mr. Wood referred to a memorandum from Director of Public Works Bobby Colson on the Great American Clean Up. Mr. Wood stated once again the annual Great American Clean Up Day held on April 8, 2006 was a great success with volunteers from every walk of life taking part. The City crews did their part in collecting tires, furniture, appliances, yardwaste and whatever should be removed. We collected 3.61 tons of tires, 4/13 tons of yardwaste, 4.00 tons of furniture, 2.10 tons of appliances. This is a total of 13.84 tons.

Mr. Wood referred to a record from the Governor's office stating Jeremy Fordham, a young man finishing at Georgia Southern, has worked with Hands on Georgia. They have local affiliates throughout the state. Through Hands on Ogeechee, he has been awarded an \$8,000 grant from the Governor's Office to the City, then we will be the sub grantee and we will be the grantee also we will receive 25% of it and received our first check in the amount of \$2,000. He is already working with us on the Weed and Seed program.

Mr. Wood referred to an article from the Athens Banner-Herald in reference to the underage drinking at the University of Georgia. They are looking for ways to tighten up their regulations on this matter.

Mr. Wood referred to a memorandum from David and Ginny Bedwell in reference of their son, Kenneth Bedwell from Troop 648 of the Boy Scouts of America. The City has worked and supported him to help him earn his Eagle Scout Award. In order to see the benefits of his labor, we have been invited to attend the special presentation on Wednesday, April 19<sup>th</sup> where he will present to the City of Statesboro 4 Mendocino-style park benches to be placed along the Willie McTell Trail.

Mr. Wood read a letter from the City of Rome, Georgia praising the Municipal Clerk's and Finance Officers convention hosted March 28/31 in Statesboro. They extended their appreciation to you and the City for the great hospitality they received and for making their 50<sup>th</sup> anniversary a very special and unforgettable experience. It said there is no one that deserves any more credit than Judy and how fortunate we were to have someone like her with all her abilities to be working for your City.

Mr. Wood reminded everyone that the Budget Retreat is Friday, April 21 at the Pond House at 8:00 a.m. Breakfast will be from 7:30 until 8:00.

Mr. Wood stated he has a copy of the summary of the City Retreat on March 10 with Scott Wrighton as the moderator from the Carl Vinson Institute.

Mr. Wood stated about 1 months ago he had on the agenda 2 acres of land at the airport to be sold to the Land Bank Authority. He had a copy of an Intergovernmental Agreement written by the County Attorney Jeff Akins. He said essentially this would be an Agreement the Mayor and City Clerk would be authorized to sign. He said if we do this we would be agreeing that the funds, which would be approximately \$10,000 for us and \$10,000 for the County would actually go to the Airport Fund. Mr. Wood asked that this be added to the agenda. Councilman Britt made a motion, seconded by Councilman Morris, to approve the final draft of the agreement from the County on the sale of 2 acres at the airport and the distribution of the funds. Councilman Britt asked when we talked about it,

did we set the funds up this way? Mr. Wood said if there was no agreement on this then it would be \$10,000 to the General Fund and \$10,000 to the County.

**DIRECTOR OF FINANCE & ADMINISTRATION-STATE ETHICS COMMISSION, LISTENING SESSION FOR THE 12th DISTRICT**

Director of Finance and Administration Judy McCorkle stated she had received information from the State Ethics Commission and they will host a workshop for Elected Officials to teach them how to fill out the Financial Disclosure Report and the Campaign Contribution Report. The workshop will be at the Burke County Library on Wednesday, June 7, 2006 from 9:00 a.m. to 5:00 p.m. There is no charge to attend.

She stated the 12<sup>th</sup> District GMA Listening Session is Monday May 1, 2006, at 6:00 p.m. at Springfield City Hall. She said we need to name the voting delegate for the GMA Annual Convention by May 31, 2006.

Mr. Wood stated the SPLOST Ceremony is tomorrow April 19, 2006.

**PLANNING DIRECTOR-PUBLIC HEARING**

Planning Director Jim Shaw reported the following public hearing scheduled for the May 2, 2006 City Council meeting:

AN 06-04-01 Travis Grubbs, on behalf of the Elders of Trinity Presbyterian Church, requests annexation by the 100% method of 10.0 acres of land and zoning change from HC (Highway Commercial) and R-25 (Single-Family Residential) to R-20 (Single-Family Residential) for property located at 571 East Main Street.

**EXECUTIVE SESSION-PERSONNEL AND PROPERTY**

Councilman Morris made a motion, seconded by Councilman Blich, to enter into an executive session for the purpose of discussing a personnel matter. Councilman Morris, Brannen, Lewis, Blich and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

**EXECUTIVE SESSION**

An Executive Session of the City Council was held April 18, 2006 to discuss a personnel matter. Present were Mayor William Hatcher. Council Members John Morris, Gary Lewis, Joe Brannen, Will Britt and Tommy Blich. Also present were City Manager George Wood, City Attorney Sam Brannen, and Director of Finance & Administration Judy McCorkle. No action was taken and the meeting adjourned at 8:13 p.m.

**RECONVENED SESSION**

A regular meeting of the City Council reconvened after the Executive Session. Mayor Hatcher announced a personnel matter was discussed in Executive Session and no action was taken,

**ADJOURNMENT**

Being no further business, the meeting adjourned at 8:14 p.m.

