

COUNCIL MEETING JUNE 6, 2006 9:00 AM

A regular meeting of the Statesboro City Council was held June 6, 2006 at 9:00 a.m. Present were Mayor William S. Hatcher, Council Members Will Britt, Tommy Blich, and Gary Lewis. Absent were Councilmen Joe Brannen 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 ON MAY 16, 2006

Councilman Blich made a motion, seconded by Councilman Lewis to approve the minutes of May 16, 2006. Councilmen Britt, Blich, and Lewis voted in favor of the motion. The motion carried by a 3-0 vote.

RECOGNITIONS

AG SOUTH – Mr. Henry Clay, Chairman of the Beautification Committee, presented an award to Pat Calhoun, a representative of Ag South for restoration of the old City Hall building on South Main Street. The old city hall building was built in 1918 when World War II began; it was built like a rock and stood like a rock. This building served two masters: the Post Office for forty-five years and in 1964 it became the home of City Hall for thirty-two years. Now Ag South holds that honor and has restored this building to original form and it's a beautiful site to behold.

ANNETTE WATERS - Director of Finance and Administration Judy McCorkle and City Accountant Cindy West presented an award to Annette Waters for passing the Level 2 Certification for The Certified Finance Officers course that was given at the University of Georgia. We respect her hard work and diligence on both Level 1 and Level 2 Certification.

PUBLIC HEARINGS

APPLICATION V-6-05-02: MR. EDDIE ROBINSON, ON BEHALF OF MAHESH RANDEWALA, REQUESTING AN 11 FEET VARIANCE FROM THE 15 FEET SIDE YARD SETBACK REQUIREMENT FOR PROPERTY LOCATED AT 1803 CHANDLER ROAD.

Director of Planning Jim Shaw read the request for V06-05-02 on an eleven feet variance of the fifteen feet side yard setback requirement at 1803 Chandler Road. Staff opinion has not changed on this matter. The building already fills up the area; it doesn't allow much room to move around the area.

Eddie Robertson spoke on behalf of Mahesh Randerwala concerning an eleven feet variance of the fifteen feet side yard setback requirement. Back in March the request for the setback and also a parking variance came to the council and was denied. They are currently asking only for the setback and not the parking variance. The tenants found necessary parking in the rear of the building; so they will only need the setback. The current owner of the property stated the building was there when he bought the property and it had no permit. The Engineering Department was pursuing this violation and the previous owner was not able to meet the requirements.

The tenants want to put a take-out restaurant on the. He will prepare the food at another location and bring the food there for selling. Councilman Britt asked Mr. Shaw what does someone do with this capability or what kind of parking would they need. Councilman Britt stated we already know this building was built with out permission, so is the owner stuck with a storage building. Mr. Shaw stated pretty much that's all they can do with it at this point, the building needs to be moved to another location on the property to make the setback comply.

Councilman Lewis made a motion and seconded by Councilman Britt, to deny an 11 feet variance from the 15 feet side yard setback requirement for property located at 1803 Chandler Road. Councilmen Lewis, Blitch, and Britt voted in to deny. The motion carried by a 3-0 vote.

b) APPLICATION V 06-05-03: DR. DAVID SAMUELS REQUESTING A 10 FEET VARIANCE OF THE 25 FEET REAR YARD SETBACK FOR PARCEL 28 AND 29 OF THE MARKET DISTRICT SUBDIVISION LOCATED ON THE NORTHSIDE OF HILL POND LANE, APPROXIMATELY 350 FEET WEST OF BERMUDA RUN.

Planning Director Jim Shaw stated that the applicant is proposing construction of a five office building on the property. The building would be located along the perimeter of the property and a large parking lot shared between all five office buildings. The variance request will allow three out of five buildings to be built fifteen feet off the rear property line rather than the required twenty-five feet. Mr. Shaw stated he'd note the property to the north has two buildings eighteen feet from its southern property line approved as part of a Planned Unit Development rezoning. Mr. Shaw said this does limit development somewhat, but it appears that this variance is primarily for office space and parking on the property. Staff recommends decreasing the building size and number of parking spaces to accommodate the size.

Robert Cheshire from Maxwell Lane Engineering spoke on the behalf of Dr. Samuel on this request. The two parcels are joined together to utilize the maximum space. There is a sanitary sewer easement that runs diagonally across a portion of this property. Mr. Cheshire stated in this case there are two things to ask for in this variance. Number one the building on the northwestern corner needs to be setback to get into that easement a little bit. Number two, for parking we don't want to come up short, it will already be difficult. That is why will be discussing this matter at the Planned Unit Development.

Councilman Britt asked is there still availability to reach the rear of the building in emergency situations. Mr. Cheshire stated, I think so; the parking lot sets back there and there still is fifteen feet available. The only thing back there is the pond. City Manager Wood asked if they meet requirements for the easement. The Director of Water and Sewer Wayne Johnson stated, yes they've met our requirements.

Councilman Britt made a motion and seconded by Councilman Lewis, to approve a 10 feet variance of the 25 feet rear yard setback for Parcels 28 and 29 of the Market District subdivision located on the north side of Hill Pond Lane, approximately 350 feet west of Bermuda Run. Councilmen Lewis, Blitch, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

c) APPLICATION V 06-05-04: MARKET POINTE, LLC REQUESTING REZONING FROM CR (COMMERCIAL RETAIL) TO PUD (PLANNED UNIT DEVELOPMENT) FOR PARCEL 18 OF THE MARKET DISTRICT SUBDIVISION LOCATED ON THE WEST SIDE OF

BRANPTON AVENUE, APPROXIMATELY 1200 FEET NORTH OF VETERANS MEMORIAL PARKWAY.

Planning Director Jim Shaw stated this property is near Video Warehouse and it's an undeveloped area. The applicant is proposing four commercial buildings each containing three-thousand square feet. Planned Unit Development zoning is being requested to allow division of the property into four separate lots but allowing shared access to parking. Staff approved the request for shared access and parking and the Planning Commission agreed.

Douglas Lambert with Market Point, LLC stated Mr. Shaw went over everything and I have nothing to add, but if Council has any questions for me, I would be happy to answer them. Council had no questions.

Councilman Britt made a motion, second by Councilman Blitch, to approve the request for rezoning from CR (Commercial Retail) to PUD (Planned Unit Development) for Parcel 18 of the Market District subdivision located on the west side of Brampton Avenue, approximately 1200 feet north of Veterans Memorial Parkway. Councilmen Lewis, Blitch, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

d) APPLICATION V 06-05-05: MR. DAVID SABIA REQUESTING A VARIANCE OF THE 6 SQUARE FEET SIGN AREA LIMITATION TO ALLOW A 24 SQUARE FEET SIGN FOR BUSINESS LOCATED ON PROPERTY ZONED R-4 (HIGH DENSITY RESIDENTIAL) AT 131 NORTH COLLEGE STREET.

Planning Director Jim Shaw stated the use of this property is for an office and is a legal nonconforming use that has gone on for a number of years. Although this use has been allowed to continue, sign regulation need to be followed. He stated signs are limited to thirty-two square feet wide and eight feet in height. This request is reasonable and the Staff and Planning Commission recommend approval of this variance. Chris Davis a representative for Creative Construction, Inc was present for any question from the council.

Councilman Lewis made a motion and seconded by Councilman Britt, to approve a variance of the 6 square feet sign area limitation to allow a 24 square feet sign for a business located on property zoned R-4 (High Density Residential) at 131 North College Street Councilmen Lewis, Blitch, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

e) APPLICATION 06-05-06: MR. TIMOTHY A. HUNT REQUESTING A 10 FEET VARIANCE OF THE 20 FEET SIDE YARD SETBACK REQUIREMENT ALONG BENNETT STREET, A 5 FEET VARIANCE OF THE 20 FEET SIDE YARD SETBACK REQUIREMENT, AND A VARIANCE TO REDUCE THE REQUIRED PARKING FROM 43 SPACES TO 34 SPACES FOR PROPERTY LOCATED AT 421 FAIR ROAD

Planning Director Jim Shaw stated the applicant is proposing demolition of the building that currently houses Pawn City at 421 Fair Road. He would combine that property with three other lots to construct a multi-use commercial building. The setback requirement on Fair Road is met; however on Bennett Street the building is shown ten feet from the property line and the setback requirement is twenty feet. On the opposite side of the property the building is shown fifteen feet from the side property line and the requirement there is twenty feet. Mr. Shaw stated the sketch plan also indicates that there will be thirty-four parking spaces and forty-three spaces are required for retail use. The

applicant's representative stated at the Planning Commission meeting that a portion of the building would be used for installation of car stereos which reduces the parking requirements somewhat. Since the exact amount is not known, a parking variance is still necessary. Staff recommends denial of all the requested variances. The Planning Commission recommends denial of the front yard setback variance on Bennett Street and recommends approval of the five foot variance of the twenty foot side yard setback and the parking variance.

Part of the building will be used for the installation of car stereos. Staff recommends denial of the front yard setback on Bennett Street and Planning Commission agrees with this denial. Planning Commission recommends approval of the five foot variance of the twenty foot side yard setback.

Robert Cheshire a representative for Maxwell- Lane Engineering Inc. spoke on behalf of Timothy Hunt. He stated this site isn't completely vacant since there is an existing building on the site. The plans are to tear down the existing building and get it to fit into the setback requirements and reduce the number of driveways to at least one and that will in turn help traffic on Fair Road. We want to set this building back twenty feet and have it match surrounding buildings. He stated this will also allow us to be in accordance with the ordinance. Currently the building sets on the right-a-way and this will correct that problem and make it look a lot better. This is an odd shape space and all that is asked for is the side yard variance and the parking variance. The parking will allow for twelve and a half space minus one to two for employees. This meets the requirements of the Ordinance. Mr. Shaw stated Staff recommends denial on all variances and Planning Commission recommends denial on ten foot variance, but approval on five foot setback and on parking variance.

Councilman Blich asked what was the Parking Ordinance distance. Mr. Cheshire stated if a lot has front parking there has to be sixty feet otherwise it's twenty feet. The required parking off Bennett Street is twenty feet and we're requesting fifteen feet. City Manager George Wood asked if we turn down the variance on Bennett Street you'll lose 30 by 25 feet off the building, but the building will still be close to three thousand square feet. Mr. Cheshire stated yes. Mayor Hatcher stated it make sense now, but if it changes there could be problems, since the back of the five thousand square foot building is not retail. If this building changes hands or use in the future that is where the problem will lie, it'll just have to come back. Mr. Wood asked if there is room for emergency service vehicles to get back there, with that dumpster in the way. Mr. Cheshire said, yes. Mr. Wood asked what are the eight or nine parking spaces in the back used for. Mr. Cheshire stated that is for the trucks and customers vehicle where stereos are being installed.

Councilman Britt made a motion, seconded by Councilman Blich, to deny the 10 feet variance of the 20 feet front yard setback requirement along Bennett Street. Councilmen Lewis, Blich, and Britt voted in favor of the motion. The motion carried out by a 3-0 vote.

Councilman Britt made a motion, seconded by Councilman Lewis, to approve the 5 feet variance of the 20 feet side yard setback requirement, and a variance to reduce the required parking from 43 spaces to 34 spaces for property located at 421 Fair Road. Councilmen Lewis, Blich, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

Mayor Hatcher requested they add a use to that property in the variance. That way there will not be a problem in the future on the property if things change. Councilman Britt made a motioned to

approve the use of this property, seconded by Councilman Lewis. Councilmen Lewis, Blicht, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

APPEAL OF AN ADMINISTRATIVE DETERMINATION REGARDING ALCOHOL CONTROL ORDINANCE'S PROXIMITY RESTRICTIONS AND PARKING REQUIERMENTS FOR A BUISNESS ON W. MAIN STREET.

City Manager George Wood stated we have two letters from Wallace Wright Law Firm for the restaurant going into the Aldred building on 32 West Main Street. The owner of the building and the tenant are concerned about the proximity of a church on South Main Street, since there will be alcohol sold at the restaurant. Mr. Wood suggested they go to the Alcohol Control Board. The Staff's interpretation of the ordinance is that the dominate use prevails and in this case is the First United Methodist Church. The ordinance states a business serving alcohol needs to be one-hundred feet from a church and this restaurant meets that requirement. He said in a central business district there is no parking required. Parking is allowed on and off the street provided by the City of Statesboro. Mr. Wood stated we're here to agree on the interpretation from the staff. Attorney Wallace Wright a representative of Wallace Wright Law Firm stated there is a substantial investment for the owners and the tenants and they didn't want to get into anything if the proximity to the church or the parking was a problem.

Councilman Blicht made a motion and seconded by Councilman Lewis, for the approval appeal of an Administrative Determination Regarding the Alcohol Control Ordinance's proximity restrictions and parking requirements for a business on W. Main Street. Councilmen Lewis, Blicht, and Britt voted in favor of the motion. The motion carried out by a 3-0 vote.

MOTION TO ADOPT ON SECOND READING ORINANCE #2006-06: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING SUBDIVISION REGULATIONS.

Planning Director Jim Shaw stated this amendment would modify zoning district requirements and clarify the requirement of maintaining the minimum lot width for the depth of the lot and match the change to the subdivision ordinance. He stated the design of the standard lot is recently related to the geography of the land. Only changes can be made by environmentalist. Flag shaped lot means a lot with a narrow end. There will be thirty feet along the street and a proper access to the property.

Councilman Britt made a motion and seconded by Councilman Blicht, to adopt the second reading of Ordinance #2006-06 amending the Statesboro Municipal Code Regarding Subdivision Regulations. Councilmen Lewis, Blicht, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO ADOPT ON SECOND READING ORDINANCE #2006-07: AN ORDINACNE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING THE ZONING REGULATIONS.

City Manager George Wood stated this is a companion ordinance that needs some cleaning up of the language for better understanding. There are no changes being made to this ordinance at this time.

Councilman Britt made a motion and seconded by Councilman Lewis, to adopt the second reading of Ordinance #2006-07 amending the Statesboro Municipal Code Regarding the Zoning

Ordinance. Councilmen Lewis, Blich, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO ADOPT ON SECOND READING ORDINANCE #2006-08: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING THE ZONING ORDINANCE.

Director of Planning Jim Shaw stated the telecommunication towers are at a minimum height and in certain zoning districts. The towers with special use will not be permitted in R-3, R-15, and R-20 under any circumstances. This amendment would require approval of a telecommunication tower as a condition use regardless of the height and this condition would be permitted. Councilman Blich asked what the height requirements are. Mr. Shaw stated there is no limitation on height it would be up to the Planning Commission and Council.

Councilman Britt made a motion and seconded by Councilman Lewis, to adopt the second reading of Ordinance #2006-08 amending the Statesboro Municipal Code Regarding the Zoning Ordinance. Councilmen Lewis, Blich, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO ADOPT ON FIRST READING ORDINANCE #2006-09: AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF STATESBORO REGARDING PARADES AND PICKETING.

City Manager George Wood stated our current ordinance does not give a set amount of citizens for parades or picketing. The court system says you must have fifty people accounted for in order to get a parade or picketing permit. Forty nine people or less, you do not need a permit. If there is less than forty nine they can not interrupt traffic or block any customers coming or going. Mr. Wood stated that people who put on parades or picketing get permits because they like the protection of the Police and with out a permit you wouldn't get the protection. Police Chief York stated we get four to six requests for these yearly and it seems to be rising. Mr. Wood stated we are trying to cooperate with the Federal Courts. Councilman Lewis asked if we could be sued. Mr. Wood stated yes, but they can't win, we are following the Federal Court System.

Councilman Britt made a motion and seconded by Councilman Blich, to adopt the first reading of Ordinance #2006-09 amending the Code of Ordinance of the City of Statesboro Regarding Parades and Picketing. Councilmen Lewis, Blich, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO ADOPT RESOLUTION 2006-19: A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATION TO CLOSE TWO BANK ACCOUNTS

City Manager George Wood stated we have no further use for two city bank accounts. We request these account to be closed.

Councilman Britt made a motion and seconded by Councilman Lewis, to adopt the Resolution #2006-19 authorizing the Director of Finance and Administration to close two bank accounts. Councilmen Lewis, Blich, and Britt voted in favor of the motion. The motion carried out by a 3-0 vote.

MOTION TO ADOPT RESOLUTION 2006-20: A RESOLUTION AUTHORIZING THE TRANSFER OF LOT #22, 305 TENNER STREET IN STATESBORO POINTE SUBDIVISION TO THE STATESBORO-BULLOCH COUNTY LAND BANK AUTHORITY FOR SALE TO HABITAT FOR HUMANITY OF BULLOCH COUNTY, INC. FOR \$5,000.00.

City Manager George Wood stated this is a standard agreement to transfer lot twenty-two at 305 Tenner Street to the Bulloch County Land Bank Authority. They will sell it to the Habitat for Humanity for \$5,000.00. Councilman Britt asked how many total houses have they accumulated. Mr. Wood stated they have a total of eleven houses. Four of them we built and seven they built. Councilman Britt asked how many have we had. Mr. Wood stated we had twenty-five and currently down to ten.

Councilman Lewis made a motion and seconded by Councilman Britt, to adopt the Resolution #2006-20 authorizing the Transfer of Lot #22, 305 Tenner Street in Statesboro Pointe Subdivision to the Statesboro-Bulloch County Land Bank Authority for Sale to Habitat for Humanity of Bulloch County, Inc. for \$5,000.00. Councilmen Lewis, Blicht, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO ADOPT RESOLUTION #2006-21: A RESOLUTION DECLAIRING SURPLUS PROPERTY AND ITS METHOD OF DISPOSAL.

City Manager George Wood stated there were three items not on the auction and these items needed to the go. The Red Cross expressed an interest on the Oshkosh Winnebago and they currently want to put a bid on it.

Councilman Blicht made a motion and seconded by Councilman Lewis, to adopt Resolution #2006-21 declaring surplus property and its method of disposal. Councilmen Lewis, Blicht, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$941,212.21 TO THE LOWEST BIDDER, ELLIS WOOD CONTRACTING, INC. FOR SAVANNAH AVENUE REALIGNMENT PROJECT AND THE POLICE STATION SITE IMPROVEMENTS PROJECT.

City Manager George Wood stated these are two projects combined together. With the price of oil going up we are slightly higher than we are suppose to be, but it still is the best offer for these projects.

Councilman Blicht made a motion and seconded by Councilman Lewis, to award a bid in the amount of \$941,212.21 to the lowest bidder, Ellis Wood Contracting, Inc., for the Savannah Avenue Realignment Project and the Police Station Site Improvements Project. Councilmen Lewis, Blicht, and Britt voted in favor of the motion. The motion carried out by a 3-0 vote.

MOTION TO AWARD A BID IN THE AMOUNT OF \$165.00: TO LOWEST BIDDER, DEAL WELDING FOR DUMPSTER CONTAINER REPAIR, WELDING, REPAINTING FOR A THREE YEAR PERIOD.

City Manage George Wood stated this bid in the amount \$165.00 per container for welding and painting is a good offer and much cheaper than buying new ones.

Councilman Blicht made a motion and seconded by Councilman Britt, to award a bid in the amount of \$165.00 per container to the lowest bidder, Deal Welding, for dumpster container repair

welding and repainting for a three-year period. Councilmen Lewis, Blich, and Britt voted in favor of the motion. The motion carried out by a 3-0 vote.

MOTION TO AUTHORIZE THE ABANDONMENT OF AN EASEMENT FOR A REMOVED SEWER LIFT STATION, WITH ANY PROPERTY INTERSET CONVEYED BACK TO THE OWNER BY QUITCLAIM DEED.

City Manager George Wood stated the current owner is in the process of selling the property and his attorney found out there was a sewer lift station on the property. Approval to remove this lift station and a quitclaim deed is given to the owner, so he will be able to pursue the sell of this property.

Councilman Blich made a motion and seconded by Councilman Britt, to authorize the abandonment of an easement for a removed sewer lift station, with any property interest conveyed back to the owner by quitclaim deed. Councilmen Lewis, Blich, and Britt voted in favor of the motion. The motion carried out by a 3-0 vote.

MOTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE A TRANSPORTATION ENCHANCEMENT MEMORANDUM OF UNDERSTANDING FOR PHASE II (WEST MAIN STREET) OF THE STREETScape PROJECT.

City Manager George Wood stated this is a standard agreement that needs approval. We did this on Phase 1 on East Main Street and now the same will be applied to Phase II on West Main Street.

Councilman Britt made a motion and seconded by Councilman Lewis, to authorize the Mayor and City Clerk to execute a Transportation Enhancement Memorandum of Understanding for Phase II (West Main Street) of the Streetscape Project. Councilmen Lewis, Blich, and Britt voted in favor of the motion. The motion carried out by a 3-0 vote.

REPORT FROM STAFF

City Manager George Woods: Budget Hearing, GMEBS Annual Meeting, CGRDC update on Transportation Grant

- 1) Mr. Wood announced that there will be a meeting on GMEB (Georgia Municipal Employee Benefit System) at the GMA (Georgia Municipal Association) conference.
- 2) Secondly we are working on the grant for the Rural Transportation System. He stated his concern is what fees will be charged for this service. Currently have transportation for medical needs. They'll take a person to their appointments and Medicare or Medicaid will reimburse the individual. Now they want to open that up to the public. This matter needs more discussion and information
- 3) Finally Planning Director Jim Shaw and I have been approached by owners on College Street for Amendments on Sign Ordinance. This was about a variance for offices from College Street to West side.

Director of Finance and Administrative/City Clerk Judy Mccorkle

Judy McCorkle stated just a reminder of the GMA meeting on June 24-27, 2006.

Planning Director Jim Shaw

He stated we have a request for our next council meeting on a rezoning of 06-05-01 from R-15 (Single-Family Residents) to R-20 (Single-Family Residential) by Keith J. Gavins on behalf of Paul and Heather Coleman, on 215 Merrywood Drive.

EXECUTIVE SESSION – PERSONNEL

Councilman Britt made a motion and seconded by Councilman Lewis, to enter into an Executive Session for purpose of discussing personnel matters. Councilmen Lewis, Blich, and Britt voted in favor of the motion. The motion carried out by a 3-0 vote.

EXECUTIVE SESSION

An Executive Session of the City Council was held on June 6, 2006 to discuss personnel matters. Present were Mayor Hatcher, Council Members Gary Lewis, Will Britt, and Tommy Blich. Also present were City Manager George Wood, City Attorney Sam Brannen, and Director of Finance and Administration Judy McCorkle. No action was taken and the meeting adjourned at 11:00am.

RECONVENED SESSION

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

City Manager George Wood requested the hire of Dennis Morifield as Fire Chief.

Councilman Blich made a motion and seconded by Councilman Britt, to hiring Dennis Morifield. Councilmen Lewis, Blich, and Britt voted in favor of the motion. The motion carried out by a 3-0 vote.

ADJOURNMENT

Being of no further business, the meeting adjourned at 11:01a.m.