

**COUNCIL MEETING  
MAY 2, 2006-9:00 A.M.**

A regular meeting of the Statesboro City Council was held May 2, 2006 at 9:00 a.m. Present were Mayor William S. Hatcher. Council Members Joe Brannen, Will Britt, Gary Lewis and Tommy Blicht. Councilman John Morris was absent. Also present were City Manager George Wood, City Attorney Sam Brannen, Director of Finance and Administration Judy McCorkle, Planning Director Jim Shaw and City Engineer Maz Elhaj.

**APPROVAL OF MINUTES-APRIL 18, 2006**

Councilman Blicht made a motion, seconded by Councilman Lewis, to approve the minutes of April 18, 2006. Councilmen Blicht, Britt, Brannen and Lewis voted in favor of the motion. The motion carried by a 4-0- vote.

**SPECIAL GUEST-INSPECTOR JAY**

Chief of Police Stan York introduced Inspector Andrew Jay and his wife Paige. The Statesboro Police Department was their host while they visited Statesboro. He said they are traveling through the USA, United Kingdom and Europe on the Churchill Scholarship, a program sponsored by the Australia government that provides for the travel and expenses for a citizen to go abroad to study law enforcement or other courses. They observed how we handle the traffic, crime and other events that might impact the community in large distribution centers such as Gateway and the Industrial Park.

**RECOGNITIONS-FORMER MAYOR HAL AVERITT**

A special moment of silence was held in remembrance of former Mayor Hal Averitt, a true statesman who served as Mayor from 1990 to 2001.

**PUBLIC HEARING OF CASE AN 06-04-01: Annexation Request by Trinity Presbyterian Church:**

**a) Motion to Adopt on First Reading Ordinance #2006-04: An ordinance to annex property into the City of Statesboro, Georgia.**

Planning Director Jim Shaw stated this request was advertised properly and Staff and the Planning Commission recommend approval. The property is located at 571 East Main Street and the applicant, Travis Grubbs, requests a zoning change from HC (Highway Commercial and R-25 (Single-Family Residential) to R-20 (Single-Family Residential). Mr. Shaw said the property consist of two 5-acre tracts that are owned by the church. Currently it contains a primary building that is used by the church for traditional religious activities as well as Trinity Christian School, which have classes throughout the week. Additional development of the property is anticipated in the coming years for the church and school. The area is predominately residential. Mr. Shaw stated Oakcrest Subdivision is to the west and Hillcrest Apartments and another single family subdivision area is located to the South. Currently it is zoned Highway Commercial 600 feet north to East Main Street, and the remainder is zoned R-25. Mayor Hatcher asked if anyone wanted to speak for or against the request. No one responded and the public hearing was closed.

Councilman Brannen made a motion, seconded by Councilman Blich, to adopt ordinance #2006-04 to annex property into the City of Statesboro, Georgia. Councilmen Britt, Brannen, Blich and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Councilman Blich asked if water and sewer was available. Mr. Wood said water, and the sewer is in progress. He said he and Director of Water and Wastewater Wayne Johnson have been working with the property owners to put in a regional pump station. They are aware until that goes in they will not have sewage. Mr. Johnson said they initially planned to install a private pump to take care of the sewage and when the Oakcrest area sewer is completed they will be able to tie into the regular City line.

**PUBLIC HEARINGS AND MOTIONS APPROVE OR DENY THE FOLLOWING ZONING REQUEST: a) Initial zoning of R-20 for Trinity Presbyterian Church**

Director of Planning Jim Shaw stated the property is currently zoned Highway Commercial to a point 600 feet north of East Main Street. He said the remainder of the property is zoned R-25. Educational and religious uses are permitted in any city zoning district. Zoning this land R-20 to match the property to the west and the majority of the property to the south seems to provide the best overall scheme for the area. He said this does not preclude consideration of Office or Commercial Retail zoning on a portion of the property to the east. The Staff and Planning Commission recommend approval of the requested annexation and rezoning of the property to R-20. Mayor Hatcher asked if anyone was in favor or against the request. There was no response. Councilman Joe Brannen made a motion, seconded by Councilman Blich, to approve the initial zoning of R-20 for Trinity Presbyterian Church. Councilmen Blich, Brannen, Lewis and Britt voted in favor of the motion. The motion carried by a 4-0- vote.

**MOTION TO APPROVE OR DENY AN APPEAL TO THE ZONING BOARD OF APPEALS BY MR. H.B. LANIER OF THE ADMINISTRATIVE DECISION NOT TO APPROVE A RE-SUBDIVISION OF TWO EXISTING LOTS INTO THREE LOTS ON O'NEAL DRIVE**

Mr. Wood stated under Article XVIII of the Zoning Ordinance this appeal is requested under Section 1801A. This ordinance pertains to a party questioning the administrative decision of one of our administrative officials. Mr. Wood said we will be sitting at this time not as the City Council, but as the Zoning Board of Appeals and he asked they uphold the decision of the Staff.

Mr. Shaw stated Mr. Lanier had discussed subdividing this property and he was under the impression it would be similar to the property he had previously divided. Mr. Lanier's first plat submission was a rectangular lot approximately 51 feet wide. He was informed that it did not meet the minimum width requirement of 70 feet. A few days later Mr. Lanier submitted the revised plat that met the minimum width requirement at the front setback line, but then narrowed to a width of approximately 51 feet. The plat was reviewed with the City Attorney and City Manager who stated the zoning ordinance had been interpreted in the past to require the minimum width to be maintained for the entire depth of the lot. Mr. Lanier was sent a letter of denial based on that interpretation.

Mr. Lanier presented the Mayor and Council with a drawing of 52,355 square feet he wants divided into 3 lots. On lots 29 and 30 off O'Neal he wants to build a 1,260 square foot house. He had a copy of the ordinance which reads a minimum lot must be 8,000 square feet and the width no less than 70'. He said he has met this requirement. It will be 185 feet deep by 70' on the front and 53 feet

on the back. The front yard will be 75 feet by 70 feet and the backyard will be 66 feet by 53 feet. He said he has done everything to meet the requirements.

On the second meeting with Mr. Shaw the drawing was approved. Mr. Lanier said he went to 911 for an address and paid a surveyor and now he is told it has been denied. He wants to be treated fairly and wants the Council to approve it. Council Brannen asked how would there be access to the house. Mr. Lanier said there would be a drive-way between lots 10 and 11. Mr. Wood stated at present our ordinance does not have provisions against flag lots, but it is going through the Planning Commission now to correct it. The staff's interpretation of that provision of the Zoning Ordinance is that the 70' lot width has to be maintained from the setback line through the full depth of the lot.

He said think how a flag is shaped, that is a flag lot, and think of a drive way as a pole then it widens out. That is what you have on lots 10 and 11, a drive way about 30' wide and then a house in what was once the back yard. Mr. Wood said that was never the intent of the ordinance, what purpose would be served by an ordinance that require a lot with of 70' in the front yard, but then did not maintain it? It must be maintain through the entire lot. The purpose is to accommodate cul de sac lots. On the circle, as lots are divided, they will obviously be very narrow right at the edge of the circle, and then expand outward. By requiring a minimum lot of 70' feet at the setback line, you allow the developer to use cul de sacs, but provide a sufficiently wide lot to build upon.

Mr. Wood said Mr. Lanier wants to combine two standard lots, put in a strange configuration to meet the minimum lot size and jam another house into the neighborhood that does not match the others. In other words, if this is allowed the purpose of the 70' ordinance would be of no value. Also, if this one is allowed, areas like Edgewood acres and other areas with larger lots will do it. He asked if this is what you would want in your neighborhood. Mayor Hatcher said this is a drastic change to the subdivision. Mr. Lanier said everything changes. Mayor Hatcher said it wasn't intended to squeeze things down and build in the backyard. Under the ordinance, lots must be at least 70 feet wide at the point in which the setback is measured however; the lot Mr. Lanier proposed to build on meets that requirement but narrows at the back.

Councilman Brannen asked which are the family owned lots. Mr. Lanier said Lot 18 and Lot 7 on Mike Ann. Councilman Lewis asked how did you obtain the 2 houses that sit in the back yard. Mr. Lanier stated the City passed it. Mr. Wood stated because we do not have a provision for flag lots, but Mr. Shaw is presently working on this to present to the Zoning Board. Councilman Lewis said we don't want to change the rules in mid stream but if we amend this, will it affect what he wants to do now. Mr. Wood said no. Mr. Lanier said he built these 2 houses because the lots are ½ acre and there is no one in the area except college students and they don't need a ½ acre lot to throw trash on.

Councilman Britt asked what can we do about the student neighborhood? It's definitely not what we intended, but is what it has become. He said we make changes and change the rules and he thinks this is a case the behavior dictates a change in the rule, but in this case the behavior has been changed before the rules changed. He feels Mr. Lanier came in before this and he meets that definition. Mr. Wood said the argument from the Staff is if they go with the interpretation used for years, it will not be allowed; however, when the change is made with the flag lots, this will take care of the problem. He said this is a good way the Zoning Board finds out there is a problem like these flag lots.

Councilman Britt stated he thinks the law is very brief on the description and Mr. Lanier meets that, but the interpretation may be different. He said he knows there are other lots in this area that are approximately 8,000 square feet. Mr. Wood said he believes this subdivision was laid out prior to zoning and the zoning ordinance was passed in 1977 but, the interpretation is consistent with what we have always done. Councilman Brannen asked can't we as a Council walk the area to determine this? Councilman Lewis asked when, because we don't want an ordinance amendment to come in before and I want to do what is fair. Councilman Bannen said after this meeting. Mr. Wood asked Attorney Brannen want the decision on the ordinance be as it is today. Attorney Brannen said yes.

Councilman Britt asked why we can't start drawing things up and submit the plans before the next meeting. Mr. Wood said we could. Councilman Lewis made a motion, seconded by Council Brannen, to deny the appeal and table the request so Council can walk the property again. Councilman Brannen, Britt, Lewis and Blich approved the motion. The motion carried by a 4-0 vote.

**MOTION TO ADOPT ON FIRST READING ORDINANCE #2006:05: A ORDINANCE REGARDING SPEED LIMIT ENFORCEMENT USING SPEED DETECTION DEVICES**

Mr. Wood said this is an ordinance we do annually that must be approved by the Department of Transportation. It will approve the speed limits we put on City streets. Mr. Wood confirmed with Chief of Police that there were no changes on the speed limits. Chief York said no, the only recommendations by he and the City Engineer are on the new areas that may have been annexed in or extended ones like Brannen Street. He said we can recommend this to the Department of Transportation. Mayor Hatcher asked isn't this an update of what we already have? Mr. Wood said yes.

Councilman Britt made a motion, seconded by Councilman Blich, to adopt on first reading ordinance #2006-5 regarding speed limit enforcement using speed detection devices. Councilmen Blich, Brannen, Britt and Lewis approved the motion. The motion carried by a 4-0 vote.

**PRESENTATION BY DEBBIE TRAINOR OF LASERCRAFT, ON TRAFFIC INTERSECTION CAMERAS FOR RED LIGHT ENFORCEMENT**

Ms. Trainor, representative of Lasercraft, Inc. presented a PowerPoint presentation explaining how the traffic intersection red light camera would work. It will cut down on accidents and violations. She stated the company has studied 3 intersections that our records showed have the most accidents, Fair Road and Gently Road; Veterans Memorial Parkway and US301 South (S.Main Street); and Veterans Memorial parkway and US 80 East (Northside Drive).

She stated the Automated Red Light Camera Enforcement Program has been operating in Europe more than 30 years and in the United States since 1991. The first demonstration in Georgia was at the City of Marietta in 2000, and the first city to issue a citation was at the City of Decatur in September 2002.

She stated these cameras could reduce red light violations by as much as 50 percent or more. Currently there are 14 cities in Georgia using these cameras with another 8-10 considering them. She introduced the Laser RMS, a hi-tech, digital camera with a red light monitoring system. It is the

world's leading laser speed measurement device for police officials. She explained that cameras take photographs of vehicles as they approach the intersection and if the driver runs a red light it will take a picture of the license plate and the vehicle after it has passed through the intersection. The images are downloaded by the company each morning and sent to the local Police Department, and then an officer will determine if a violation has been committed. If so, the registered owner will be sent a ticket and if the owner wasn't driving there is a safeguard to protect them. She said the camera's can be leased or purchased. If leased the fee is \$4,500 per month, per unit, per direction. If purchased it's the purchase price, plus \$3,000.00 monitoring fee per approach per direction per month. Signs are required by State law. She stated they run 24-7 regardless of the weather and the taxpayers do not pay for them, the violators do.

Councilman Blitch asked if the film would be at the Police Station or would it be removed from the unit. Ms. Trainor said it's digital and accessed by a DSL line which would download the files daily from their office in Norcross, Georgia to Statesboro. She said they would log on each morning and download it on a private network and they have never had a breach with the security coming across. Councilman Blitch asked if it were 3 or 4 cars will it show all of them? Ms. Trainor said yes, it has captured up to 5 in one lane and 5 or 6 in the other lane.

Mr. Wood asked if we purchased the system will we get the latest upgrades? She said yes. Mayor Hatcher asked for how long will we be able to get the upgrades? Ms. Trainor said as long as you have the contract. Mr. Wood asked what is the useful life of the equipment. Ms. Trainor stated a minimal of 5 years, occasionally a part will need replacing, and that's why we suggest leasing. If you purchase and decide to cancel after a year you will have \$50,000 worth of equipment on your hands and 95% of the cities lease. City Engineer Maz Elhaj asked what warrants the use of the camera and is there a magic number? Ms. Trainor said accidents and violations warrants the use and there is no certain number. We will go to the property and install a light free of charge for several days then analyze it to see if there is a problem in that area. Mr. Elhaj asked what is the relation with the Department of Transportation. Mrs. Trainor said very supportive as long as we meet their specs.

Councilman Lewis asked if these could be moved to another location. She said it requires the Department of Transportation approval, but it can be done. It will cost approximately \$5,000 to get moved. You have the option to pull all the mechanics from the inside and leave the empty shell. Mayor Hatcher asked what is the percentage of malfunctions and the down time. Ms. Trainor said 99.3% to 99.7% operative. There is an office in Atlanta, so we can dispatch within an hour. Mayor Hatcher asked how will you know there is a problem? She said there is a pattern in which you will see so many a day and then nothing. That's when you know there is a malfunction.

Councilman Britt asked Chief of Police Stan York will he have someone that will come in each morning to read the reports. Chief York said an officer will be assigned and it will take approximately 15 to 30 minutes. Councilman Britt asked would that be the representative that will go to Municipal Court if there is a violation? Chief York said yes. Mr. Wood said if they decide to proceed; we they will probably bid both ways and then crunch the numbers to see how we would come out best.

**MOTION TO NAME THE VOTING AND ALTERNATE DELEGATE TO THE GMA DISTRICT CAUCUS AND THE ANNUAL BUSINESS MEETING AT THE GMA ANNUAL CONVENTION**

Mr. Wood recommended Councilman Lewis to continue serving as the Voting delegate, which he has done this for several years, and Mayor Hatcher to be the Alternate Delegate. Councilman Brannen made a motion, seconded by Councilman Britt, to approve the motion to name the voting and alternate delegate to the GMA District Caucus and the annual business meeting at the GMA Annual Convention.

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

**MOTION TO APPROVE A QUITCLAIM DEED FOR PROPERTY BEHIND THE OLD NORRIS HOTEL, WHILE PRESERVING AN EASEMENT FOR UTILITIES.**

Mr. Wood stated we have been working with the owner of the old Norris Hotel and his proposed renovation of the property. They approached us about an area they want for parking and assumed we owned the property behind it which backs up to the parking lot of the Federal Building on North Main Street. We assumed we owned it also as there is four massive concrete footings from a previous water tower; however, Attorney Brannen has determined in checking the title that the General Services Administration of the US Government is the property owners, but the City has some water lines there. Attorney Charles Brown, attorney for the owner, has asked that we sign a quitclaim to help clear the title. This says if we do have property interest beyond the easement for utilities, we are releasing it to them.

Attorney Brannen said apparently the water tower got on the property years ago maybe at the turn of the century when that was a residential neighborhood, but we do not own any of the property. Councilman Blich asked is there any liability on our part. Mr. Wood said no, the only thing we will keep is the easement. Councilman Brannen made a motion, seconded by Councilman Britt, to approve a quitclaim deed for property behind the old Norris Hotel. Councilmen Blich, Britt, Brannen and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO AWARD A BID IN THE AMOUNT OF \$36,480.00 TO THE LOWEST BIDDER, TRANSPOWER, INC. FOR A 2007 30' EAST TANDEM ALUMINUM BODY DUMP TRAILER TO HAUL SLUDGE WASTE FROM THE WASTEWATER TREATMENT PLANT**

Mr. Wood stated as the sludge goes through the de-watering process and comes off the surveyor belt it is emptied into these watertight trailers. We received bids from 5 vendors and Transpower, Inc. was the lowest bidder. Councilman Britt asked have we ever used this company before? Mr. Wood said yes.

Councilman Blich made a motion, seconded by Councilman Lewis, to award a bid in the amount of \$35,480.00 to Transpower, Inc. for a 2007 30" east tandem aluminum body dump trailer to haul sludge waste from the Wastewater Treatment Plant. Councilman Blich, Brannen, Britt and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**MOTION TO AWARD A BID IN THE AMOUNT OF \$13,850.00 TO THE LOWEST BIDDER MEETING ALL SPECIFICATIONS, ARROW RENTALS, FOR A SULLIVAN AIR COMPRESSOR FOR THE WATER AND WASTEWATER DEPARTMENT.**

Mr. Wood stated this was not the lowest bid but, lowest bid it did not meet the warranty specifications. Arrow Rentals was awarded the bid even though it was \$400.00 higher. It carries the additional warranty and they are a local company. Councilman Britt, seconded by Councilman Lewis made a motion to award a bid in the amount of \$13,850.00 to Arrow Rentals for a Sullivan Air Compressor for the Water and Wastewater Department. Councilman Britt, Brannen, Blich and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**STAFF REPORTS**

City Manager George Wood stated he, Mayor Hatcher and Director of Natural Gas Steve vxHotchkiss will be attending the MGAG meeting May 3/5, 2006.

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Director of Finance and Administration Judy McCorkle stated we had received an invitation to attend the Annual National Day of Prayer at the Bulloch County Courthouse from 11:30 a.m. until 12:30 p.m.

City Engineer Maz Elhaj introduced Brad Deal, the new Assistant Engineer. He graduated from Georgia Southern University in 2001 and worked with the Department of Transportation in Savannah for 5 years.

**EXECUTIVE SESSION-PERSONNEL**

Councilman Brannen made a motion, seconded by Councilman Britt, to enter into an executive session for the purpose of discussing a personnel matter. Councilmen Britt, Brannen, Blich and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

**EXECUTIVE SESSION**

An Executive Session of the City Council was held on May 2, 2006 to discuss a personnel matter. Present were Mayor William Hatcher, Council members 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 10:55 a.m.

**RECONVENED SESSION**

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

**ADJOURNMENT**

Being of no further business, the meeting adjourned at 10:58 a.m.

