

**COUNCIL MEETING
DECEMBER 6, 2005-9:00 A.M.**

A regular meeting of the Statesboro City Council was held December 6, 2005 at 9:00 A.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 THE NOVEMBER 15, 2005, REGULAR MEETING MINUTES

Minor corrections were made to the November 15, 2005 Council meeting minutes on Pg. 2 and Pg. 5 as requested by Councilman Brannen. Councilman Brannen made a motion, seconded by Councilman Blitch to approve the November 15, 2005 minutes as amended. Councilmen Brannen, Blitch, Morris, Lewis, and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

RECOGNITIONS:

CITY MANAGER 5 YEARS OF SERVICE

Judy McCorkle Director of Finance and Administration spoke on behalf of all City Department Heads who were present to recognize City Manager George Wood for 5 years of dedicated service to the City of Statesboro on October 1, 2005. She announced his accomplishments and expressed the gratitude of the City Department Heads for his appreciation and outstanding leadership, and presented him with a 5-year service plaque. On behalf of the Statesboro City Council, Mayor Hatcher thanked him for a job well done.

STATESBORO HIGH SCHOOL FOOTBALL STATE CHAMPIONSHIP

Mayor Hatcher expressed gratitude from the City of Statesboro to the Statesboro High School for winning the State Championship Football Game. He said an official recognition would be held at a later time in conjunction with other entities.

ADOPTION ON SECOND READING OF ORDINANCE #2005-14 AMENDING THE STATESBORO MUNICIPAL CODE REGARDING ALCOHOLIC BEVERAGES

Mr. Wood explained the proposed changes to the Alcohol Ordinance in the following sections: **Section 6-166 Section 1.** subsections b)3) and b)8) were deleted as written and new language was substituted, new language was added to subsections b)15) and b)16); **Section 6-157 Section 2.** subsection (8) new language was added; **Section 3.** subsection 6-3 (b) (5) was deleted and new language was inserted; **Section 4.** a sentence was added to subsection 6-35; **Section 5.** subsection 6-35 (c) was deleted and new language was inserted; **Section 6.** subsection 6-36 (6) was amended by changing the word "and" on line one to the word "or".

Councilman Britt made a motion to deny the changes to the alcohol ordinance based on a belief that some of the changes could increase the amount of underage sales, and decrease safety. The motion died for lack of a second. Councilman Morris made a motion, seconded by Councilman Blich to adopt ordinance #2005-14. As Councilman Britt began to discuss this issue, Mayor Hatcher informed him that according to the Ethics Ordinance no one could have any substantial interest in any financial benefits from the discussion on the table, and asked if he has a substantial interest in this matter. Councilman Britt said no.

Councilman Britt discussed Mugs & Movies being able to operate as a restaurant and offer discounts to senior citizens, children, and ladies. If we are to follow the law, these discounts can no longer be offered. He said when many places in Statesboro reach their limit capacity, they only allow 21 year olds or above inside the establishment because the younger crowd do not purchase alcohol. The businesses have no desire to have an establishment that only seats 100 people and to have 75 people that are underage. He said several places move tables and chairs during live music shows to make adequate space to enjoy live music. The places are not trying to exceed the occupancy load. He said in the past few years five establishments have closed due to market pressure and four may be closing soon for the same reason. This ordinance further hampers those businesses.

Councilman Lewis asked if Mugs & Movies serve alcohol. Director of Finance and Administration Judy McCorkle said yes, they serve alcohol and food. Councilman Lewis asked if patrons under the age of 21 are allowed to enter Mugs & Movies; if so, how is underage alcohol sales prevented. Chief York said this establishment is checked for underage sales as any other establishment, and the Police Department has not experienced any problems with this establishment. Councilman Morris said the discounts would not affect Mugs & Movies. Mayor Hatcher said the customer's major intent is to watch a movie. Councilmen Morris, Blich, and Brannen voted in favor. Councilmen Britt and Lewis opposed. The motion carried by a 3-2 vote.

AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE A CITY CONTRACT WITH GDOT FOR STATE PARTICIPATION OF UP TO \$27,141.84

Mr. Wood reported the City can not afford to have the Landfill Road to go out of commission. The landfill is jointly owned by the City & County. The City has requested the County's help for use of their large equipment to replace 72 inch piping and the County plans to work with the City to do this. Mr. Wood said the amount of the contract is a not-to-exceed figure. Councilman Blich made a motion, seconded by Councilman Britt to authorize the Mayor and City Clerk to execute a City Contract with the GDOT for state participation of up to \$27,141.84, subject to unit price confirmation, for replacing the piping at Landfill Road at Belcher Branch Tributary. Councilmen Blich, Britt, Morris, Brannen, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH HUSSEY, GAY, BELL, & DEYOUNG, INC.

Councilman Britt made a motion, seconded by Councilman Morris to authorize the Mayor and City Clerk to execute a contract with HGBD, Inc. for the engineering of the water and sewer system replacement lines in the West Grady Street and Martin Luther King, Jr. Boulevard area at the not to exceed price of \$23,800.00 and their normal hourly fees. Councilmen Britt, Morris, Blitch, Lewis, and Brannen voted in favor of the motion. The motion carried by a 5-0 vote.

AUTHORIZATION OF CHRISTMAS BONUSES

Councilman Brannen made a motion, seconded by Councilman Britt to authorize Christmas bonuses of \$75.00 in net pay after FICA for eligible employees and board members. Councilmen Brannen, Britt, Lewis, Blitch, and Morris voted in favor. The motion carried by a 5-0 vote.

DISCUSSION AND ACTION ON THE ANGLE PARKING REQUEST OF NOEL BURNSED ON E. MAIN STREET

Mr. Noel and Alicia Burnsed were present to discuss angular parking downtown between City Hall and Alicia B's business. An overhead presentation was presented to show parallel and angle parking spaces. There are currently four proposed parallel parking spaces in front of Alicia's business and they are requesting to convert these spaces to angle parking in order to provide more spaces.

City Engineer Maz Elhaj discussed his concerns on changing from parallel to angular parking. He said traffic backing out from angle parking would be in the middle of the street, and it would have an impact on the City's Streetscape Project. Mr. Elhaj said E. Main Street contains 11,000 cars per day, which is up to capacity. In the 1990's, the City tried angle parking downtown which caused problems and delay. Other concerns were safety, delayed parking, and congestion on E. Main Street. An idea presented by Mr. Elhaj was to create one-way parking and parallel spaces on Railroad Street, Hill Street, Courtland and Oak Streets, which would net 60 to 70 parking spaces.

Mr. Wood said Wood & Partners, the Landscape Architects the City contracted to do the Streetscape Project, submitted a letter requesting that this not be approved. They did not recommend changing the Streetscape Project for the following reasons: 1) street aesthetics; 2) traffic volume and speed; and 3) the parking would consume too much of the public space and would deviate the sidewalk into private property.

Mr. Wood reported Alicia recommended using the alleyway between her building and the Plunderosa as parking. This area could contain about 32 spaces, and if the alley is realigned 7 additional spaces could be added. He said this could be private parking and the City would maintain an easement for water, sewer and drainage. The alley would only be utilized to serve the businesses.

Mr. Wood asked City Attorney Sam Brannen's opinion about the alley. City Attorney Brannen said he does not see a problem with this as long as the owner of the Plunderosa agrees. Councilman Blich asked if the alley belongs to the City. Mr. Wood said yes. Mr. Wood said the ordinance requires half of the parking spaces to be 9 ft. and the other half 10 ft., but for consideration since we are dealing with the existing downtown area he asked to allow 9 ft. parking stalls to maximize parking. The on-street parking would meet the 10 ft. parking stall requirement.

After speaking about angle parking in other cities, Mr. Burnsed asked to provide a few more parking spaces. He said the solution would be less sidewalks and more angle parking. He agreed to change the front of his building to provide angle parking stating they need all the parking they can get. Councilman Morris asked if handicap parking would be provided. Mr. Burnsed said the first two parking spaces in front of the building could be handicap parking. City Engineer Maz Elhaj suggested to Council to evaluate the concept, and not necessarily the details when it comes to angular parking on East Main Street.

Mayor Hatcher reported fifteen months ago the City engaged in a Streetscape Project and is close to letting the contract. He asked City Manager Wood how much money has the City spent on the project. He said \$50,000.00. Mayor Hatcher said angle parking would affect the streetscape and the City plans to spend more than a half million dollars and there should not be a question that Council wants a vital downtown. He said the landscape architects do not agree because of safety and aesthetics, and the traffic engineer stated for the record he does not agree from a safety standpoint.

Councilman Blich made a motion, seconded by Councilman Lewis to table this issue until the next meeting. Councilmen Blich, Lewis, Brannen, Britt and Morris voted in favor of the motion. The motion carried by a 5-0 vote. Mr. Wood recommended for clarification that the motion be based on tabling the angle parking in front of the building.

Councilman Britt made a motion, seconded by Councilman Morris to authorize the City Manager and the City Engineer to implement parking in the rear of the building and to look at parking on Railroad Street in order to maximize all the parking we can get in the alley across the street and behind the building, and to study parallel parking along Vine Street. Mr. Wood recommended that the Council approve the concept and allow him to work out details with the City Attorney. Councilmen Britt, Morris, Brannen, Blich, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

ACCEPTANCE OF A GIFT OF 13.8 ACRES OF WETLANDS FROM T.E. RUSHING, ET AL, LOCATED SOUTH OF VETERANS MEMORIAL PARKWAY, BASED ON REASONS DISCUSSED

Mr. Wood reported Mr. T.E. Rushing is asking for the standard dedication of his property as a gift to the City of Statesboro. He would probably deed the other seven acres at a later date. The City has interest in the property because there are other sewer lines in this area.

He reported part of the road for the new entrance to the Statesboro High School is wetlands. A portion of this 13.8 acres could be given to the Board of Education to use for wetlands mitigation. This would be no cost to the City and the City would use the property as wetlands. Mr. Wood recommended acceptance of the gift from Mr. T.E. Rushing. Councilman Brannen made a motion, seconded by Councilman Britt to accept the gift of 13.8 acres of wetlands from T.E. Rushing, et al, located south of Veterans Memorial Parkway, contingent on acceptance of an additional 7.27 acres adjacent to the parcel being conveyed, provided that neither site is found to have environmental hazard issues. Mayor Hatcher asked about the time frame on the additional 7.27 acres. Mr. Wood said he is unsure and suggested approving the motion contingent upon Mr. Rushing being able to do something with the parcel. Councilmen Brannen and Britt amended the motion to include the Mayor's suggestion. Councilmen Brannen, Britt, Morris, Lewis, and Blicht voted in favor. The motion carried by a 5-0 vote.

MOTION TO AWARD A CONTRACT TO THE LOWEST BIDDER, FRANKLIN CHEVROLET FOR THE PURCHASE OF 2 IMPALAS FOR THE POLICE DEPARTMENT

Councilman Morris made a motion, seconded by Councilman Lewis to award a contract in the amount of \$34,438.00 to the lowest bidder, Franklin Chevrolet for the purchase of 2 Impalas for the Police Department. Councilmen Morris, Lewis, Brannen, Blicht, and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AWARD A CONTRACT TO THE LOWEST BIDDER, YANCEY BROTHERS, INC. FOR THE PURCHASE OF A RUBBER TIRE LOADER FOR THE LAKEVIEW TRANSFER STATION

Mr. Wood reported this replaces the Rubber Tire Loader which is replaced every five years. Councilman Britt made a motion, seconded by Councilman Morris to award a contract in the amount of \$130,284.80 to the lowest bidder, Yancey Brothers, Inc., for the purchase of a Rubber Tire Loader for the Lakeview Transfer Station, with a trade-in of \$20,000 credit for the existing IT 24 loader, Serial Number 4NN00515. Councilmen Britt, Morris, Brannen, Lewis, and Blicht voted in favor of the motion. The motion carried by a 5-0 vote.

APPROVAL OF CHANGE ORDER #2, FINAL SUMMARY CHANGE ORDER, ON THE ROADWAY AND WWTP PAVING PROJECTS TO ADJUST FOR ADDITIONAL QUANTITIES IN THE PAVING CONTRACTS AT THE BID UNIT PRICES

Mr. Wood reported this is one of four projects that were put together in order to receive a better bid. He explained the differences in the change order. Change Order #2 is to replace the subgrade soil. Councilman Brannen made a motion, seconded by Councilman Blicht to approve Change Order #2, final summary change order, on the roadway and WWTP paving projects to adjust additional quantities in the paving contracts at the bid unit prices. Councilmen Brannen, Blicht, Britt, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

STAFF REPORTS:

CITY MANAGER-SAVANNAH ARTICLE COOKING WITH GAS; FIRST BUDGET AMENDMENT; GSU PROJECTS; CHIEF BEASLEY'S RETIREMENT

Mr. Wood reported the Savannah Business Report posted an article about Statesboro's Cooking with Gas Project.

He also reported the First Budget Amendment is being worked up. The numbers are trued-up based on the capital projects that we will be done shortly.

He reported City Engineer Maz Elhaj is continuing to work with GSU regarding the project on Chandler Rd. and Georgia Avenue. Mr. Elhaj said the utilities have been relocated, and the project should be completed in a couple weeks. The next project is Forrest Drive at Old Register Rd.

Mr. Wood reported Chief Beasley has submitted his retirement letter. He informed Chief Beasley that he appreciates working with him, and how the Fire Department is being left in great shape. A retirement reception would be held for Chief Beasley prior to the next Council meeting. Mayor Hatcher extended thanks from the elected officials of the services Chief Beasley has given the City and wished him the very best.

DIRECTOR OF FINANCE & ADMINISTRATION-CITY'S CHRISTMAS PARTY; GMA MAYOR'S DAY

Mrs. McCorkle reported the City of Statesboro's Christmas Party is scheduled for this Friday, December 9, 2005 at 6:30 p.m. at Snella's Place.

She also reported the Mayor and City Council has been registered to attend the GMA Mayor's Day in Atlanta in January.

CITY ENGINEER - APPROVAL TO CLOSE THROUGH TRAFFIC ON OLD REGISTER ROAD

City Engineer Maz Elhaj reported he has received permission from the Department of Transportation to close through traffic on Old Register Rd. to the Bypass because of increased accidents at this intersection. Mr. Wood reported the property across Hwy 301 & Old Register Rd. (Southside Service Center) is in the County, and they have agreed to this.

Mr. Wood reported a traffic signal can not be installed at this location because it would be too close to the traffic signal on Veterans Memorial Parkway. Akins Boulevard would be the primary entrance point into the college. This item would be brought before the Mayor and City Council at the next meeting for approval.

PLANNING DIRECTOR – PUBLIC HEARINGS

Planning Director Jim Shaw reported the following public hearings are scheduled for the next City Council Meeting:

Case No. AN 05-09-09: Charles E. Perry, on behalf of CEDaR Development LLP, requests annexation by the 100% method of 1.16 acres and a zoning change from R-40 (Single-family Residential) to CR (Commercial Retail) for property located at 16779 Highway 80 West.

Case No. RZ 05-10-02: Harold A. Bowman for Mrs. Ethel McCorkle requests a zoning change from R-15 (Single-Family Residential) to CR (Commercial Retail) for property located at 9 North Gordon Street.

Case No. RZ 05-11-01: Sam DiPolito, on behalf of Charles Tsang, requests a zoning change from R-4 (High Density Residential) to CR (Commercial Retail) for a 6.046 acre tract located at 109 Harvey Street.

Case No. RZ 05-11-02: Charles J. Maxwell, on behalf of Pineridge Apartments, LLC, requests a zoning change from R-4 (High Density Residential) to PUD (Planned Unit Development) with an R-4 overlay for property located at 410 South College Street.

Case No. V 05-11-03: Daniel Craig Rigdon requests a variance of the 20 foot side yard setback to allow a building 9 feet from the south property line for property located at 808 South Main Street.

Case No. RZ 05-12-01: John A. Dotson, on behalf of JESCO Development LLC, requests a zoning change from CR (Commercial Retail) to PUD (Planned Unit Development) with a CR overlay for property containing 4.30 acres located at 439 and 441 South Main Street.

CITY ENGINEER- OVERHEAD PRESENTATION ON THE LINEAR PARK & APPROVAL TO DISPLAY GSU ART IN THE PARK

City Engineer Maz Elhaj presented an overhead presentation that was explained by Mr. Matt Tool of GSU's Art Department of the art that would be displayed in the Linear Park. Mr. Tool approached Mr. Elhaj about placing sculptural benches in the park that would be made from recycled materials. The sculptures would be replaced each year. Mr. Tool answered questions from Council. Councilman Morris asked how the benches would be secured. Mr. Tool said they would be bolted to a concrete slab. Mayor Hatcher inquired about liability. City Attorney Sam Brannen said the City would be covered. The Mayor and Council would vote on each sculpture before it is allowed in the park. Mr. Tool said if there is ever a disagreement on a sculpture, the art would be removed. Councilman Britt made a motion, seconded by Councilman Brannen to allow the City to accept the items from the GSU Art Department to display in the Linear Park. Councilmen Britt, Brannen, Blich, Morris and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

EXECUTIVE SESSION- PERSONNEL & LITIGATION

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

EXECUTIVE SESSION

An executive session of the City of Statesboro was held on December 6, 2005 for the purpose of discussing a personnel matter and a litigation issue. Present were Mayor William S. Hatcher, Council members John Morris, Gary Lewis, Joe Brannen, Tommy Blitch and Will Britt. Also present was City Manager George Wood, City Attorney Sam Brannen, Director of Finance & Administration Judy McCorkle, and City Engineer Maz Elhaj. No action was taken and the meeting adjourned at 11:35 a.m. to enter into a regular session.

REGULAR SESSION

A regular session reconvened after the executive session at 11:35 a.m.

CLARIFICATION ON THE ALCOHOL ORDINANCE; ALCOHOL LICENSE FEES

Councilman Britt asked for clarification on the Alcohol Ordinance regarding business after hours for private parties. City Manager Wood said the City does not regulate those types of activities.

As for alcohol license fees, Councilman Britt said a lot of businesses do not have a point of sale transaction, every transaction. Mr. Wood said businesses must report individual sales and discussed Section 191 & 192 of the ordinance. He said the auditor would have no way of determining the 50/50 sales without individual sales.

MOTION TO MOVE PUBLIC INFORMATION OFFICER'S POSITION FROM PART-TIME TO FULL-TIME

Councilman Brannen made a motion, seconded by Councilman Morris to move the Public Information Officer's position from part-time too full-time. Councilmen Brannen, Morris, Blitch, Lewis, and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

ADJOURNMENT

Being no further business, Mayor Hatcher adjourned the meeting at 11:50 a.m.