

**COUNCIL MEETING  
JUNE 7, 2005-9:00 A.M.**

A regular meeting of the Statesboro City Council was held June 7, 2005 at 9:00 A.M. Absent were Mayor William S. Hatcher and Mayor Pro tem Joe Brannen. Present were Council members Gary Lewis, Tommy Blitch, Will Britt, and John Morris. Also present were City Manager George Wood, City Engineer Maz Elhaj, City Planner Hawa Samatar, City Attorney Sam Brannen and Director of Finance and Administration Judy McCorkle.

**MOTION TO APPOINT AND ACTING MAYOR PRO TEM TO CHAIR THE MEETING**

Mr. Wood called the meeting to order to appoint an Acting Mayor Pro Tem in the absence of the Mayor and Mayor Pro tem. Councilman Morris made a motion, seconded by Councilman Britt to appoint Councilman Lewis the Acting Mayor Pro tem to chair the meeting. Councilmen Morris, Britt, and Blitch voted in favor of the motion. The motion carried by a 3-0 vote.

**APPROVAL OF THE MAY 17, 2005, REGULAR MEETING MINUTES**

Councilman Blitch made a motion, seconded by Councilman Morris to approve the May 17, 2005, minutes as presented. Councilmen Blitch, Britt, and Morris voted in favor of the motion. The motion carried by a 3-0.

**PUBLIC HEARINGS:**

**MS. PAULA RAINES-VARIANCE FROM SECTION 1510, AREA 2 TO PLACE A SECOND FREE STANDING SIGN AT 151 NORTHSIDE DRIVE**

Acting Mayor Pro tem Lewis reported Ms. Paula Raines is requesting a variance from Section 1510, Area 2 of the Zoning Ordinance sign provision in order to place a second free standing sign at 151 Northside Drive (there is an existing billboard sign on the property). Mr. Wood reported the Statesboro Planning Commission met and did not have a quorum, but those present recommended approval. No one spoke for or in opposition to the request. Councilman Morris made a motion, seconded by Councilman Britt to approve the variance. Councilmen Morris, Britt, and Blitch voted in favor of the motion. The motion carried by a 3-0 vote.

**MS. CINDY C. THOMPSON-CONDITION USE VARIANCE/405 WEST PARRISH ST.**

Acting Mayor Pro tem Lewis reported Ms. Cindi C. Thompson (applicant) and Ms. Helen Bowen (owner) are requesting a conditional use variance to locate a residential transitional treatment program home for up to eight women at 405 West Parrish St. Mr. Wood reported typically in an R-20 neighborhood this request would not be allowed under the current zoning ordinance, which is the reason she is requesting a variance. Ms. Thompson has a similar facility on College Street that has worked very well. There were concerns from the City staff, and the Planning Commission recommended approval as long as there were no objections from the current neighbors.

Ms. Thompson was present to answer questions from Council. Councilman Morris asked how many clients are in the other location. Ms. Thompson said seven. He then asked how many would be at the new location. She said the ordinance requires 60 square feet per residence which she would not exceed. Mr. Wood said the number would be eight. He also said favorable letters were submitted from residents and business owners in the current neighborhood.

Ms. Thompson confirmed that she does not provide treatment for her clients. This would be a residential transitional program. Councilman Morris asked how long has the other facility been in operation? Ms. Thompson said two years. No one spoke in opposition to the request. Councilman Blitch made a motion, seconded by Councilman Britt to approve the conditional use variance as requested. Councilmen Blitch, Britt, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

**MR. JETT WILLIAMS-CONDITIONAL USE VARIANCE/372 SAVANNAH AVE.**

Acting Mayor Pro tem Lewis reported Mr. Jett Williams (applicant) and Henry Proctor (owner) are requesting a variance to locate a pet grooming salon at 372 Savannah Avenue. Mr. Wood said the only thing unclear about the pet grooming salon is whether or not it would take place inside or outside the residence.

Mrs. Kacey Williams spoke in favor of the request. She reported pet grooming would take place inside the residence. There would not be an absorbent amount of traffic created, and no pets would be kept overnight. She plans to gravel the parking lot. Mr. Wood made a recommendation to add a condition to the motion that everything takes place inside the residence to eliminate nuisances in the neighborhood. Councilman Morris made a motion, seconded by Councilman Britt to approve the conditional use variance request with the conditions that everything takes place inside the residence to eliminate nuisances in the neighborhood, and gravel is added to the drive with provided parking. Councilmen Morris, Britt, and Blitch voted in favor of the motion. The motion carried by a 3-0 vote.

**MR. FRANK PARKER- 20 FT. VARIANCE REQUEST/US 301 SOUTH**

Acting Mayor Pro tem Lewis reported Mr. Frank Parker is requesting a 20 feet variance from the 50 feet rear yard setback for property located on US 301 South. Mr. Wood reported Highway Oriented Commercial requires a 50 ft. setback and Mr. Parker is requesting a 20 ft. setback which backs up to the Woodlands Apartments. The building would encroach by 20 ft. The Statesboro Planning Commission recommended approval of the request.

Mr. Parker spoke in favor of the request. He said the normal setback would be 20 ft. on the rear and two sides with the exception that there is a district line adjacent to Planned Unit Development Zoning, which is behind Woodlands. Reviewing the plat, he said a corner of building #2 encroaches on the 50 ft. setback.

He is currently working with Architects Eckles, Martin, & Rule, Maxwell Engineering, and the Woodlands, to facilitate access between the Woodlands and the shopping center. No one spoke in opposition to the request. Councilman Blich made a motion, seconded by Councilman Britt to approve the 20 ft. variance from the 50 ft. rear yard setback for property on US 301 South. Councilmen Blich, Britt, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

**MR. MARK ANDERSON-REZONING OF 3.39 ACRES ON US 80 WEST FROM HOC TO PUD WITH CR CRITERIA FOR A SHOPPING CENTER**

Acting Mayor Pro tem Lewis reported Mr. Mark Anderson is requesting the rezoning of 3.39 acres on US 80 West from HOC-Highway Oriented Commercial to PUD-Planned United Development with CR-Commercial Retail criteria for a shopping center as designed by Maxwell Engineering, Inc., on the plat dated March 8, 2005.

Mr. Wood reported the Statesboro Planning Commission and City Staff are comfortable with the request although their only concern was the stand alone ice machine needs to be moved in order to be in line with the setback. Mr. Anderson requested Commercial Retail because HOC-Highway Oriented Commercial is more limited with the types of retail it allows.

Mr. Joey Maxwell of Maxwell Engineering, representative for Mr. Anderson, was present to answer questions from Council. Councilman Morris inquired about the proposed site for the ice machine. Mr. Maxwell said the plan would be revised and the ice machine and ATM machine would be repositioned inside the plan. No one spoke in opposition to the request. Councilman Britt made a motion, seconded by Councilman Blich to approve the rezoning of 3.39 acres on US 80 West as requested. Councilmen Britt, Blich, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

**MR. DONALD NESMITH - REZONING OF 8.15 ACRES ON BRAMPTON AVENUE FROM CR TO PUD WITH CR CRITERIA FOR A COMMERCIAL OFFICE PARK**

Acting Mayor Pro tem Lewis reported Mr. Donald NeSmith is requesting the rezoning of 8.15 acres on Brampton Avenue from CR-Commercial Retail to PUD-Planned Unit Development with CR-Commercial Retail criteria for a commercial office park as designed by Maxwell Engineering, Inc. dated April 20, 2005.

Mr. Wood reported Mr. NeSmith is requesting PUD because he wants condominium ownership, and plans to sell the building. This would recombine individual parcels previously platted in the Brampton Ave. area. Commercial Retail allows offices and retail, and their may be a mixture. Mr. Wood said the road would become a private drive, and this request meets all criteria. Mr. Joey Maxwell of Maxwell Engineering, representative for Mr. NeSmith, was present to answer questions from Council. Councilman Blich asked if the notations on the plat have been answered. Mr. Maxwell said yes. No one spoke in opposition to the request.

Councilman Blicht made a motion, seconded by Councilman Morris to approve the rezoning of 8.15 acres on Brampton Ave. as requested. Councilmen Blicht, Morris, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

**MR. BILL SIMMONS-REZONING OF 6.51 ACRES ON MERCHANT WAY FROM CR TO PUD WITH CR CRITERIA FOR A COMMERCIAL OFFICE PARK**

Acting Mayor Pro tem Lewis reported Mr. Bill Simmons is requesting the rezoning of 6.51 acres on Merchant Way (behind East Georgia Regional Medical Center) from CR-Commercial Retail to PUD-Planned Unit Development with CR criteria for a commercial office park as designed by Maxwell Engineering, Inc. dated February 2, 2005.

Mr. Wood reported this property was already zoned Commercial Retail and Mr. Simmons requested PUD with CR so there could be condominium ownership of the individual buildings, which meets all criteria. The Statesboro Planning Commission recommended approval of the request. Mr. Joey Maxwell of Maxwell Engineering, representative for Mr. Simmons, was present to answer questions from Council. Councilman Britt asked about the location of the property. Mr. Maxwell said it is located directly behind the Women's Pavilion at EGRMC. This particular development would predominately be doctor offices and a pharmacy. Mr. Wood said if this is approved today, there would only be two remaining parcels. No one spoke in opposition to the request.

Councilman Britt made a motion, seconded by Councilman Morris to approve the rezoning of 6.51 acres on Merchant Way as requested. Councilmen Britt, Morris, and Blicht voted in favor of the motion. The motion carried by a 3-0 vote.

**MR. CRAIG RIGDON-REZONING OF THE FRONT PORTION OF 1.06 ACRES ON US 301 SOUTH FROM CR TO HOC TO CONSTRUCT A BODY SHOP**

Acting Mayor Pro tem Lewis reported Mr. Craig Rigdon is requesting the rezoning of the front portion of 1.06 acres on US 301 South as shown on a plat designed by Maxwell Engineering, Inc., dated April 20, 2005, from CR-Commercial Retail to HOC-Highway Oriented Commercial to construct a body shop. Mr. Wood reported Commercial Retail does not allow body shops. The City has recommended that Mr. Ridgon rezone the front portion of the property for Highway Oriented Commercial, and the back portion would remain Commercial Retail because it has a through lot from one street frontage to another. The property was split to keep HOC from being on a two lane road.

Mr. Joey Maxwell of Maxwell Engineering, representative for Mr. Rigdon, spoke in favor of the request. He reported Mr. Rigdon has agreed to put screening in the fence along the front to block the back view of the parking lot. Councilman Blicht asked if fencing would be placed along the sides. Mr. Maxwell said side fencing has not been discussed because one side is thickly wooded and there is a shop on the other side.

Mr. Wood made a recommendation to include in the motion that side fencing be added for prosthetic reasons if the trees are cut, so the body shop cannot be seen from Hwy 301. No one spoke in opposition to the request. Councilman Blich made a motion, seconded by Councilman Morris to approve the request as shown on the plat, with an aesthetic fence being installed from the view of Hwy 301, and to include side fencing at a later date as recommended by the City Manager. It was also recommended that the height of the fence be 6 ft. Councilmen Blich, Morris, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

**SECOND READING OF ORDINANCE #2005-07 TO ANNEX PARCELS 2, 3, & 4 LAND ADJACENT TO THE GARDEN DISTRICT INTO THE CITY OF STATESBORO AT THE REQUEST OF 100% OF THE PROPERTY OWNERS**

Mr. Wood reported this would complete the annexation of property on Veteran's Memorial Parkway. He submitted a letter to the Bulloch County Board of Commissioners as required by State law including a map of four parcels. Parcel 1 was not forthcoming, so this is to annex Parcels 2, 3, & 4 into the City at the request of the property owners. Councilman Morris made a motion, seconded by Councilman Britt to adopt the second reading of ordinance #2005-07 to annex Parcels 2, 3, & 4 land adjacent to the Garden District into the City of Statesboro at the request of 100% of the property owners.

Mr. Wood informed Acting Mayor Pro tem Lewis and Council that the property adjacent to Parcel 1 is already in the City limits of Statesboro. The property below it is Bird's Pond, which is property of the City. It is the City's intent to annex Bird's Pond into the City because this property backs up to Little Lott's Creek to Hwy 67. At some point, probably in January, the City would ask the Legislature to file a local bill to annex Parcel 1 (Monster Storage) into the City of Statesboro. The reason being is under the new annexation ordinance an unincorporated island cannot be created. Once Bird's Pond is annexed into the City, it would create an island. Mr. Wood also reported next month a request would be brought before the Council to annex property along Hwy 67 to J.L. Hodges Hill into the City.

Mr. Wood also reported in the beginning the owner of Monster Storage was verbally in favor of being annexed into the City, but apparently changed his mind. Councilmen Morris, Britt, and Blich voted in favor of the motion. The motion carried by a 3-0 vote.

**REZONING OF NEWLY ANNEXED PROPERTY IDENTIFIED AS PARCELS 3 & 4 AS CR-COMMERCIAL RETAIL, AND PARCEL 2 AS R-4 HIGH DENSITY MULTIFAMILY RESIDENTIAL**

Mr. Wood reported on Parcel 2, Fairfield Development would like to put in Student Housing. Parcels 3 & 4 would be rezoned Commercial Retail. Councilman Morris made a motion, seconded by Councilman Britt to rezone the newly annexed property identified as Parcels 3 & 4 as CR-Commercial Retail, and Parcel 2 as R-4 High Density Multifamily Residential. Councilmen Morris, Britt, and Blich voted in favor of the motion. The motion carried by a 3-0 vote.

**MOTION TO AWARD A CONTRACT FOR THE LINEAR PARK LIGHTING TO THE LOWEST BIDDER, GEORGIA POWER COMPANY, AS RECOMMENDED BY THE CITY ENGINEER**

Mr. Wood reported at the last Council meeting all bids were rejected because they were extremely high, and at that time Georgia Power did not submit a bid. The project was re-bid, and Georgia Power submitted the lowest bid in the amount of \$17,080.00. Mr. Wood reported \$20,000.00 was budgeted for this project and recommended approval of the lowest bid. City Engineer Maz Elhaj said a representative from Georgia Power is present to answer questions from Council. Councilman Blich made a motion, seconded by Councilman Britt to award the contract to Georgia Power for the Linear Park Lighting.

Councilman Britt asked for an explanation as to why Georgia Power is able to bid a lower amount compared to other bids received at the last meeting. Robbie Sapp, representative from Georgia Power, reported the Public Serve Commission set forth a tariff regarding light pole fixtures that are sold to the City which is cast on their charge. He said independent contractors are unable to do this and the tariff was set forth for the City's advantage. Mr. Wood said there would be no additional cost to the City. Councilmen Blich, Britt, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

**MOTION TO AWARD A CONTRACT FOR TRAFFIC SIGNAL UPGRADES FOR THE CHANDLER RD./FAIR RD., & THE VETERAN'S MEMORIAL PARKWAY/BRANNEN ST. INTERSECTION TO THE LOWEST BIDDER**

Mr. Wood reported the amount of this item on the agenda was a typo of \$4,456.00 and should be \$44,456.00. The low bid submitted was \$40,031.00, which an additional cost of \$4,456.00 was added to move the traffic signal box back to 50 ft.

City Engineer Elhaj said the add-on is not much considering the wiring and labor to relocate the box. He said the traffic from the new extension would also serve the Brannen Street Connector and the Bypass. Councilman Morris made a motion, seconded by Councilman Britt to award a contract for the traffic signal upgrades for the Chandler Rd/Fair Rd. Intersection and the Veterans Memorial Parkway/Brannen St. Intersection to the lowest bidder, Corbett Electrical, in the amount of \$44,456.00, which includes \$4,425.00 to move the traffic signal box approximately 50 feet south of its current location. Councilmen Morris, Britt, and Blich voted in favor of the motion. The motion carried by a 3-0 vote.

**AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE A REVISED AGREEMENT WITH WILLIAM BROTHERS TRUCKING, INC. FOR GRINDING YARD WASTE TO INCLUDE A FUEL SURCHARGE**

Mr. Wood reported the City currently has a yearly contract with William Brothers. We are currently paying a fuel surcharge in the hauling contract, but not for grinding. In the renewal contract for this year, Mr. Williams felt the need to add a fuel surcharge for grinding.

Councilman Britt made a motion, seconded by Councilman Morris to authorize the Mayor and City Clerk to execute a revised agreement with Williams Brothers Trucking, Inc. for grinding yard waste, to include a fuel surcharge provision. Councilmen Britt, Morris, and Britt voted in favor of the motion. The motion carried by a 3-0 vote.

**AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH HGBD INC. FOR DESIGN SERVICES FOR THE SEWER LINE TO THE THOMPSON SUBDIVISION AT WESTSIDE & STOCKYARD RD.**

Mr. Wood reported this is a standard contract that follows a normal hourly rate to get sewer to the Thompson Subdivision. Wayne Johnson, Director of Water/Wastewater, reported the sewer stops at the intersection of Foss St. and West Main St. and in order to provide sewer services to the Thompson Subdivision, it must be extended from this intersection to the subdivision entrance. This falls under the incentive program.

He said the main sewer line would be upgraded from 8 inches to 12 inches to take into consideration the future growth in this area. Mr. Johnson said additional funds of one and a half million dollars would be used to upgrade the line through the neighborhood all the way to South College Street. Councilman Morris made a motion, seconded by Councilman Britt to authorize the Mayor and City Clerk to execute an agreement with HGBD Inc. for design services for the sewer line to the Thompson Subdivision at Westside & Stockyard Rd. Councilmen Morris, Britt, and Blich voted in favor of the motion. The motion carried by a 3-0 vote.

**MOTION TO AWARD A CONTRACT FOR GASOLINE, FUEL OIL, AND LUBRICANTS TO STUBBS OIL COMPANY AT UNIT PRICING**

Mr. Wood reported Public Works Director Bobby Colson submitted a memo recommending Stubbs Oil Company. The bids were by unit pricing, with no set amounts. Mr. Colson said Stubbs Oil Company was the only company to submit a gasoline and fuel oil bid. Councilman Blich made a motion, seconded by Councilman Britt to award a contract for gasoline, fuel oil, and oils and lubricants to Stubbs Oil Company, the lowest bidder, at unit pricing stated in their bid response. Councilmen Blich, Britt, and Morris voted in favor of the motion. The motion carried by a 3-0 vote.

**APPOINTMENT OF TWO MEMBERS TO THE ALCOHOL CONTROL BOARD**

A memo was submitted by Director of Finance and Administration Judy McCorkle of the Mayor's recommendation to appoint Robert Hanes, Manager of Longhorn Steakhouse, to fill the license holder vacancy and Ray Frye to fill the citizen-at-large position to the Alcohol Control Board for a two year term. The terms of Jeff Lanier (License Holder) and Bennie Herring (Citizen) have expired. Councilman Britt made a motion, seconded by Councilman Morris to postpone the vacancies until the first meeting in July because a limited amount of people needs to be recommended, and Jeff Yawn appointment to the Alcohol Control Board is active until July. This would allow all vacancies to be filled. Councilmen Britt, Morris, and Blich voted in favor of the motion. The motion carried by a 3-0 vote.

**STAFF REPORTS:**

**CITY MANAGER - LUETTA MOORE PARK; OTHER REPORTS**

Mr. Wood reported the Statesboro-Bulloch County Parks and Recreation Department submitted a letter informing the City that the Luetta Moore Park pool would not open this year. He said a decision needs to be made with the County on what to do at the park.

**GREYHOUND BUS SERVICES**

Mr. Wood reported the City received a letter from Greyhound Bus Services regarding their discontinuance of service to Statesboro. This would affect a list of cities across the state.

**POLICE DEPARTMENT**

Mr. Wood reported the Statesboro Police Department and the County have been selected to participate in Homeland Security – Tactical Interoperable Communications. This would allow the agencies to talk across channels.

**NORFOLK SOUTHERN RAILROAD**

Mr. Wood reported Norfolk Southern Railroad plans to increase the City’s rent on a number of properties, which the City may take action.

**TREE BOARD VACANCY; SURPLUS AUCTION**

A vacancy still remains on the Statesboro Tree Board. The total amount received from the Surplus Auction held in May was \$47,580.00.

**HOTEL/MOTEL TAX AUDIT**

Director of Finance and Administration Judy McCorkle reported the City has partnered with the Georgia Municipal Association again to use MBIA Community Services Company for the tax audit. Ten properties were audited, which seven had no adverse findings. Three properties from last year had substantial problems and they were detected again. The owners of the three properties were given notice to provide additional information in 30 days. Then the audit will be completed.

**DOT CITY CONTRACT FOR THE SAVANNAH AVENUE/NORTHSIDE DRIVE PROJECT**

Mr. Wood reported City Engineer Maz Elhaj requested a City contract from the GDOT to assist with changing the intersection of Savannah Avenue/Northside Drive Project, which was budgeted to cover the full amount by the City. The City has been notified by the GDOT it would qualify for approximately \$190,000.00. This would free up the \$190,000 budgeted for other street work.

## **CITY BUDGET HEARING; GMA CONFERENCE**

Mr. Wood reported the City budget hearing will be held Wednesday, June 14, 2005, at 5:00 p.m. The budget does not include any rate increases on taxes or utilities.

The Georgia Municipal Association Conference will be held June 25-28 in Savannah.

## **DIRECTOR OF FINANCE AND ADMINISTRATION-PROPERTY TAX COLLECTION; NEXT SCHEDULED COUNCIL MEETING**

Director of Finance and Administration Judy McCorkle reported the City's Property Tax Sale will be held on July 5, 2005 at 10:00 a.m. on the front steps of City Hall. As of today, 98.83% of the City's 2004 property taxes have been collected, and 1.17% is uncollected. Also, till taps for personal property taxes will be collected.

The next scheduled Council meeting will be held on Wednesday, July 6, 2005, due to the July 4 holiday.

## **CITY ENGINEER – LINEAR PARK LANDSCAPING PROJECT**

City Engineer Maz Elhaj reported the Landscaping Project for the Linear Park will begin next week.

## **CITY PLANNER -PUBLIC HEARINGS:**

City Planner Hawa Samatar reported four public hearings are scheduled for the next City Council meeting as follows:

- 1) Mr. Earl Dabbs, Jr. agent for Hobenwalk Group, LLC is requesting the rezoning of 3.56 acres from the current combination of R-4 and HOC-Highway Oriented Commercial to PUD-Planned Unit Development at the corner of Tillman Rd. and College Street.
- 2) Mr. Gary Barnes, agent for June Rushing and Gene Hodges, is requesting the rezoning of 60 +/- acres from R-4 High Density Residential to Commercial Retail and High Oriented Commercial at 538 East Main St. The property is located inside the Veteran's Memorial Parkway, and fronts the Bypass on GA. Hwy 24 east and Jones Mill Road.
- 3) Mr. Charles Maxwell, agent for Fairfield Residential LLC. and Rushing Estate, is requesting the rezoning and a density variance for 22.9 acres located at Stambuck Lane.
- 4) Mr. James B. Lanier and Donald NeSmith are petitioning for the annexation of 67 acres to the City under the 100% owner method of annexation from Briarwood Rd. to Joe Hodges Hill and Burkhalter Rd. Mr. Wood said this property consists of two parcels, which one is wetlands.

## **ADJOURNMENT**

Being no further discussion, Acting Mayor Pro tem Lewis adjourned the meeting at 10:15 a.m.

