

**COUNCIL MEETING MINUTES
MARCH 1, 2005 – 9:00 A.M.**

A regular meeting of the Statesboro City Council was held March 1, 2005, at 9:00 a.m. Present were Mayor William S. Hatcher, Council members Tommy Blicht, Joe Brannen, Gary Lewis, John Morris, and Will Britt. Also present were City Manager George Wood, City Attorney Sam Brannen, Director of Finance and Administration Judy McCorkle, City Planner Hawa Samatar, and City Engineer Maz Elhaj.

APPROVAL OF MINUTES – FEBRUARY 15, 2005

Councilman Brannen made a motion, seconded by Councilman Britt to approve the minutes of February 15, 2005 to reflect on Pg. 1, the first paragraph that Councilman Britt was present. Councilmen Brannen, Britt, Blicht, Lewis and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

PUBLIC HEARINGS:

LIBERTY-STATESBORO LLC FOR WALGREENS DEVELOPMENT

Mayor Hatcher reported Liberty-Statesboro LLC is requesting a variance to the sign provisions of the Zoning Ordinance to allow a 310 sf sign (250 sf allowed); and to install an electronic readerboard sign, which is prohibited, at 516 Northside Drive at the new Walgreens Store. City Planner Hawa Samatar reported the Statesboro Planning Commission recommended denying the request.

Mr. Phillip Green spoke in favor of the request. He reported this would allow Walgreen to use a criteria sign, which 50 sf would be acceptable. The electronic readerboard sign would not have flashing lights, no scrolling text, would advertise community activity and display the temperature. At night the electronic readerboard sign would decrease in illumination and does not serve as a distraction. No one spoke in opposition to the request.

Councilman Lewis asked Mr. Wood if Walgreen's request is not in compliance with the ordinance. Mr. Wood said yes, it would be 51 sf larger than allowed. Councilman Morris made a motion, seconded by Councilman Lewis to deny both request. Councilmen Morris, Lewis, Brannen, Blicht, and Britt voted in favor of the motion. The motion carried by a 5-0 vote to deny.

DANNY HAGAN-VARIANCE TO THE SIGN PROVISIONS OF THE ZONING ORDINANCE & TO INSTALL A WALL SIGN/31 NORTH ZETTEROWER

Mayor Hatcher reported Mr. Danny Hagan is requesting a variance to the sign provisions of the Zoning Ordinance to allow 104 square feet at 15 feet in height, and an 80 square feet wall sign, rather than the allowed 50 square feet. City Planner Hawa Samatar reported the Statesboro Planning Commission recommended approval of the request with changes from Mr. Hagan to remove the lower portion of the existing sign, or 32 sf, and to lower the existing sign to 8 sf. The request was properly advertised.

Mr. Danny Hagan spoke in favor of the request. He would like to remove the marquee from the bottom of a sign located at 300 East Main St. and transfer the sign to 31 North Zetterower. The height of the sign would be lowered. Mr. Wood clarified this would be 2 sf over the allowed ordinance.

The City allows 150 sf., and Mr. Hagan has agreed to use a smaller ground sign with which the Planning Commission had no problem. No one spoke in opposition to the request. Councilman Blich made a motion, seconded by Councilman Brannen to approve the request. Councilmen Blich, Brannen, Britt, Morris and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

EMC ENGINEERING SERVICES FOR GARY COOLER-VARIANCE ON PARKING SPACE WIDTHS & REDUCTION IN THE NUMBER OF PARKING SPACES

Mayor Hatcher reported EMC Engineering Services, Inc. is requesting a variance on behalf of owner Mr. Gary Cooler, to reduce the number of parking spaces from 55 to 52 spaces located in Buckhead Plaza. City Planner Hawa Samatar reported the Statesboro Planning Commission recommended approval of the request, which was properly advertised.

Chuck Perry of EMC Engineering Services represented Mr. Gary Cooler. He reported Mr. Cooler owns 1.2 acres of land at Buckhead Plaza. He is uncertain of his plans due to the acquisition by Kmart of Sears. He has two plans **1)** put a Sears on this property or **2)** build a retail center. Mr. Perry said Mr. Cooler would desire to build a retail center and has requested 55.25 parking spaces, but based on the amount of property only 52 spaces fit. He is requesting a 6% variance, which would be 3 ¼ spaces. Mayor Hatcher said he and the Council received the plan for the retail center. He asked if a Sears store were located here would the plan change. Mr. Perry said it meets all the City requirements; one building would be 12,000 sf and three retail units would be attached. The plan would flip and the retail center would be located on the left side. This is the plan Mr. Cooler would prefer. Councilman Morris asked is this depending on whether or not Kmart buys Sears. Mr. Perry said it depends on whether or not Mr. Cooler can build a standalone Sears. No one spoke in opposition to the request.

Councilman Morris made a motion, seconded by Councilman Blich to approve the request. Councilman Brannen asks if he understands, the motion is to approve the second option although the first option meets all the City codes and requirements? If Mr. Cooler goes with this plan he would have the proper approval. Mayor Hatcher asked why are we approving a contingency plan when we do not know which plan would be chosen? Mr. Wood said so the process would not be slowed down depending on Mr. Cooler's decision. It would be about a 45 day process he would go through and I assume they want to move forward with it. Mr. Perry said Mr. Cooler should find out this month what he plans to do. Councilmen Morris, Blich, Lewis, Brannen, and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

WESLEY BLOUNT, JR-REQUEST FOR THE REZONING OF LOT #5 & LOT #6 ON WOODROW CIRCLE

Mayor Hatcher reported Mr. and Mrs. Wesley Blount are requesting the rezoning of their property, Lot #5 and #6 located at Woodrow Circle from R-15 Single Family Residential to CR-Commercial Retail. City Planner Hawa Samatar reported the Statesboro Planning Commission recommended denying the request, which was properly advertised.

Mr. Wesley Blount, Jr. was present to answer questions from Council. Councilman Brannen asked Mr. Blount how long he has owned the property. Mr. Blount said since 1991. He was also asked why is he requesting a rezoning. Mr. Blount said since Goodyear has located near his resident he feels the area would eventually become commercial retail. He plans to move and would like to sell his property as C-R. Councilman Brannen asked if there are other houses on Woodrow Circle. Mr. Blount said there are three more homes.

Councilman Lewis spoke of other commercial businesses in the area saying he understands why the Blount's want to move and sell their property. They have justification because eventually this area would become commercial. Councilman Blich feels the other residents on Woodrow Circle should submit in writing if they agree or disagree to the rezoning.

Councilman Brannen asked Mr. Blount what is the size of the lots? Mr. Blount said over ½ acre. Mayor Hatcher asked is there any other commercial property on Woodrow Circle? Mr. Blount said no. Mayor Hatcher also asked how would this area become commercial with such a narrow road. Mr. Wood said this is the reason the Planning Commission denied the rezoning. The properties in the front have access off Northside Drive; the areas around it do not have access to Woodrow Circle. The Goodyear has access off Northside Drive and Woodrow Avenue. Mr. Wood said Goodyear wanted a third access off Woodrow Circle, which the City did not allow in order to preserve the residential character of the neighborhood. He said from a C-R development standpoint, Woodrow Circle has zero visibility.

Councilman Brannen feels this property should remain as it is currently zoned. No one spoke in opposition to the request. Councilman Brannen made a motion, seconded by Councilman Morris to deny the request to rezone Lot #5 & Lot #6 on Woodrow Circle from R-15 to C-R. Councilman Britt said being there are three lots and Mr. Blount is requesting the lot in the center to be rezoned, he would agree approving the request if all three lots were rezoned at one time. Councilman Morris said this is an island of residences with C-R around it. Councilman Blich feels that all homeowners on Woodrow Circle should request the zoning change. Councilman Morris asked if all the owners came before the Council could they request the rezoning. If this request is denied would they have to wait six months or could they come back with a different request. Mr. Wood felt they would come back with a different request and asked City Attorney Sam Brannen's opinion. Attorney Brannen said the owners could come back as a group. Mr. Wood said the property would have more desirable characteristics for commercial zoned property if this is the step they would like to take. Councilmen Brannen, Morris, Britt, Lewis, and Britt voted in favor of the motion. The motion carried by a 5-0 vote to deny.

SECOND READING AMENDING THE STATESBORO MUNICIPAL CODE BY ADDING SECTION 82-227 REGARDING LOCATOR WIRE ON WATER/SEWER SERVICELINES

Mr. Wood reported this is a new State law to do a better job locating water/sewer service connectors. This would enable metal detectors to find the line quickly when the locator wire is installed. Councilman Morris made a motion, seconded by Councilman Britt to adopt an ordinance on second reading amending the Statesboro Municipal Code by adding Section 82-227 regarding locator wire on water/sewer service lines. Councilmen Morris, Britt, Lewis, Blich, and Brannen voted in favor of the motion. The motion carried by a 5-0 vote.

AUTHORIZATION OF A SOLE SOURCE PURCHASE FROM LASER TECHNOLOGY INC. VARIOUS EQUIPMENT FOR CRIME SCENE MEASUREMENT

Mr. Wood referred this item to Chief of Police Stan York & Detective James Winskey. Det. Winskey reported this equipment is a laser detection device that would assist in crime scene processing as well as highway accidents. It is capable of measuring indoor and outdoor and can be used in all types of weather. This equipment also takes less time to do analysis for fatalities, and is very much needed. Chief York reported this equipment is more modern technology that will give a 3-D animation of events we believed occurred.

He recommended approval of the equipment and reported the funds were requested in the CIP in the amount of \$15,000.00, and this equipment is over \$11,600.00. Councilman Brannen asked how long has this technology been available. Det. Winskey said about 6 or 7 years. Mayor Hatcher asked Chief York why this is a sole source purchase. Chief York said because of the different components of software, training, and the time to configure the database is different. Detective Winskey said the upgrades usually takes six months to a year, and with this unit it is much faster because the upgrades are on-line and can be down loaded. Chief York said the equipment is also simpler for officers to utilize. Councilman Britt made a motion, seconded by Councilman Lewis to authorize the sole source purchase from Laser Technology Inc. various equipment for crime scene measurement. For the record, Councilman Blich asked to include an explanation why this is being considered a sole source purchase in the minutes. Councilmen Britt, Lewis, Brannen, Blich, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

AGREEMENT WITH CARL VINSON INSTITUTE OF GOVERNMENT FOR PREPARING AN UPDATE TO THE CITY'S JOB CLASSIFICATION AND COMPENSATION PLAN, TO GO INTO EFFECT JULY, 2006

Mr. Wood reported the current plan to update the City's job classification and compensation plan went into effect July 1, 2001. It is updated every 5 years. He said instead of having a new consultant come in we would like to remain with the Carl Vinson Institute of Government which would be a lot less to provide the update for \$9,800.00. The plan would not go into effect until July 1, 2006, which would be the five year period.

Councilman Blich made a motion, seconded by Councilman Morris to authorize the Mayor and City Clerk to execute an agreement with the Carl Vinson Institute of Government for preparing an update to the City's job classification and compensation plan, to go into effect in July, 2006. Councilmen Blich, Morris, Britt, Brannen, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

ACCEPTANCE OF THE HIGHEST BID OF \$6,100.00 FOR THE SALE OF FIREARMS PREVIOUSLY DECLARED SURPLUS BY THE CITY COUNCIL

Mr. Wood reported last month the Council authorized the disposal of surplus firearms to licensed firearm dealers. The highest bid was received from Birch Inc., by William H. Mills, Jr. in the amount of \$6,100.00. Councilman Brannen made a motion, seconded by Councilman Morris to accept the highest bid of \$6,100.00 to Birch Inc., by William H. Mills, Jr. for the sale of firearms previously declared surplus by the City Council. Councilmen Brannen, Morris, Blich, Lewis, and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AUTHORIZE THE USE OF \$9,995.00 EARMARKED FOR COMPUTER PURCHASES IN THE POLICE DEPARTMENT BUDGET FOR A COMPUTER VOICE STRESS ANALYZER

Mr. Wood referred this item to Chief York who reported this includes the purchase of a computer voice stress analyzer and training for a member in the detective division. This is a cost effective instrument that has assisted law enforcement in determining the truthfulness of people making statements. This equipment is an effective tool for all investigative situations. Currently the Statesboro Police Department rely on other agencies to perform the services that often require long waiting periods for an examination due to scheduling conflicts.

Councilman Brannen made a motion, seconded by Councilman Morris to authorize the use of \$9,995.00 earmarked for computer purchases in the Police Department budget for a computer voice stress analyzer. Councilman Lewis asked how many officers need this training. Chief York said one. Mayor Hatcher asked if the officer would be able to train other people upon completion of this training. Chief York said no, other students would have to attend the same training to become certified. Councilman Morris asked how many people would need this qualification. Chief York said this is a very specialized piece of equipment and not everyone would have the capabilities to perform this function. It would be selective in the person that is able to perform it. Councilman Lewis asked how would the officer be selected. Chief York said the selection would be based on someone who has been in investigative for a two-year period that has a baseline for developing a case in the collection of evidence through training. Chief York said the most seasoned officers would use this equipment. Councilman Blitch asked if the equipment was stationary or portable. Detective Winskey said portable. Councilmen Brannen, Morris, Blitch, Lewis, and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO AUTHORIZE THE REMOVAL OF THE LARGE OAK TREE IN FRONT OF THE GRADY ST. GYM, AS APPROVED BY THE TREE BOARD

Mr. Wood reported the oak tree in front of the Grady Street gym does not have a good shape, which makes it unattractive. The Statesboro Tree Board along with Consulting Arborist Jerry Holcomb recommended having the tree removed. Councilman Morris made a motion, seconded by Councilman Lewis to authorize the removal of the large oak tree in front of the Grady St. gym as approved by the Tree Board. Councilmen Morris, Lewis, Blitch, Britt, and Brannen voted in favor of the motion. The motion carried by a 5-0 vote.

PRESENTATION OF TMDLS (TOTAL MAXIMUM DAILY LOADS) & THE ALLOCATION OF WASTEWATER ELEMENTS IN THE OGEECHEE RIVER BASIN

A slide presentation was presented as Mr. Wood gave an overview of the Total Maximum Daily Loads and Allocation of Wastewater elements in the Ogeechee-Savannah River Basin. He reported there are numerous chemicals the City has to measure and check at the Wastewater lab. Director of Water/Wastewater Wayne Johnson reported there are 5 elements that must be tested.

Mr. Wood reported cities must develop TMDL's for each pollutant and we are in this process now. We also have to be responsible for land use development and water quality uses. The primary concern is the EPD has a permit on our WWTP and the amount of water we would be allowed to take out of the Floridian Aquifer. Mr. Johnson reported during 2005 every NPEDS permit in the Ogeechee-Savannah River Basin will be reissued, and every permit would have the same standards. Our NPEDS permit allows 10 milligrams per liter of biological chemical oxygen demand (BOD) and 2 milligrams per liter of nitrogen.

When this is reduced we would lose 2 ½ million gallons a day of reserved capacity, which puts us at a treatment capacity of 7 ½ million gallons. He reported the City would probably have to spend in excess of \$80,000.00 on watershed assessment when the new permit is issued. This cost is being passed from the EPD to the permit holders because they have no control over the non-point sources on irrigation, homeowners, run-offs, agriculture, etc. They have control over municipalities and industries that are point sources with an NPEDS permit. Our limits are being cut and we have to pay the cost to do these things.

Mr. Johnson said this would have a tremendous impact on the WWTP and over the next year or two there would be significant increases in the WWTP budget to do the studies and funding. We must also start planning to expand the WWTP to 2 ½ million gallons of sewerage.

Mr. Wood reported the city need to be very aggressive in reviewing everything the EPD plans to do. Major pollution is coming from non-point sources other than municipalities and industries. Councilman Morris asked would this have an impact on Economic Development. Mr. Johnson said we have to be extremely careful of the types of industries that we allow to tie into the system. Mr. Wood said we need to look at equity and stay involved at the state level. We currently have excellent excess capacity. We have to see if the City of Statesboro is being treated fairly. The most troubling part is the state has not done anything.

Mr. Johnson said this would cost the city a lot of money and he does not believe the WWTP would keep the limits they have. We may look at increasing the Aid-to-Construction fees. Mr. Wood said before this is accepted, we need to check everything. Mayor Hatcher asked if the local industries were aware of this problem. Mr. Johnson said this would not impact Brigg & Stratton and Viracon. We must be conscious of new industries. We currently use 10 million gallons per day, and believe we can meet the limit of 7 ½ million gallons per day.

STAFF REPORTS:

DIRECTOR OF FINANCE & ADMINISTRATION – UPDATES

Judy McCorkle Director of Finance and Administration reported the GMA Annual Convention is scheduled on June 25-29 in Savannah. She also reported the Hotel/Motel Tax Audit will be completed by mid-March.

CITY PLANNER - PUBLIC HEARINGS

City Planner Hawa Samatar reported the following public hearings are scheduled for the next meeting: **1)** Mrs. Ola Mae Lester is requesting a special use variance to operate a 3 chair barbershop, as a home occupation at 314 West Main. **2)** Mr. Kevin L. Dorsey (applicant) and Mr. James E. Green (owner) is requesting a conditional use variance to locate an automotive repair shop at 220 Mathew Road. **3)** Mr. Tim Hunt (applicant) and Mr. W.R. Smith (owner) is requesting a variance from the sign provisions of the Zoning Ordinance to place a cabinet-type internally illuminated sign on an existing pole at 20 East Vine Street. **4)** Dabbs, Williams General Contractor, as agent of The Hobenwalk Group is requesting the rezoning of 3.56 acres on 3 Tillman St. from HOC to R-4 high density residential. The remaining property on this tract is already R-4.

EXECUTIVE SESSION – PERSONNEL

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

EXECUTIVE SESSION

An executive session of the Mayor and City Council of the City of Statesboro was held March 1, 2005 to discuss a personnel matter. Present were Mayor William Hatcher, Council members John Morris, Gary Lewis, Joe Brannen, Tommy Blich, and Will Britt. 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 11:15 a.m.

