

**COUNCIL MEETING  
NOVEMBER 1, 2005-9:00 A.M.**

A regular meeting of the Statesboro City Council was held November 1, 2005 at 9:00 A.M. Present were Mayor William S. 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, Director of Finance and Administration Judy McCorkle, City Engineer Maz Elhaj, and Planning Director Jim Shaw.

**APPROVAL OF THE OCTOBER 18, 2005, REGULAR MEETING MINUTES**

Councilman Brannen made a motion, seconded by Councilman Lewis to approve the minutes of October 18, 2005, as presented. Councilmen Brannen, Lewis, Morris, Blich and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

**RECOGNITIONS:**

**NOEL BURNSED – DOWNTOWN PARKING ISSUES**

Mr. Noel Burnsed brought before the Mayor and Council issues regarding downtown parking. He addressed the need for a Parking Management Plan that should monitor the need for parking, enforce parking regulations, promote parking as a redevelopment tool and support downtown revitalization. A comparison of Parallel parking verses Angle parking was addressed. Mr. Burnsed is in the process of renovating a \$1.6 million business downtown and would like the City to consider angle parking in front of his business.

He spoke with employees from the City of Milledgeville which has a downtown similar to Statesboro and utilizes angle parking. Their opinions were very much the same; they favored angle parking. Councilman Britt asked Mr. Burnsed how many parking spaces are in front of the building he plans to renovate. Mr. Burnsed said there would be 4 to 6 if angle parking is permitted; it depends on measurements. Councilman Lewis asked if angle parking would affect East and West Main Street traffic. Mr. Burnsed said no.

**PUBLIC HEARINGS:**

**SU 05-09-04** Mayor Hatcher reported Ms. Jennifer Blackburn of Troutman Sanders LLP is requesting a special use permit for the placement of a 225 foot telecommunications tower on a 2.23 acre tract on the south side of Highway 301 North, 700 feet east of its intersection with Packinghouse Road. Planning Director Jim Shaw reported this property is zoned HOC, and telecommunications towers are permitted no larger than 150 ft. in height. This property is located behind Akins Bonding Company and is bounded on the south and west by the Brannen's Tobacco Warehouse. The Staff and Planning Commission recommended approval of the request.

Ms. Jennifer Blackburn was present to answer questions from Council. No one spoke in opposition to the request. Councilman Blitch made a motion, seconded by Councilman Morris to approve the request with the understanding all Federal and State requirements are in order. Councilmen Blitch, Morris, Brannen, Britt, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

**SE05-10-01** Mayor Hatcher reported Mrs. Anita Pope of Fine Finds, is requesting a special exception to locate a retail establishment in the O (Office and Professional Office) zoning district for property located at 205 South Walnut Street. Planning Director Shaw reported this property is located behind First Southern National Bank. The special exception is for a home furnishing and consignment store, and a design center. The area has a mixture of zoning classifications. The proposed business would likely be less intense than some other retail businesses. The sale of home furnishings is not normally considered a high traffic generating business. The Planning Commission recommended approval with the condition that there be no outside display of merchandise.

Mrs. Anita Pope spoke in favor of the request. She said the retail business would open three days a week on Thursday, Friday, and Saturday. Councilman Morris inquired about the hours of operation. Mrs. Pope said the hours would be 10 a.m. until 5:00 p.m. or 5:30 p.m. No one spoke in opposition to the request. Councilman Britt made a motion, seconded by Councilman Lewis to approve the request. Councilmen Britt, Lewis, Morris, Blitch, and Brannen voted in favor of the motion. The motion carried by a 5-0 vote.

**RZ 05-10-02** Mayor Hatcher reported Mr. Harold A. Bowman for Mrs. Ethel McCorkle is requesting a zoning change from R-15 (Single-family Residential) to CR (Commercial Retail) for property located at 9 North Gordon Street. Planning Director Shaw reported he received a letter from Mr. Bowman late yesterday stating possibly a potential buyer wanting the property to remain R-15. Mr. Bowman requested to table the request until the December 6, 2005 Council meeting. Councilman Morris made a motion, seconded by Councilman Lewis to table the request until the December 6, 2005. Councilmen Morris, Lewis, Blitch, Brannen, and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

**V 05-10-03** Mayor Hatcher reported Elder Charles E. Townsend of Bethel Primitive Baptist Church is requesting a zoning change from R-6 (Single-family Residential) to CR (Commercial Retail) for property located at the southeast corner of Williams Road and Lovett Street. Planning Director Shaw reported the Church requests to operate a daycare facility at its existing building. Business uses are located to the north and east of the church property, and single-family residences are located on the south and west. If approved, the Staff recommends that a buffer is required between the church and residential property.

Deacon Marvin Riggs was present to answer questions from Council. Councilman Lewis said he is familiar with this area; the church was recently renovated. Councilman Morris asked how many kids would attend the facility. Mr. Riggs said approximately 70. Councilman Brannen asked if the church provided these services in the past. Mr. Riggs said no. No one spoke in opposition to the request. Mr. Jim Darrell asked if they are required to have a license. Mr. Wood said yes. Councilman Lewis said the zoning is not contingent on the license. City Attorney Brannen said the request could be approved without a license. Councilman Blich made a motion, seconded by Councilman Lewis to approve the zoning change for use of a day care facility. Councilmen Blich, Lewis, Brannen, Britt, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**V 05-1-04** Mayor Hatcher reported Ms. Deborah W. Smokes is requesting a zoning change from R-20 (Single-family Residential) to CR (Commercial Retail) for property located at 555 East Main Street. Planning Director Shaw reported a single-family residence is located to the north, and single-family residences in Oakcrest Subdivision to the east of the property. A number of factors decrease the desirability of this property for single-family residential use. This property would be better suited for either medium to high-density residential or commercial development. The Planning Commission recommended approval of the request.

Ms. Smokes spoke in favor of the request. She said the property is no longer suitable for single-family. Councilman Britt asked if there were any pending offers on the property. She said no. Councilman Brannen asked if this request had previously been brought before the Council. She said no. Councilman Morris asked if anyone has spoken with residents in the Oakcrest Subdivision. She said no, but signs were posted and the City did not receive any calls. Councilman Lewis reiterated that this request was approved unanimously by the Planning Commission and no complaints were received. No one spoke in opposition to the request.

Councilman Lewis made a motion, seconded by Councilman Blich to approve the request. Councilman Britt said if this request is rezoned and is straight CR, the Council would be approving it without a plan and the residents would not know how it would impact them. Councilman Morris agreed. Mr. Wood said if this is rezoned CR, the applicants could apply for a building permit and would not have to come before the Council. Councilmen Lewis, Blich and Brannen voted in favor of the motion. Councilmen Morris and Britt voted against the motion. The motion carried by a 3-2 vote to approve.

**V 05-10-05** Mayor Hatcher reported Mr. Bill Howard of Claude Howard Lumber Company, Inc., is requesting a variance of the 200 foot setback requirement for an industrial building that abuts a residential district to allow a structure 70 feet from the south property line and 110 feet from the north property line located at 600 Park Avenue. Planning Director Shaw reported this would require the installation of new equipment. The zoning ordinance requires a 200 ft. setback from a residential zoning district and parking areas must have a 100 ft. setback.

The ordinance also requires the first 100 ft. from the property line adjacent to a residential district be devoted to a buffer area with a well-maintained lawn, evergreens and suitable trees and shrubs. The proposed construction is 116 feet from the nearest residential zoning boundary. The proposed encroachments would be a similar amount to those that now exist, but the buildings will be in different locations on the property. Planning Director Shaw said the project should be beneficial. The Staff and Planning Commission recommended approval of the request.

Mr. Arthur Howard spoke in favor of the request. He said the structure was built in 1946, and the area has a mixture of residential and industrial. Neighbors in this area were made aware of his plans, which benefit them. No one spoke in opposition to the request. Councilman Blich made a motion, seconded by Councilman Britt to approve the request. Mr. Wood said the City Engineer has been working with the Howard's to have increased traffic come out on Gentilly instead of Zetterower. Mr. Wood said it is best for the larger trucks to use the four-lane road. A traffic signal would be added on Gentilly. Councilmen Blich, Britt, Brannen, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

**SE 05-10-07** Mayor Hatcher reported Mr. J. Michael Hall is requesting a special exception to allow personal services and retail uses in the O (Office and Professional Office) zoning district for property located at 23452 Highway 80 East. Planning Director Shaw said a similar request is along South Zetterower. The greatest concern is the impact on commercial activity in a single-family residential area. A low intense commercial use would not generate a lot of traffic. The Planning Commission recommended approval of the request.

Attorney J. Michael Hall was present to answer questions from Council. Mr. Jim Darrell, a resident of Merrywood Subdivision, spoke in opposition to the request. He said the day spa is Attorney Hall's way of getting into commercial retail. He was concerned about commercial retail impacting the community. Mr. Darrell said this would be an infringement upon the residents in the subdivision and property values would be lessened. Mr. Jim Holmes, a resident of Merrywood Subdivision, also spoke in opposition to the request. He mentioned Cardinal drive being the only entrance into the subdivision and how commercial retail reduces their property values.

Attorney Hall said this may be a form of miscommunication. The request is not for a rezoning, but for a special exception for a hair salon that would not be detrimental to his firm. He said the previous tenant was Sports Specialty which was compatible just as the Hair Salon would be. There would not be an impact on the traffic pattern. Attorney Hall would own the business. Councilman Brannen asked if spacing for the Hair Salon has been renovated. Attorney Hall said yes. Councilman Morris inquired about the number of stations in the salon. Attorney Hall said there would be four. Mr. Darrell said this could be a big problem because people in the subdivision are already having problems with backup of septic waste in their homes due to their septic tanks.

Councilman Lewis said everyone should be treated fair. He mentioned the fact that a request on Savannah Avenue was denied for a Daycare Facility previously, but was approved for a Day Spa. Councilman Lewis made a motion, seconded by Councilman Britt to approve the request. Councilman Morris asked Wayne Johnson, Director of Water/Wastewater about sewer in this area. Mr. Johnson said there is no sewer available. City Attorney Sam Brannen said this is a special exception that does not rezone the property. City Manager Wood said for clarification the motion needs to be amended restricting the special exception to a Hair Salon with four chairs, a Day Spa, and a Massage Parlor. Councilman Lewis amended the motion, seconded by Councilman Britt to include the City Manager's suggestion. Councilmen Lewis, Britt, and Morris voted in favor of the motion. Councilmen Brannen and Blich opposed. The motion carried by a 3-2 vote.

**RZ 05-09-07** Mayor Hatcher reported this request was tabled at the October 4, 2005 meeting. Mr. R. Brant Lane of Maxwell-Lane Engineering requested to rezone from O (Office and Business Office) to CR (Commercial Retail) for a 2.29 acre tract located at the northwest corner of US Highway 80 East and Cardinal Drive. Planning Director Shaw reported this property is located to the east across from Hall & Kirkland Offices. The property is zoned O and contains offices and single-family residences to the rear. Property located on each side of this property is zoned office.

He reported the Staff is concerned with a daycare on the property to the rear. If the zoning change is approved, a landscape buffer will be required to the rear of the property. The Staff recommended denial, and the Planning Commission recommended approval with one extension. Councilman Morris made a motion, seconded by Councilman Britt to deny the request. Councilman Britt's denial was based on the amount of traffic that could be generated in the area. Councilman Morris's denial was based on preserving the neighborhood. He said zoning this property to CR would be a mistake because the integrity of the neighborhood is vital. Councilman Lewis said in the next four to five years this entire area from Statesboro to Brooklet would be CR. Councilman Morris said now that the Council has control of it, the property should be kept from being zoned CR. Councilman Blich abstained from voting because his relative owns a portion of the property. Councilmen Morris, Britt, and Brannen voted in favor of the motion to deny. Councilman Lewis opposed, and Councilman Blich abstained. The motion carried by a 3-1 vote with one abstention.

**RECESS** – Mayor Hatcher allowed a 10 minute recess.

**SECOND READING OF ORDINANCE #2005-13 AMENDING THE STATESBORO MUNICIPAL CODE REGARDING ALCOHOLIC BEVEARGES (RECORDS RETENTION AND FILING, NO DRIVE-THROUGH SALES, RATIO OF SALES, AND MISREPRESENTATION)**

Mayor Hatcher reported this request was tabled at the October 18, 2005 meeting. Mr. Wood reported the Alcohol Control Board met on October 25 and recommended proposed changes to the alcohol ordinance that could pass with any, all, or none of their proposed changes. The items submitted by the Alcohol Control Board were discussed and voted upon section by section. Councilman Britt was not allowed to participate in the discussion or vote on the items due to the Code of Ethics. The sections were as follows:

- 1) **Section 6-84. Retention of Records** – The Alcohol Control Board recommended changing the reporting period from monthly to quarterly. Councilman Blitch made a motion, seconded by Councilman Lewis to approve the recommendation. Councilmen Blitch, Lewis, Brannen, and Morris voted in favor of the motion. Councilman Britt abstained. The motion carried by a 4-0 vote with one abstention.
- 2) **Section 6-92. Drive-through sales of alcoholic beverages prohibited** – There were no changes to this section of the ordinance. Councilman Morris made a motion, seconded by Councilman Brannen that this section remain as is. Councilmen Morris, Brannen, Blitch, and Lewis voted in favor of the motion. Councilman Britt abstained. The motion carried by a 4-0 vote with one abstention.
- 3) **Section 6-159. Ratio of alcoholic/non-alcoholic sales** – The Alcohol Control Board recommended inserting in line three after the phrase “two consecutive reporting periods, “the phrase”...or for two non-consecutive reporting periods in any 12 month period,...”. Councilman Morris made a motion, seconded by Councilman Blitch to approve the recommendation. Councilmen Morris, Blitch, Lewis, and Brannen voted in favor of the motion. Councilman Britt abstained. The motion carried by a 4-0 vote with one abstention.
- 4) **Section 6-166. Pricing of alcoholic beverages** – The Alcohol Control Board recommended including language in item b #1 of this section to read: Offer to deliver any free alcoholic beverage to the general public, or at a price less than the wholesale price paid for the alcoholic beverage. Councilman Brannen made a motion, seconded by Councilman Lewis to approve the recommendation. Councilmen Brannen, Lewis, Blitch, and Morris voted in favor of the motion. Councilman Britt abstained. The motion carried by a 4-0 vote with one abstention.
- 5) **Section 6-166.** Councilman Blitch made a motion, seconded by Councilman Morris not to accept changes to section (a) or subsection (b), and for the original language to remain as written in the first reading of the ordinance. This eliminates happy hour.

After much discussion on binge drinking and given statistics based on the CDC Study, Harvard Study, and the National Institute of Health, Mayor Hatcher said if no one cuts the price all restaurants can participate at a full price without encouraging people to drink more. Councilmen Morris and Blich voted in favor of the motion. Councilmen Lewis and Brannen opposed. Councilman Britt abstained. Being a 2-2 vote, Mayor Hatcher casted a vote in favor of the motion to break the tie. The motion carried by a 3-2 vote with one abstention.

**Section 6-166 #6** The Alcohol Control Board recommended the following changes: Sell, offer to sell, or deliver alcoholic beverages, by the pitcher or carafe, except for consumption by two or more persons at any one time. Councilman Brannen made a motion, seconded by Councilman Morris to accept the recommendation. Councilmen Brannen, Morris, Blich, and Lewis voted in favor of the motion. Councilman Britt abstained.

**Section 6-166 #14** The Alcohol Control Board recommended the following changes: Sell, offer to sell, or deliver any alcoholic beverages in pitchers or in jumbo or extra-large containers for less than the normal retail price charged for an equivalent volume of the specific alcoholic beverage in a normal size glass or pitcher. Nothing herein shall preclude the serving of a bottle of wine with a full meal(s) at a price less than the cumulative price of the equivalent volume of wine poured from said bottle into wine glasses. Councilman Morris made a motion, seconded by Councilman Blich to approve the recommendation. Councilmen Morris, Blich, Lewis, and Brannen voted in favor of the motion. Councilman Britt abstained. The motion carried by a 4-0 vote with one abstention.

**MOTION TO APPROVE THE ENTIRE SECTION OF SECTION 6-166 AS AMENDED**

Councilman Morris made a motion, seconded by Councilman Blich to approve the entire section of Section 6-166 as amended. Councilmen Morris, Blich, Brannen, and Lewis voted in favor of the motion. Councilman Britt abstained. The motion carried by a 4-0 vote with one abstention.

**Section 6-167. Misrepresentation of alcoholic beverages.** There were no changes to this section of the ordinance. Councilman Blich made a motion, seconded by Councilman Morris that this section remain as is. Councilmen Blich, Morris, Lewis, and Brannen voted in favor of the motion. Councilman Britt abstained. The motion carried by a 4-0 vote with one abstention.

**MOTION TO APPROVE THE ENTIRE ORDINANCE ON SECOND READING AS AMENDED**

Councilman Blich made a motion, seconded by Councilman Morris to approve the entire ordinance on second reading as amended. Councilmen Blich, Morris, Brannen, and Lewis vote in favor of the motion. Councilman Britt abstained. The motion carried by a 4-0 vote with one abstention.

After approval of the second reading of the amended ordinance, Roman Mercer asked the Council to look into Keg sales. Chief York of the Statesboro Police Department informed him the City of Statesboro currently has a Keg Ordinance.

**MOTION TO AWARD A BID TO THE LOWEST BIDDER, HEMCO, INC. OF STATESBORO FOR THE ROTARY FINE SCREEN STRUCTURAL SUPPORT REPLACEMENT AT THE WASTEWATER TREATMENT PLANT**

Director of Water/Wastewater reported this bid is for replacing the framework and structure the treatment unit sits on that has rusted away. Councilman Morris asked why the difference in the two bid prices almost doubled. Mr. Johnson said he is not certain, but the consulting engineers estimated \$147,000.00. Councilman Brannen made a motion, seconded by Councilman Britt to approve the lowest bid in the amount of \$143,383.00 from Hemco Inc. Councilman Britt also questioned the difference in the cost. Mr. Johnson said the consulting engineers reviewed the bids and gave the high bidder an opportunity to rebid. Councilmen Brannen, Britt, Lewis, Morris and Blich voted in favor of the motion. The motion carried by a 5-0 vote.

**AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE CERTIFICATION OF STREET RIGHT-OF-WAY FOR THE RESURFACING OF 11 STREETS THROUGH A CITY CONTRACT WITH GDOT**

Mr. Wood commended City Engineer Maz Elhaj for obtaining a \$264,000 contract with the Georgia Department of Transportation (GDOT). This saves the City tremendously. Councilman Blich made a motion, seconded by Councilman Britt to authorize the Mayor and City Clerk to execute the certification of street right-of-way for the resurfacing of 11 streets through a City contract with the GDOT. Councilmen Blich, Britt, Morris, Lewis, and Brannen voted in favor of the motion. The motion carried by a 5-0 vote.

**AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE AMENDED LEASES WITH CINGULAR WIRELESS PCS LLC FOR USE OF WATER TOWERS AT PAULSON STADIUM AND CLAUDE HOWARD LUMBER COMPANY**

Mr. Wood recommended approval of the amended leases with Cingular Wireless at the Paulson Stadium and Claude Howard Lumber Company site so that they may install more equipment. Councilman Morris made a motion, seconded by Councilman Blich to approve to authorize the Mayor and City Clerk to execute amended leases with Cingular Wireless PCS LLC for use of water towers at Paulson Stadium and Claude Howard Lumber Company. Councilmen Morris, Blich, Brannen, Britt, 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 AN AGREEMENT WITH HUSSEY, GAY, BELL & DEYOUNG, INC. FOR THE DESIGN OF THE SEWER COLLECTION & PUMPING SYSTEM TO SERVE THE OAKCREST SUBDIVISION**

Mr. Wood recommended going with the cheapest route which would be a pumping station for this area. Councilman Morris made a motion, seconded by Councilman Britt to authorize the Mayor and City Clerk to execute an agreement with Hussey, Gay, Bell & DeYoung, Inc. for the design of the sewer collection and pumping system to serve the Oakcrest Subdivision. Councilmen Morris, Britt, Lewis, Brannen, and Blich voted in favor of the motion. The motion carried by a 5-0 vote.

**STAFF REPORTS:**

**CITY ENGINEER-WEST MAIN STREET PARKING LOT; CITY MARSHAL**

City Engineer Maz Elhaj reported the West Main Street Parking Lot has been completed and is open to the public.

He also introduced Patsy Smith, former Secretary of the Engineering Department, as the new City Marshal.

**EXECUTIVE SESSION- PERSONNEL MATTERS & LITIGATION**

Councilman Brannen made a motion, seconded by Councilman Britt to enter into an executive session for the purpose of discussing two personnel issues and a litigation issue. Councilmen Brannen, Britt, Blich, Lewis, and Morris 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 November 1, 2005 for the purpose of discussing two personnel issues and a litigation issue. Present were Mayor William S. Hatcher, Council members John Morris, Gary Lewis, Joe Brannen, Tommy Blich and Will Britt. Also present was City Manager George Wood, City Attorney Sam Brannen, Director of Finance & Administration Judy McCorkle, Personnel Director Woody Chapman, and Natural Gas Director Steve Hotchkiss. The meeting adjourned at 12:10 p.m.

**REGULAR SESSION**

A regular meeting reconvened after the executive session. Councilman Blich made a motion, seconded by Councilman Brannen for the City to hire either a Natural Gas Line Worker or a Service Technician. Councilmen Blich, Brannen, Morris, 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 12:11 p.m.