

**COUNCIL MEETING
OCTOBER 18, 2005-6:00 P.M.**

A regular meeting of the Statesboro City Council was held October 18, 2005 at 6:00 P.M. Present were Mayor William S. Hatcher, Council members Joe Brannen, John Morris, Gary Lewis, 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 OCTOBER 4, 2005, REGULAR MEETING MINUTES

Councilman Morris made a motion, seconded by Councilman Blitch to approve the minutes of October 4, 2005, as presented. Councilmen Morris, Blitch, Brannen, Lewis, and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

PUBLIC HEARINGS:

V 05-10-06 Mayor Hatcher reported Fed Ex Ground Facilities, applicant, and Mrs. Ann B. Ross, owner are requesting a variance of the 20-ft. front yard setback along North Zetterower Avenue to allow a structure 17.5-ft. from the property line. Planning Director Jim Shaw reported this property is located at 306 North Zetterower. They plan to install two modular dock structures off the front of the building that would extend outwards toward North Zetterower. He said from the way the building and property are figured and the fact that they are using modular structures requires them to encroach the setback area 2 ½ -ft. They would be encroaching more than what is being proposed.

Planning Director Shaw said the Staff and Planning Commission recommended approval of the request. Mr. Brian Myers was present to answer questions from Council. No one spoke in opposition to the request. Councilman Brannen made a motion, seconded by Councilman Britt to approve the request. Councilmen Brannen, Britt, Lewis, Blitch, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

PUBLIC HEARING TO DISCUSS ORDINANCE #2005-13 AMENDING THE STATESBORO MUNICIPAL CODE REGARDING ALCOHOLIC BEVERAGES (RECORDS RETENTION & FILING, NO DRIVE-THROUGH SALES, RATIO OF SALES, PRICING, & MISREPRESENTATION)

Only 134 people were allowed to attend the meeting on a first come first serve basis due to the load capacity. Many remained outside the front doors of City Hall, which were monitored by Statesboro Police Officers. Mayor Hatcher reminded everyone the purpose of the public hearing is for input, ideas, and solutions. We are looking at how to best regulate alcohol for all people in the community. He defined pros (those favoring the changes) and cons (those against changes) wishing to speak during the hearing. Each speaker was allotted three minutes. He informed all that he expects this meeting to be respectful, kind and civil. He declared the public hearing open, and alternated between the pros and cons. **FOR**-Lee Davis, Legal Counsel for GSU, said Dr. Grube asked him to appear to express University's interest. Mr. Davis said more than one establishment is involved with these situations.

He believes drink specials take a role in underage drinking. He said flyers illegally posted on campus by local bars announcing free drink specials reaches 80% of freshmen students under that age of 21. This is aggressive marketing for underage people, and is not a responsible practice until the law is enforced. **AGAINST**–GSU Student Stormy Ranew said if the amendment is passed students would throw apartment parties where there would be no security, people would get hurt, and this would increase drunk driving. She said the proposed ordinance is taking it too far, and a compromise should be made. **FOR**–Lonnie Simmons, Chairperson of the Bulloch County Alcohol Drug Council, spoke of studies conducted on Alcohol and Drugs throughout the State of Georgia. He stated, “he hopes students are here for an education and not cheap liquor.” **AGAINST** – William Horne, owner of French Quarter Café, said laws are already in place for underage drinking; it does not need to be enforced. It needs to be enhanced through education. There is no need for more regulations; this is not the government’s responsibility. **FOR**–Dr. Ed Johnson of the Ogeechee River Baptist Association said this is a moral issue and it is very hard legislating morality. It is all about money and the community can do better. **AGAINST**–Megan Hopkins of the Eleventh Hour said the ordinance should remain as it is and should not be changed. She spoke on behalf of Curtis Smith who does not want this to cause a ripple effect. She said without entertaining nightlife students would look elsewhere. Bars and restaurants help create character and inspire culture in our town. **FOR**–Retired Methodist Pastor Fred Maddox said we have a good university here to train minds, not to distort minds with chemicals, alcohol or drugs. The most irrational behavior that a person can participate in is taking things into their bodies that affects their minds and diminishes its capability to function. **AGAINST**–Jason Franklin, owner of Retrievers, shares the concerns of the City. He thinks this should be resolved without taking drastic measures.

FOR- Carrie Howard said the City’s part is to legislate what is best for the entire community regarding alcohol. She said the City should stick by the law if it is right, and should not change it. **AGAINST**-Scott Smith said this would create more havoc, and would cause deaths in other counties from drunk driving. If the amendment is passed, it would ruin free enterprise. This is not the government’s responsibility, but the student’s responsibility as an adult. **FOR**- Nancy Waters, member of the Drug & Alcohol Council, said it is important to keep the focus of the discussion on the issue of health and safety. **AGAINST**-Barbara Brown of District 1 agrees the City must address the problems associated with underage and binge drinking. She said a lot of fine restaurants are here because of alcohol licenses, and these businesses generate tax dollars to help the community. She asked the Council to table the amendment and re-examine it before its passage. **FOR**–Bobby Mooney, Medical Director of Willingway, spoke of the community being a dry county before passage of the alcohol ordinance. He said as a community, we must be responsible in what we do. Alcohol is not a commodity like other commodities; it is a psychoactive chemical and there needs to be control. **AGAINST**- Steve Johnson said students are growing adults and this allows them to live and learn. He said heart disease is the number one killer and laws are not being passed on what one should eat. **FOR**-Paul Ferguson, GSU Director of Health Services, spoke about studies and statistics related to alcohol abuse. He said from August 15 to now there were 179 cases of alcohol related conditions.

AGAINST-Drew Murray said Statesboro is a regional hub and should not be compared to smaller cities. This is an interruption to the progress of this city. **AGAINST**- Nathan Queen of District 2 said an alcohol class for underage drinking should be offered to incoming college freshmen. **FOR**-Pastor Ron Andrews of Fletcher Memorial Baptist Church encouraged the Mayor and Council to move forward. He said the City should monitor the consumption of alcohol taken in verses food purchases. People should be held responsible for the laws already in place. **AGAINST**-License holder Roman Mercer said he has worked in multiple cities and states on matters such as these and does not believe thorough research has been done. He asked the Council to table the amendment until adequate research is done. **AGAINST**-Business owner Becky Logan who is not in favor of underage drinking said the City needs night life to have a vital downtown. She said not all people who drink alcohol are irresponsible and asked the Council to re-evaluate the amendment. **AGAINST**-GSU Student James Hall said the City should focus on how to enforce regulations that are already in place. **AGAINST**-Matt Phillips asked about private parties not being regulated such as GSU Sample Wine Tasting, Chamber of Commerce Business After-hours, etc. saying there is no way to enforce what goes on at these events. He asked the Council to table the amendment. **AGAINST**-Michelle Bowen asked how the amendment affects private parties regarding the "free alcohol" portion of the ordinance. Mayor Hatcher said none of those entities have alcohol licenses; it only applies to alcohol license holders. **AGAINST**-Jim Lanier, owner of Loco's, said this is a problem that is not unique to Statesboro. Alcohol is legal, and people are going to drink. He asked Council to table the amendment until further research is done. **AGAINST**-Jason Scarborough of Blue Moon Café said his business would be affected by the changes as well as the entire community.

Councilman Britt asked if he could speak on this issue. Mayor Hatcher said he does not believe it is possible due to Councilman Britt's financial concerns and according to the Code of Ethics states he can not participate on the vote or in discussion of it. He asked the City Attorney's opinion. City Attorney Brannen said that is correct. Councilman Britt said he thought he could speak from the floor. Mayor Hatcher said as a Councilman unfortunately he can not. **AGAINST**-Jonathan Hill who works at an apartment complex said if parties are thrown at apartments, property could be damaged. This would also put a strain on the police force. **AGAINST**-Rob Hane, owner of Longhorn Steakhouse, said businesses should be able to serve alcohol responsibly without the changes. He asked Council not the pass the amendment.

Mayor Hatcher declared the public hearing closed at 7:30 p.m. He commended all for the wonderful spirit conducted throughout the public hearing. Councilman Blich made a motion, seconded by Councilman Lewis to table ordinance amendment # 2005-13 regarding alcoholic beverages until the November 1, 2005 Council meeting. Councilmen Blich, Lewis, Morris, and Brannen voted in favor of the motion. Councilman Britt abstained. The motion carried by a 4-0 vote with one abstention.

MOTION TO AWARD BID FOR AN F-350 & AN F-450 TRUCK FOR THE PUBLIC WORKS DEPARTMENT

Councilman Brannen made a motion, seconded by Councilman Lewis to award the bid to the lowest bidder, Rozier Ford, for an F-350 for \$18,302.60 and an F-450 for \$20,527.60 for the Public Works Department. Councilman Morris asked Public Works Director Bobby Colson if the replaced trucks would go into surplus. Mr. Colson said yes. Councilmen Brannen, Lewis, Morris, Britt, and Blich voted in favor of the motion. The motion carried by a 5-0 vote.

ADOPTION OF RESOLUTION #2005-31 REGARDING NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

Mr. Wood reported the Federal Government is requiring all cities and counties to implement instant command centers in order to be eligible for FEMA. Councilman Morris made a motion, seconded by Lewis to adopt a resolution regarding the National Incident Management System (NIMS). Councilmen Morris, Lewis, Britt, Blich, and Brannen voted in favor of the resolution. The motion carried by a 5-0 vote.

RESOLUTION #2005-32 ACCEPTING A PORTION OF BRANNEN STREET AND COMMERCIAL DRIVE AS PUBLIC STREETS TO BE OWNED AND MAINTAINED BY THE CITY OF STATESBORO, GEORIGIA

Mayor Hatcher reported this item does not appear on the agenda but needs to be addressed. Mr. Wood reported Robbie Franklin is developing a subdivision between Veteran's Memorial Parkway and Cawana Rd. He has completed the infrastructure and the City Engineer says everything is fine. Mr. Franklin is facing a deadline for completing contracts, and asked the City to adopt a resolution accepting the streets contingent upon the City Engineer's approval, which he has given. Mr. Wood said there is a condition subject to a maintenance agreement, and a 20% bond must be in place for one year. Mr. Wood recommended adopting the resolution to accept a portion of Brannen Street at the Veteran's Memorial Parkway all the way to Cawana Rd. as a City street, and to accept Commercial Drive which is a small road that comes off the new road and cul-de-sacs at a dead end at the new Toyota Dealership. These two roads will be taken in as City streets. Councilman Brannen made a motion, seconded by Councilman Morris to adopt resolution #2005-32. Councilmen Brannen, Morris, Britt, Blich, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

STAFF REPORTS:

DIRECTOR OF FINANCE & ADMINISTRATION – GSU HOMECOMING

Judy McCorkle Director of Finance and Administration reported she has received an invitation for the Mayor, Council, herself, and the City Manager to ride in GSU's Homecoming Parade on Friday, October 21, 2005. She asked them to notify her if they plan to participate.

CITY ENGINEER – WEST MAIN STREET PARKING LOT

City Engineer Maz Elhaj reported the West Main Street Parking Lot is being completed and will be stripped next week.

PLANNING DIRECTOR – PUBLIC HEARINGS

Planning Director Jim Shaw reported the following public hearings are scheduled for the November 1, 2005, Council meeting:

Case No. SU 05-09-04: Jennifer Blackburn, 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.

Case No. SE 05-10-01: Anita Pope, 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.

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

Case No. RZ 05-10-03: 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.

Case No. RZ 05-10-04: 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.

Case No. V 05-10-05: 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 for property located at 600 Park Avenue.

Case No. SE 05-10-07: 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.

ADJOURNMENT

Being no further business, Mayor Hatcher adjourned the meeting.