

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

A regular meeting of the Statesboro City Council was held September 7, 2005 at 9:00 A.M. Present were Mayor William S. Hatcher, Council members John Morris, Gary Lewis, Tommy Blicht, and Joe Brannen. Councilman Will Britt was absent. 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 AUGUST 16, 2005, REGULAR MEETING MINUTES

Councilman Brannen made a motion, seconded by Councilman Blicht to approve the minutes of August 16, 2005, as presented. Councilmen Brannen, Blicht, Morris, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

RECOGNITION: GFOA'S CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCAL REPORTING FOR FY 2004 CAFR

Mayor Hatcher congratulated the Department of Finance and Administration for receiving GFOA's Certificate of Achievement for Excellence in Financial Reporting for the FY 2004 Comprehensive Annual Financial Report. He said this is one of the highest awards a City can earn in financial reporting. He commended the staff for their hard work.

PUBLIC HEARINGS:

MRS. CONNIE STEWART-SACKS & MRS. GLENDA HELLER - SPECIAL EXCEPTION TO LOCATE A DAYSPA AT 221 S. ZETTEROWER AVE.

Mayor Hatcher reported Mrs. Connie Stewart-Sacks & Mrs. Glenda Heller are requesting a special exception to locate a day spa at 221 South Zetterower Ave. Planning Director Jim Shaw reported this business would be located in an office zoning district, which a day spa is not a Permitted Use but could be a special exception. The Statesboro Planning Commission recommended approval of the special exception.

Mrs. Connie Stewart-Sacks & Mrs. Glenda Heller were present to answer questions from Council. Councilman Brannen inquired about their previous business at Gold's Gym. Mrs. Sacks said she operated a business at Gold's Gym for eight years. The type of services offered was also discussed. No one spoke in opposition to the request. Councilman Morris made a motion, seconded by Councilman Lewis to approve the request. Councilmen Morris, Lewis, Blicht, and Brannen voted in favor of the motion. The motion carried by a 4-0 vote.

EMC ENGINEERING SERVICES-VARIANCE REQUESTS TO ALLOW 34 APARTMENT UNITS INSTEAD OF THE ALLOWED 32 UNITS, & A 10' SIDE YARD VARIANCE

Mayor Hatcher reported EMC Engineering Services is requesting 1) a variance to allow 34 apartment units instead of the allowed 32 units, and 2) a 10' side yard variance for property located on Rucker Lane.

Planning Director Jim Shaw reported the applicant is proposing a total of 12 buildings, which 11 would each contain one three bedroom unit and two one bedroom units. One of the buildings would be a stand alone for three bedroom units. The total number of units proposed is 34, which is two more than the ordinance requires. Mr. Shaw said with the predominate one bedroom units; there would be fewer actual residents.

The request to reduce the side yard setback from 20 ft. to 10 ft. appears to be justified due to Georgia Power's right-of-way of utility lines to the east and a cell phone tower located to the west. The Planning Commission recommended approval of both variances.

Chuck Perry, representative of EMC Engineering Services, spoke in favor of the request. He said the only time side yard setbacks are required to be 10 ft. on this particular zoning is when there is residential zoning on each sides of the property, and neither of the properties would be utilized as residential. No one spoke in opposition to the request. Councilman Brannen made a motion, seconded by Councilman Morris to approve the request to allow 34 apartment units and a 10 ft. side yard variance for property located on Rucker Lane to be used for the intended population of 58. Councilmen Brannen, Morris, Blicht, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

MARK BRYANT, JMB DEVELOPERS, INC. - REZONING OF PROPERTY ON BIRD LANE & LANIER DRIVE

Mayor Hatcher reported Mr. Mark Bryant of JMB Developers, Inc. is requesting the rezoning of a 35.02 acre tract fronting on Bird Lane from PUD with an R-10 overlay and a portion of the 5.70 acre tract at 5 Lanier Drive from PDR (Bulloch County zoning) to PUD with an R-4 overlay limited to 6 units per acre and 24 occupants per acre. Planning Director Jim Shaw reported this would contain 231 residential units on approximately 38 acres. He said a portion of Bird's Lane would be vacated and closed. The area currently to the left between Lanier Drive and Bird Lane is open space. The bulk of the development would occur to the east of the current Bird Lane. He and the City Engineer reviewed the plans and made suggestions for minor changes that would not impact major points of the development. The Planning Commission recommended approval.

Mr. Mark Bryant spoke in favor of the request. He said the City recommended them to make changes to the plans several times which they have done. The units would serve GSU students and would be done in phases. Councilman Lewis made a motion, seconded by Councilman Morris to approve the rezoning as noted above. Councilman Blicht asked Mr. Bryant if they already own the property or is in the process of purchasing it. Mr. Bryant said they are in the process of purchasing it. Councilman Blicht asked who is the owner of the property. Mr. Bryant said the owner Ray Clark passed away last week and on his behalf his sister would take his place. Mr. Wood said when this request was previously before the Council; Mr. Clark was in favor of it.

Councilmen Lewis, Morris, Brannen, and Blicht voted in favor of the motion. The motion carried by a 4-0 vote.

MR. GARLAND NESSMITH - REZONING AT 815 SOUTH MAIN STREET FROM R-4 TO HOC

Mayor Hatcher reported Mr. Garland Nessmith is requesting the rezoning of a 0.52 acre tract at 815 South Main Street from R-4 to HOC. Planning Director Jim Shaw reported this property was annexed into the City in 1993 and was used as C-R prior to that time. It was assigned as R-4 because it had legal non-conforming standards. The request is for High Oriented Commercial zoning, and this property is adjacent to an HOC district. The Planning Commission recommended approval.

Mr. Garland Nessmith spoke in favor of the request and explained how the property became zoned C-R. Councilman Brannen asked if the property was currently occupied as a business. Mr. Nessmith said the prior use was a window tinting business. Mr. Nessmith said the location would be a refueling station of Natural Gas for GSU buses. Mr. Wood said C-R was grandfathered. He would like this to fall under the City's category which allows service stations, fueling, etc. They are only allowed in HOC. No one spoke in opposition to the request. Councilman Lewis made a motion, seconded by Councilman Morris to approve the rezoning request. Councilmen Lewis, Morris, Brannen, and Blicht voted in favor of the motion. The motion carried by a 4-0 vote.

CHIEF STAN YORK OF THE STATESBORO POLICE DEPARTMENT – VARIANCE REQUESTS PROPERTY LOCATED AT WEST GRADY STREET BETWEEN MARTIN LUTHER KING BLVD. & SOUTH COLLEGE STREET

Mayor Hatcher reported Chief Stan York of the Statesboro Police Department is requesting 1) a 10' variance of the 20' rear yard setback requirement; 2) a 5' variance of the 10' buffer strip requirement; and 3) to allow a municipal government use in the R-8 zoning district for property located on the north side of West Grady Street between Martin Luther King Boulevard and South College Street.

Planning Director Jim Shaw reported this request is related to the new Police Department headquarters building. The first variance is for an accessory building that would be in the north corner of the property. The second variance is for a 10' buffer strip because of parking needs in the back of the building. He said the required fencing and landscaping is still being decided and would be provided in the 5 ft. area instead of the 10 ft. area. Finally, he said any type of government use in an R-8 zoning district requires approval by the Mayor and Council. The Planning Commission recommended approval of all three requests.

Chief York of the Statesboro Police Department spoke in favor of the request. He reported the neighboring property owners (Mr. & Mrs. Stewart) had no problem with the request, but requested a fence be placed on the northern boundary line. Chief York said a 6-8 ft. fence with barbed wire across the top would be accommodated. No one spoke in opposition to the request.

Councilman Morris made a motion, seconded by Councilman Lewis to approve the requests. Councilmen Morris, Lewis, Blich, and Brannen voted in favor of the motion. The motion carried by a 4-0 vote.

FIRST READING OF ORDINANCE #2005-09 TO AMEND THE RETIREMENT PLAN REGARDING ELIGIBILITY BASED UPON THE AVERAGE NUMBER OF HOURS WORKED WEEKLY

Mr. Wood reported this amendment would increase the minimum hour requirement for regular eligible employees from 20 hours to 30 hours per week. When the City's Personnel Policy was last amended, the GMA Retirement Plan was not changed to reflect 30 hours per week. This change would only affect one employee, who would be grandfathered. Mrs. McCorkle said the effective date is October 1st, 2005.

Councilman Brannen made a motion, seconded by Councilman Blich to adopt the first reading of ordinance #2005-09 amending the retirement plan regarding eligibility based upon the average number of hours worked weekly. Councilmen Brannen, Blich, Lewis, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

FIRST READING OF ORDINANCE #2005-10 DENOTING THE ELECTION DISTRICTS FOR PROPERTIES RECENTLY ANNEXED INTO THE CITY

Mr. Wood reported this includes several properties that were annexed over the last year or two. The properties would be put in the correct districts prior to the municipal election. They are listed below:

- 1) District 5 – Bible Baptist Church & Mill Creek Regional Park, a 65 acre tract to the right of GA 67, and the Stambuck Property on Hwy 67 & Veterans Memorial Parkway.
- 2) District 4 – Eddie Rushing Property
- 3) District 1 – Biff Thompson's Property
- 4) District 2 – Jerry Jennings Development

Mr. Wood said these changes would be made to the election maps and once approved they would be forwarded to the Justice Department for pre-clearance under the Voting Rights Act. Councilman Brannen made a motion, seconded by Councilman Blich to approve the first reading of ordinance #2005-10 denoting the election districts for properties recently annexed into the City. Councilmen Brannen, Blich, Morris, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

ADOPTION OF RESOLUTION #2005-27 ACCEPTING STREETS WITHIN PEPPERIDGE SUBDIVISION AS PUBLIC STREETS TO BE OWNED AND MAINTAINED BY THE CITY OF STATESBORO

Mr. Wood reported this is the last step to take on the subdivision. The infrastructure has been reviewed and was built to City standards.

The developer has requested the City to accept the dedication of the following streets in the subdivision: Blue Ridge Drive, Bold Ridge Court, and Green Ridge Court. Councilman Blich made a motion, seconded by Councilman Lewis to adopt resolution #2005-27 accepting streets within Pepperidge Subdivision as public streets to be owned and maintained by the City of Statesboro. Councilmen Blich, Lewis, Brannen, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

ADOPTION OF RESOLUTION #2005-28 DECLARING CERTAIN PERSONAL PROPERTY OF THE CITY AS SURPLUS & AUTHORIZING ITS DISPOSAL

Mr. Wood reported this resolution is to declare an existing truck in the Public Works Department as surplus. He recommended disposing of the vehicle by the one-line bid process or by sealed bid, being a trade-in was not received. Councilman Morris made a motion, seconded by Councilman Lewis to adopt resolution #2005-28 declaring certain personal property of the City as surplus and authorizing its disposal. Councilman Brannen asked what the City would realize from the sale of this equipment. Public Works Director Bobby Colson said this is the only truck in Georgia, which is no longer being built. If \$5,000.00 is received from the sale, we would be lucky. This fee would be for both the tractor and the trailer. Mayor Hatcher asked if a website was available through GMA. Mr. Wood said yes and explained the process. Councilmen Morris, Lewis, Blich, and Brannen voted in favor of the motion. The motion carried by a 4-0 vote.

APPROVAL OF AN ENGINEERING CONTRACT WITH HGBD, INC. FOR FULL DESIGN & CONSTRUCTION DOCUMENTS TO EXTEND SEWER SERVICES TO FOXLAKE SUBDIVISION

Mr. Wood reported he, Director (Wayne Johnson) & Assistant Director (Van Collins) of the Wastewater Treatment Plant is working on a schedule for this project for the next three years based on the Capital Improvements Program. More details about this would be provided at the next meeting. Councilman Blich made a motion, seconded by Councilman Lewis to approve an engineering contract with HGBD, Inc. in the amount not to exceed \$17,800 for the full design and construction documents to extend sewer service to Foxlake Subdivision. Councilmen Blich, Lewis, Brannen, and Morris voted in favor of the motion. The motion carried by a 4-0 vote.

APPROVAL OF CHANGE ORDER #2 TO THE PAVING CONTRACT WITH MORGAN-WOODS, INC. TO ADD OTHER WWTP AREAS AT THE ORIGINAL UNIT PRICES

Mr. Wood reported some of the areas to be paved at the Wastewater Treatment Plant were originally cut-out due to cost. The Wastewater Treatment Plant would like to add areas in at the same unit price as bid. Councilman Morris made a motion, seconded by Councilman Lewis to approve change order #2 to the paving contract with Morgan-Woods, Inc. in the amount of \$23,321.50 to add other WWTP areas at the original unit prices. Councilmen Morris, Lewis, Brannen, and Blich voted in favor of the motion. The motion carried by a 4-0 vote.

APPROVAL OF CHANGE ORDER #3 TO THE PAVING CONTRACT WITH MORGAN-WOODS, INC. TO IMPROVE THE TURNING RADIUS AT THE NORTHWEST CORNER OF CHANDLER ROAD & GEORIGIA AVENUE

Mr. Wood reported GSU have discovered that when making a turn on Georgia Avenue & Chandler Road the transit buses can not make the turn and enters the left turn lane of Chandler Road. The telephone phone would be moved 25-30 ft. This change order would enable Morgan-Woods, Inc. to jackhammer the curb, and install new curb with a better turning radius.

Councilman Brannen made a motion, seconded by Councilman Blich to approval change order #3 to the paving contract in the amount of \$13,500 to improve the turning radius at the northwest corner of Chandler Road and Georgia Avenue. Councilmen Brannen, Blich, Morris, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

APPROVAL OF THE LOWEST RESPONSIVE BIDDER FOR A NEW KNUCKLEBOOM LOADER

Mr. Wood recommended approval of the lowest responsive bid. Public Works Director Bobby Colson reported several bids were received but the one that met all specifications was chosen. This project was under budgeted due to the increase cost of steel. Mr. Wood said a budget amendment would be made to the Solid Waste Fund, and money is available to do this. Councilman Morris made a motion, seconded by Councilman Brannen to approve the bid of the lowest responsive bidder, Pioneer Machinery, in the amount of \$98,754 for a new knuckleboom loader. Councilmen Morris, Brannen, Blich, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

APPROVAL OF THE LOWEST RESPONSIVE BIDDER FOR A NEW SIDE LOADER GARBAGE TRUCK

Mr. Wood reported this item was also higher than the budgeted amount due to the cost of steel. He recommended approval of the purchase. Councilman Blich made a motion, seconded by Councilman Lewis to approve the bid of the lowest responsive bidder, Consolidated Disposal Systems, in the amount of \$173,695 for a new side loader garbage truck. Councilmen Blich, Lewis, Morris, and Brannen voted in favor of the motion. The motion carried by a 4-0 vote.

STAFF REPORTS:

CITY MANAGER–EPD CONCERNS/RESPONSE; OTHER REPORTS

City Manager George Wood reported he received a letter dated August 30, 2005 to Dr. Carol Couch Director of the Georgia Department of Natural Resources from Brad Wiggins Bulloch County Environmental Health County Manager expressing his concerns that if the regulations are too tight, the City may not be able to handle septic waste. Mr. Wood also reported the engineers are reviewing the response we received from the State EPD, but the information we requested is not complete. A second request for information has been put in. We were able to find out that everyone did not get a 5.1 limit.

CGRDC TRANSPORTATION MEETING

Mr. Wood reported the Coastal Georgia Regional Development Center (CGRDC) has scheduled a Transportation meeting in Bulloch County for a rural transportation study that would cover a 12 county area. The meeting would be held September 15, 2005 at 9:00 a.m. He encouraged all Council members to attend. He has agreed to serve on the committee and reiterated that this needs the City and County's support.

APPOINTMENT TO THE GOVERNOR'S ADVISORY COMMITTEE

Mr. Wood announced that Director of Water/Wastewater Wayne Johnson has been appointed by Governor Purdue to serve on the Georgia Public Service Commission Advisory Committee.

HOLIDAY SCHEDULE

Mr. Wood announced the City's Holiday schedule as follows: Thanksgiving – November 24 & 25, 2005; Christmas – December 23 & 26, 2005; and New Year's – January 2, 2006.

AVERITT CENTER FOR THE ARTS FIRST ANNIVERSARY

Mr. Wood reported Tim Chapman, Director of the Averitt Center for the Arts, has forwarded a list of activities scheduled for the first anniversary.

WOODPECKER TRAIL HIGHWAY DEDICATION

Mr. Wood reported Mr. Joseph Mosley extended an invitation for the Mayor and Council to attend the Woodpecker Trail Highway Dedication. The event would take place at Pointe South Golf Club in Hephzibah on SR121.

DIRECTOR OF FINANCE & ADMINISTRATION – NOTICE OF ELECTION; ALCOHOL CONTROL BOARD

Director of Finance and Administration Judy McCorkle reported qualifying begins next week, Monday through Friday 8:30 a.m. – 4:30 p.m. She also reported the Alcohol Control Board met today to hold hearing on five businesses. Four of the businesses received fines, and a suspension was imposed on one business, which has been rescheduled.

CITY ENGINEER – COMPLETION OF SUCCESS COURT

City Engineer Max Elhaj reported Morgan-Woods, Inc. has completed the project on Success Court, and he is very pleased with their quality of work.

PREQUALIFICATION ON THE NEW POLICE STATION

Mr. Wood reported seven companies requested a prequalification packet of the new police station.

ADJOURNMENT

Being no further business, Mayor Hatcher adjourned the meeting at 10:00 a.m.

