

**COUNCIL MEETING MINUTES
JANUARY 19, 2005 – 6:00 P.M.**

A regular meeting of the Statesboro City Council was held January 19, 2005, at 6:00 p.m. Present were Mayor William S. Hatcher, Council members Will Britt, Tommy Blicht, Joe Brannen, Gary Lewis, and John Morris. Also present were City Manager George Wood, City Attorney Sam Brannen, City Planner Hawa Samatar and Interim City Engineer Maz Elhaj. Director of Finance and Administration Judy McCorkle was absent.

APPROVAL OF MINUTES – JANUARY 4, 2005

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

RECOGNITIONS:

MRS. ELEANOR SCHNEIDER- PRESENTATION OF ARTWORK TO THE CITY

Mrs. Eleanor Schneider presented the City a lithograph portrait of Blind Willie McTell in honor of her grandparents Mr. Fred Thomas Lanier and Mrs. Ruby Simmons Lanier.

MR. RICHARD DEAL, CPA, OF FRANKLIN, MIKELL & DEAL, LLP – PRESENTATION OF THE CITY’S ANNUAL AUDIT FOR FY 2004

Mr. Richard Deal, CPA of Franklin, Mikell & Deal, LLP brought before the Mayor and Council a presentation of the FY 2004 Comprehensive Annual Financial Report. He reported the General Fund had 47% of the total annual expenditures, which is a very healthy financial condition. The rule of condition thumb is to have at least 25% of fund expenditures.

Mr. Wood distributed a handout of a chart to the Mayor and Council completing the budget year that includes the June 30, 2004 audit. He reported in the June 1st budget we would take on capital projects that extend beyond a year and will calculate how much we would spend by June 30th, and use the audit numbers and true it up to make an adjustment.

PUBLIC HEARINGS:

W.H. ALDRED III-REZONING/ZETTEROWER ROAD

Mayor Hatcher reported Mr. Donald Marsh, as agent for W.H. Aldred III is requesting the rezoning of 2.75 acres on Zetterower Road from R-20 (old R-1) to R-15 (old R-2). City Planner Hawa Samatar reported the Statesboro Planning Commission recommended approval of the request, and the request was properly advertised.

Mr. Donald Marsh spoke in favor of the request. He reported they would like to build the same thing that is on the other side of the property. Mr. Wood confirmed that they are not approving the lot setup, but will come back with a plat and make corrections. Councilman Britt asked if there were any concerns or comments. Mr. Marsh said one person asked to view the sketch, and did not oppose of the request. Mr. Wood said the City did not receive any calls about the request. No one spoke in opposition to the request. Councilman Britt made a motion, seconded by Councilman Lewis to approve the request. Councilmen Britt, Lewis, Brannen, Blicht, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

LIBERTY-STATESBORO LLC FOR WALGREENS DEVELOPMENT-VARIANCE TO THE SIGN PROVISIONS OF THE ZONING ORDINANCE; AND TO INSTALL AN ELECTRONIC READER BOARD SIGN AT 516 NORTHSIDE DRIVE

Mr. Hatcher reported Liberty-Statesboro LLC for Walgreens Development has requested to table the request for a variance to the sign provisions of the Zoning Ordinance to allow a 310 square feet sign (only 250 square feet allowed); and to install an electronic reader board sign (such signs are prohibited) at 516 Northside Drive.

SECOND READING AMENDING THE STATESBORO ZONING ORDINANCE REGARDING LOT AREA IN THE R-10 RESIDENTIAL DISTRICT

Mr. Wood reported due to a clerical error this amendment would change the square footage from “8,000” in line one and in line five to “10,000. Councilman Brannen made a motion, seconded by Councilman Britt to adopt an ordinance on second reading amending the Statesboro Zoning Ordinance regarding Lot Area in the R-10 Residential District. Councilmen Brannen, Britt, Morris, Lewis, and Blitch voted in favor of the motion. The motion carried by a 5-0 vote.

SECOND READING AMENDING THE STATESBORO MUNICIPAL CODE REGARDING ALCOHOLIC BEVERAGES (DEFINING “CHURCH” IN THE CBD)

Mr. Wood reported this amendment changes the definition of a church. The Central Business District has no setback requirements, so a number of businesses could be affected. This amendment would keep the same protection that we have for the typical church, but in the CBD zoning district a church building is defined as a free standing structure built for and used as a church, and does not apply to commercial or retail space that has been converted to occupancy as a church. If a church has been built for that purpose all these requirements would comply.

Councilman Morris made a motion, seconded by Councilman Lewis to adopt an ordinance on second reading amending the Statesboro Municipal Code regarding alcoholic beverages (defining “church” in the CBD). Councilmen Morris, Lewis, Brannen, Blitch, and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

SECOND READING AMENDING THE STATESBORO MUNICIPAL CODE REGARDING ALCOHOLIC BEVERAGES (PROHIBITING BROWN-BAGGING)

Mr. Wood reported this is the same ordinance the Bulloch County Board of Commissioners adopted at their last meeting. It states that it should be unlawful for a licensee or any other person or establishment to allow customers to bring with them their own alcoholic beverages which is known as BYOB. Councilman Britt recommended amending the ordinance to allow commercial establishments that currently have a beer, wine, or liquor license to be exempt and to allow people to bring in alcohol such as champagne. Councilman Britt made a motion to postpone this until the next meeting to review ordinances of other cities so an amendment could be added so establishments that currently have licenses would be exempt. Councilman Lewis asked if this would allow people to bring in alcohol after bars close. Councilman Britt said he does not think so. Mr. Wood asked the City Attorney if a notification process could be done. City Attorney Brannen said the City could allow license holders to apply for an exemption for special occasions at the Police Department.

Mayor Hatcher recommended passing the amended ordinance the way it is written and if problems are discovered later it could be amended. Mr. Wood asked the City Attorney if this ordinance is amended again would it have to be brought back before the Mayor and Council as a first reading. City Attorney said this would be less stringent and could be brought back before the Council as a second reading. Councilman Britt made a motion, seconded by Councilman Brannen to table amending this ordinance until ordinances from other cities have been reviewed. Councilmen Britt, Brannen, Blitch, Morris, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

RESOLUTION TO FIX AND PUBLISH QUALIFYING FEES FOR THE CITY OF STATESBORO NOVEMBER 8, 2005 GENERAL ELECTION

Mr. Wood reported the qualifying fees are \$555.00 for the Mayor and \$225.00 each for the District 1 and District 4 City Council. Councilman Brannen made a motion, seconded by Councilman Britt to adopt a resolution to fix and publish qualifying fees for the November 8, 2005 General Election. Councilmen Brannen, Britt, Blitch, Lewis, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY OF THE CITY AS SURPLUS AND AUTHORIZING ITS DISPOSAL

Mr. Wood reported this resolution would declare firearms of the Statesboro Police Department as surplus and take sealed bids from licensed firearms dealers only for the disposal of the weapons, with proceeds being deposited into the City's General Fund. Councilman Brannen asked what would be the estimated proceeds for the 197 weapons. From a personal estimate, Chief York said as little as \$3,000.00 or less than \$5,000.00, but the items could exceed this amount. Councilman Brannen made a motion, seconded by Councilman Morris to adopt a resolution declaring certain personal property of the City as surplus and authorizing its disposal for 197 guns. Councilmen Brannen, Morris, Britt, Lewis, and Blitch voted in favor of the motion. The motion carried by a 5-0 vote.

RESOLUTION DECLARING ANDERSON AVENUE, AN UNOPENED ALLEY OFF BENNETT STREET, AS CLOSED AND QUITCLAIMING ANY INTEREST THERETO TO THE ADJOINING PROPERTY OWNER (MIDLAND CENTER, LLC REQUEST)

Councilman Morris made a motion, seconded by Councilman Lewis to adopt a resolution declaring Anderson Avenue, an unopened alley off Bennett Street, as closed and quitclaiming any interest thereto to the adjoining property owner. Mayor Hatcher said he understands there is no money changing hand for fees. City Attorney said no. Councilmen Morris, Lewis, Blitch, Britt, and Brannen voted in favor of the motion. The motion carried by a 5-0 vote.

APPROVAL OF CHANGE ORDER #37 TO THE ARTS CENTER PROJECT TO CHANGE THE FRONT PORCH LIGHTING FIXTURE

Councilman Morris made a motion, seconded by Councilman Lewis to approve Change Order #37 to the Arts Center Project in the amount of \$354.75 to change the front porch lighting fixture. Councilmen Morris, Lewis, Blitch, Brannen, and Britt voted in favor of the motion. The motion carried by a 5-0 vote.

CONTRACT FOR A PART-TIME INDIGENT DEFENSE ATTORNEY FOR THE MUNICIPAL COURT AS REQUIRED BY RECENT STATE LEGISLATION

Mr. Wood reported Ms. April Stafford an Attorney of Hall & Kirkland has been recommended as the part-time Indigent Defense Attorney. The fees would be \$60 per hour for courtroom work and \$50 per hour for non-courtroom work. She has also requested to be on the City's health insurance plan as noted in the agreement.

After much discussion of the different cases that comes through the Municipal Court and the involved cost, Councilman Brannen made a motion, seconded by Councilman Blitch to approve a contract for a part-time Indigent Defense Attorney for the Municipal Court, as required by state legislation. Councilmen Brannen, Blitch, Britt, Morris, and Lewis voted in favor of the motion. The motion carried by a 5-0 vote.

MOTION TO SET THE DATE OF THE ANNUAL BUDGET RETREAT

Councilman Brannen made a motion, seconded by Councilman Lewis to set the date of the annual budget retreat for Friday, April 15, 2005 at 8:00 a.m. at the Pond House. Councilmen Brannen, Lewis, Britt, Blitch, and Morris voted in favor of the motion. The motion carried by a 5-0 vote.

REPORTS FROM STAFF:

CITY PLANNER – PUBLIC HEARINGS:

City Planner Hawa Samatar reported the following public hearings are scheduled for the next scheduled Council meeting: 1) Mr. Joseph P. Stubbs is requesting a variance of 5 ft. from the required 15 ft. side yard setback to construct an addition at 111 Northside Drive East. 2) John A. Dotson agent for JESCO Development LLC is requesting the rezoning of 0.758 acres on South College Street from R-20 single family residential to CR-Commercial Retail. The intent is to allow proposed development to be used as offices, shops, and restaurants.

EXECUTIVE SESSION – LEGAL

Councilman Morris made a motion, seconded by Councilman Lewis to enter into an executive session to discuss a legal matter. Councilmen Morris, Lewis, Blitch, Brannen, and Britt 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 January 19, 2005 to discuss a legal matter. Present were Mayor Hatcher, Councilmen Morris, Lewis, Brannen, Blitch, and Britt. Also present were City Manager George Wood, City Attorney Sam Brannen, and Lyn Edenfield in the absence of Director of Finance and Administration Judy McCorkle.

REGULAR SESSION

Mayor Hatcher reported the legal matter discussed in the executive session requires no action.

ADJOURNMENT

Being no further discussion, Mayor Hatcher adjourned the meeting at 7:25 p.m.

