



**CITY OF STATESBORO
Council Minutes
January 21, 2015**

A regular meeting of the Statesboro City Council was held on January 21, 2015 at 5:15 p.m. in the Council Chambers at City Hall. Present were Mayor Jan J. Moore, Council Members: Will Britt, Phil Boyum, John Riggs, Gary Lewis and Travis Chance. Also present were Interim City Manager Robert Cheshire, City Clerk Sue Starling, City Attorney Alvin Leaphart, Assistant City Engineer Jason Boyles and Director of Planning and Development Mandi Cody.

The meeting was called to order by Mayor Jan Moore

The Invocation and Pledge of Allegiance was led by Mayor Jan Moore.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

- A) Approval of Minutes**
 - a) 12-16-2014 Executive Session Minutes**
 - b) 01-06-2015 Council Minutes**
- B) Consideration of a Motion to approve Special Event Permit**
 - a) 03-07-2015 - Georgia Southern University Museum - Gourmet Dinner to Benefit GSU Museum**

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to approve the consent agenda in its entirety. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Councilman Phil Boyum joined the meeting.

Public Hearing and Consideration of a Motion to adopt Resolution 2015-05: A Resolution adopting the 2014 update to the City of Statesboro Comprehensive Master Plan Community Agenda and to approve the submittal of the update to the Coastal Georgia Regional Commission in accordance with the provisions of the Georgia Planning Act and the Minimum Standards and Procedures for Local Comprehensive Planning as required by the Georgia Department of Community Affairs.

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to open the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

No one spoke in favor of the Comprehensive Plan. Steve Rushing spoke against the plan on behalf of the Estate of the Benson property that was included in the new plans. He stated that was his only objection.

Councilman Riggs made a motion, seconded by Councilman Lewis to close the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to adopt **Resolution 2015-05**: A Resolution adopting the 2014 update to the City of Statesboro Comprehensive Master Plan Community Agenda and to approve the submittal of the update to the Coastal Georgia Regional Commission in accordance with the provisions of the Georgia Planning Act and the Minimum Standards and Procedures for Local Comprehensive Planning as required by the Georgia Department of Community Affairs. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to approve APPLICATION # RZ 14-10-01: Estate of Martha C. Benson c/o Dr. Robert M. Benson, Jr., Executor requests a zoning map amendment for 4.41 acres of property located at 1301 Fair Road from R3 (Medium Density Multiple Family Residential) zoning district to CR (Commercial Retail) zoning district to permit the use of the property for a free standing fuel dispensing station with convenience store to be owned and operated by Enmark Stations, Inc. and for development of a hotel/motel or other use compatible with the Enmark Station (Tax Parcel Number MS62000054B000).

Councilman Riggs made a motion, seconded by Councilman Chance to open the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Attorney Steve Rushing representing the Benson Estate spoke in favor of the request. The applicant would like to put an Enmark Gas Station and a 4 story hotel on the property site. There were also drawings presented as to how the property would look after it was redeveloped. Mr. Rushing also presented Council with a Notice of Constitutional Challenges. Mr. Rushing had Debbie Gilbert, a court reporter, to take down this hearing. There were no other comments from concerned citizens supporting the request.

Attorney Bob Mikell representing some of the neighborhood citizens spoke against the request. Cathy Shriver, Ann Dewey, Russ Dewey George Shriver, Bill Smith, Verdy Kennedy, Barbara Price, Jack Woman, Carol Altman, Charles Wilson, William Hatcher, Jimmy Hodges and Catherine Strickland spoke against the request.

Mayor Moore asked for a motion to continue this hearing until the 2nd Council Meeting in February due to certain Constitutional issues presented by Attorney Steve Rushing. Mayor Pro Tem Will Britt made a motion, seconded by Councilman Riggs to continue this hearing at the 2nd Council meeting in February. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Mayor Moore recessed the meeting for 10 minutes.

Public Hearing and Consideration of a Motion to approve APPLICATION # V 14-10-02: Estate of Martha C. Benson c/o Dr. Robert M. Benson, Jr., Executor requests a variance from Section 1002 regarding building height from the allowed 35' or three (3) story building height to four (4) stories for property located at 1301 Fair Road (Tax Parcel Number MS62000054B000).

Councilman Britt made a motion, seconded by Councilman Boyum to open the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Attorney Steve Rushing representing the Benson Estate spoke in favor of the request. Mr. Rushing also presented Council with a Notice of Constitutional Challenges. There were no other comments from concerned citizens for or against the request.

Mayor Moore asked for a motion to continue this hearing until the 2nd Council Meeting in February due to certain Constitutional issues presented by Attorney Steve Rushing. Councilman Boyum made a motion, seconded by Councilman Riggs to continue this hearing at the 2nd Council meeting in February. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to approve APPLICATION # RZ 14-11-05: Asia World Co. Inc. Charles Tsang requests a zoning map amendment to 2 acres of property located at 400 Knight Road from R4 (High Density Residential) zoning district to CR (Commercial Retail) zoning district for the purpose of developing a commercial retail center (Tax Parcel Number MS62000005B000).

Councilman Boyum made a motion, seconded by Councilman Riggs to open the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Sam DiPolito, representing the applicant, spoke in favor of the request. He stated that although the applicant has no architectural plans to present and has made no decision when he will redevelop the property or what will be built there, he would like the request approved for any future development that make occur. There were no other comments from concerned citizens for or against the request.

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Riggs to close the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve APPLICATION # RZ 14-11-05: Asia World Co. Inc. Charles Tsang requests a zoning map amendment to 2 acres of property located at 400 Knight Road from R4 (High Density Residential) zoning district to CR (Commercial Retail) zoning district for the purpose of developing a commercial retail center (Tax Parcel Number MS62000005B000) with the recommendations of City staff and the Planning Commission. Councilman Boyum, Riggs, Lewis and Chance voted in favor of the motion. Mayor Pro Tem Will Britt voted against the request. The motion carried by a 4-1 vote.

Public Hearing and Consideration of a Motion to approve APPLICATION # RZ 14-12-01: John Ray Hendley requests a zoning map amendment for .31 acres of property located at South College Street from R20 (Single Family Residential) zoning district to R3 (Medium Density Multiple Family Residential) zoning district to allow for the development of single family duplexes (Tax Parcel Number S21000003000).

Councilman Riggs made a motion, seconded by Councilman Boyum to open the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Brian Davis representing Hendley Properties spoke in favor of the request. There were no other comments from concerned citizens for or against the request.

Councilman Boyum made a motion, seconded by Councilman Riggs to close the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to approve APPLICATION # RZ 14-12-01: John Ray Hendley requests a zoning map amendment for .31 acres of property located at South College Street from R20 (Single Family Residential) zoning district to R3 (Medium Density Multiple Family Residential) zoning district to allow for the development of single family duplexes (Tax Parcel Number S21000003000). Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to approve APPLICATION # SE 14-10-03: Rick Mock requests a special exception be granted pursuant to the Statesboro Zoning Ordinance to allow the operation of a used car dealership in the CR (Commercial Retail) zoning district (Tax Parcel Number MS43000018000).

Mayor Moore stated the applicant has requested the item be postponed until a later date.

Public Hearing and Consideration of a Motion to approve APPLICATION # V 14-11-01: Statesboro Hospitality requests a variance from Article XV of the Statesboro Zoning Ordinance to increase the sign height and style from the required (8) eight foot monument sign to a (15) fifteen foot freestanding pole sign for the parcel's southern property line that fronts the Veteran's Memorial Parkway. (Tax Parcel Number MS75000007001).

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Riggs to open the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

There were no comments from concerned citizens for or against the request.

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to close the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Boyum made a motion, seconded by Mayor Pro Tem Will Britt to approve **APPLICATION # V 14-11-01**: Statesboro Hospitality requests a variance from Article XV of the Statesboro Zoning Ordinance to increase the sign height and style from the required (8) eight foot monument sign to a (15) fifteen foot freestanding pole sign for the parcel's southern property line that fronts the Veteran's Memorial Parkway. (Tax Parcel Number MS75000007001). Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to approve APPLICATION # V 14-11-02: Suites at Market District. LLC requests a variance from Article XV of the Statesboro Zoning Ordinance to allow for an additional monument style ground sign for businesses located within a PUD/CR (Planned Unit Development) zoning district. (Tax Parcel Number MS74000198A10A).

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to open the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Will Self, representing Action Signs, spoke in favor of the variance request. There were no other comments from citizens for or against the request.

Councilman Riggs made a motion, seconded by Councilman Lewis to close the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Boyum made a motion, seconded by Councilman Riggs to approve **APPLICATION # V 14-11-02**: Suites at Market District. LLC requests a variance from Article XV of the Statesboro Zoning Ordinance to allow for an additional monument style ground sign for businesses located within a PUD/CR (Planned Unit Development) zoning district. (Tax Parcel Number MS74000198A10A). Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to approve APPLICATION # V 14-11-04: Connections Ministries of Statesboro, Inc., requests a variance from Article XV of the Statesboro Zoning Ordinance to increase the aggregate building sign square footage from the permissible eighty (80) square feet aggregate allowance to an aggregate of 200 square feet for a nonresidential use within Sign District 1 (Tax Parcel Number 107000005004)

Councilman Chance made a motion, seconded by Councilman Lewis to open the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Will Self representing Action Signs spoke in favor of the request as well as a representative from the Connections Ministries Church. There were no other comments from concerned citizens for or against the request.

Councilman Boyum made a motion, seconded by Councilman Riggs to approve APPLICATION # V 14-11-04 which is Connections Ministries of Statesboro, Inc. The motion was contingent on 180 square feet of aggregate signs limited to one road sign on Cawana Road and one sign on the building. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve Resolution 2015-04: A Resolution extending a temporary moratorium on the acceptance, issuance, and processing of alcohol license applications for locations where a previously licensed premises was adjudicated a public nuisance by a court of competent jurisdiction.

Councilman Boyum made a motion, seconded by Councilman Riggs to approve Resolution 2015-04: A Resolution extending a temporary moratorium on the acceptance, issuance, and processing of alcohol license applications for locations where a previously licensed premises was adjudicated a public nuisance by a court of competent jurisdiction. Councilman Boyum, Riggs and Chance voted in favor of the motion, Councilman Britt and Lewis voted against the motion. The motion carried by a 3-2 vote.

Consideration of a Motion to award a bid to purchase a cab and chassis with a utility body for the Natural Gas Department to Roberts Truck Center in the amount of \$56,750.00.

Councilman Riggs made a motion, seconded by Councilman Chance to award a bid to purchase a cab and chassis with a utility body for the Natural Gas Department to Roberts Truck Center in the amount of \$56,750.00. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Other Business from City Council: None

City Managers Comments

City Clerk Sue Starling updated Council on the changing of managers at Applebee's Restaurant.

Public Comments (General): None

Consideration of a Motion to enter into Executive Session to discuss "Personnel Matters" and "Potential Litigation" in accordance with O.C.G.A. §50-14-3 (2012)

At 8:00 pm, Councilman Chance made a motion, seconded by Councilman Riggs to enter into Executive Session to discuss "Personnel Matters" and "Potential Litigation" in accordance with O.C.G.A. §50-14-3 (2012). Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Mayor Moore called the regular meeting back to order with no action being taken.

At 8:44 pm, Councilman Boyum made a motion, seconded by Councilman Riggs to come out of Executive Session. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Mayor Moore called the regular meeting back to order with no action being taken.

Consideration of a Motion to Adjourn

Councilman Chance made a motion, seconded by Councilman Boyum to adjourn the meeting. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

The meeting was adjourned at 8:45 pm.