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**CITY OF STATESBORO  
Council Minutes  
October 20, 2015**

A regular meeting of the Statesboro City Council was held on October 20, 2015 at 5:30 p.m. in the Council Chambers at City Hall. Present were Mayor Jan J. Moore, Council Members: Will Britt, Phil Boyum, John Riggs and Gary Lewis. Also present were Deputy City Manager Robert Cheshire, City Clerk Sue Starling, City Attorney Alvin Leaphart, Director of Engineering and Public Works Jason Boyles and Director of Planning and Development Mandi Cody. Councilman Travis Chance was absent.

The meeting was called to order by Mayor Jan J. Moore

The Invocation was given by DSDA Director Allen Muldrew and Pledge of Allegiance was led by Councilman Gary Lewis

**Recognitions/Public Presentations**

- A) Proclamation for Georgia Retired Educators Day**
- B) Presentation by Parker Engineering regarding storm water and utility improvements made in the Gordon Street area of District 1 pursuant to the City of Statesboro's \$500,000 award of Community Development Block Grant funds.**

Mayor Moore presented the proclamation to Mary Woods, President of the Georgia Retired Educators.

Wesley Parker updated Council on the completion of the Gordon Street district drainage project. He also stated the project was completed under budget and the citizens were saying it was the prettiest street in Statesboro.

**Public Comments (Agenda Item):** None

**Consideration of a Motion to approve the Consent Agenda**

- A) Approval of Minutes**
  - a) 10-06-2015 Council Minutes**
  - b) 10-06-2015 Executive Session Minutes**
- B) Consideration of a motion for the surplus and disposal of a 1997 Ford dump truck in the Public Works & Engineering Department.**
- C) Consideration of a Motion to approve a site access agreement between the City of Statesboro and Verizon Wireless for the purpose of assessing the suitability of the property for its intended use.**

Councilman Riggs made a motion, seconded by Councilman Boyum to approve the consent agenda in its entirety. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

**Public Hearing and first reading of Ordinance 2015-06: An ordinance amending Chapter 18 of the Statesboro Code of Ordinance regarding Temporary Vendors.**

Councilman Riggs made a motion, seconded by Councilman Boyum to open the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

Councilman Britt expressed his concerns with the grandfather clause that was in the proposed ordinance. He did not want the current temporary businesses to have the ability to stay the way they were without having to follow the ordinance as other businesses do. With the comments from Councilman Lewis and Councilman Boyum, they appeared to be in support of the grandfather clause. Carey Melton asked Council regarding the possibility of having a “Food Truck” permit. Council stated, at this time, food trucks were not allowed but may be possible in the future. Councilman Britt made a motion, seconded by Councilman Riggs to close the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote. There was no action taken on Ordinance 2015-06.

**Public Hearing and Consideration of a Motion to approve APPLICATION # RZ 15-09-03: Bill Simmons requests a zoning map amendment for 3.34 acres of property located at 0 Hill Pond Lane from the R-4 (High Density Residential) and CR (Commercial Retail) zoning districts to PUD/CR (Planned Unit Development with Commercial Overlay) zoning district (Tax Parcel # MS74 000198A 030).**

Councilman Riggs made a motion, seconded by Councilman Britt to open the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

John Dotson, representing the applicant, spoke in favor of the request. There were no public comments against the request.

Councilman Riggs made a motion, seconded by Councilman Lewis to close the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

Councilman Riggs made a motion, seconded by Councilman Boyum to approve APPLICATION # RZ 15-09-03: Bill Simmons requests a zoning map amendment for 3.34 acres of property located at 0 Hill Pond Lane from the R-4 (High Density Residential) and CR (Commercial Retail) zoning districts to PUD/CR (Planned Unit Development with Commercial Overlay) zoning district (Tax Parcel # MS74 000198A 030). Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

**Public Hearing and Consideration of a Motion to approve APPLICATION # RZ 15-09-08: Bill Simmons requests a zoning map amendment for .74 acres of property located at 0 Brampton Avenue from R-4 (High Density Residential) to PUD/CR (Planned Unit Development with Commercial Overlay) zoning district (Tax Parcel # MS74 000198A 021).**

Councilman Riggs made a motion, seconded by Councilman Lewis to open the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

There were no public comments for or against the request.

Councilman Riggs made a motion, seconded by Councilman Boyum to close the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve APPLICATION # RZ 15-09-08: Bill Simmons requests a zoning map amendment for .74 acres of property located at 0 Brampton Avenue from R-4 (High Density Residential) to PUD/CR (Planned Unit Development with Commercial Overlay) zoning district (Tax Parcel # MS74 000198A 021). Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

**Public Hearing and Consideration of a Motion to approve APPLICATION # V 15-09-02: Bill Simmons requests a variance from Article XIV of the Statesboro Zoning Ordinance to reduce the lot regulations from the required 10 acres to 4.08 acres for the requested PUD (Planned Unit Development) zoning district (Tax Parcel # MS74 000198A 030 and MS74 000198A 021).**

Councilman Riggs made a motion, seconded by Councilman Lewis to open the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

There were no public comments for or against the request.

Councilman Lewis made a motion, seconded by Councilman Riggs to close the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

Councilman Britt made a motion, seconded by Councilman Lewis to approve APPLICATION # V 15-09-02: Bill Simmons requests a variance from Article XIV of the Statesboro Zoning Ordinance to reduce the lot regulations from the required 10 acres to 4.08 acres for the requested PUD (Planned Unit Development) zoning district (Tax Parcel # MS74 000198A 030 and MS74 000198A 021). Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

**Public Hearing and Consideration of a Motion to approve APPLICATION # V 15-09-09: Bill Simmons requests a variance from the buffering requirements when a nonresidential use abuts a residential zoning area as required by Article XXIII of the Statesboro Zoning Ordinance (Tax Parcel # MS74 000198A 030).**

Councilman Riggs made a motion, seconded by Councilman Lewis to open the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

John Dotson, representing the applicant, spoke in favor of the request. There were no other public comments.

Councilman Riggs made a motion, seconded by Councilman Boyum to close the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

Councilman Riggs made a motion, seconded by Councilman Boyum to approve **APPLICATION # V 15-09-09**: Bill Simmons requests a variance from the buffering requirements when a nonresidential use abuts a residential zoning area as required by Article XXIII of the Statesboro Zoning Ordinance (Tax Parcel # MS74 000198A 030). Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

**Public Hearing and Consideration of a Motion to approve APPLICATION # V 15-09-01: Pankaj Patel requests a variance from Article X of the Statesboro Zoning Ordinance to increase the maximum building height from 35' to 60' to construct a hotel (Tax Parcel # MS63 000026 022).**

Councilman Riggs made a motion, seconded by Councilman Lewis to open the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

Councilman Boyum asked questions regarding the hammerhead at the end of the parking lot and the purpose of it. Jeremy Hart, EMC Engineering Firm, stated this was the only way it could be done with the available amount of space. After much discussion, the consensus was not to have the hammerhead in the plans for the parking lot. There were no other public comments.

Councilman Riggs made a motion, seconded by Councilman Lewis to close the Public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

Councilman Riggs made a motion, seconded by Councilman Britt to approve **APPLICATION # V 15-09-01**: Pankaj Patel requests a variance from Article X of the Statesboro Zoning Ordinance to increase the maximum building height from 35' to 60' to construct a hotel (Tax Parcel # MS63 000026 022) with conditions that (1) developer construct American Way pursuant to the City standards and specifications as determined by the City Engineer. Subject property must maintain public access to parking lot for turnaround from American Way at all times; and (2) developer must install a sidewalk on the southern side of American Way. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

**Public Hearing and Consideration of a Motion to approve APPLICATION # V 15-09-07: Pankaj Patel requests a variance from Article XVI to decrease the required parking spaces from 98 to 94 for the referenced hotel (Tax Parcel # MS63 000026 022).**

Councilman Britt made a motion, seconded by Councilman Riggs to open the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

There were no public comments.

Councilman Riggs made a motion, seconded by Councilman Lewis to close the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

Councilman Riggs made a motion, seconded by Councilman Britt to approve **APPLICATION # V 15-09-07**: Pankaj Patel requests a variance from Article XVI to decrease the required parking spaces from 98 to 94 for the referenced hotel (Tax Parcel # MS63 000026 022). Councilman Britt, Riggs and Lewis voted in favor of the motion. The motion carries by a 3-0 vote. Councilman Boyum abstained himself from voting. He stated it would be a conflict of interest as he works for a competing hotel.

**Public Hearing and Consideration of a Motion to approve APPLICATION # SE 15-09-06: Trenton Beard requests a special exception to allow for the utilization of the property located at 606 South Zetterower Avenue as an automotive enhancement services retail use. The subject site is zoned CR (Commercial Retail), which does not permit automotive enhancement services by right (Tax Parcel # S31 000021 003).**

Councilman Britt made a motion, seconded by Councilman Riggs to open the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

Attorney Lovett Bennett, on behalf of the applicant, spoke in favor of the request. Council asked if all the work would be done inside the building, Trenton Beard replied yes. There were no other public comments.

Councilman Britt made a motion, seconded by Councilman Lewis to close the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

Councilman Boyum made a motion, seconded by Councilman Britt to approve **APPLICATION # SE 15-09-06**: Trenton Beard requests a special exception to allow for the utilization of the property located at 606 South Zetterower Avenue as an automotive enhancement services retail use. The subject site is zoned CR (Commercial Retail), which does not permit automotive enhancement services by right (Tax Parcel # S31 000021 003). Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

**Public Hearing and Consideration of a Motion to approve APPLICATION # V 15-09-05: Trenton Beard requests a variance from Article X of the Statesboro Zoning Ordinance to reduce the required side yard setback from 15' to 5' to allow for the proposed addition to be aligned with the existing building (Tax Parcel # S31 000021 003).**

Councilman Riggs made a motion, seconded by Councilman Britt to open the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

Trenton Beard stated he needed the additional space to put more bays inside the shop so that he can use some of the existing space for storage. There were no other public comments.

At 7:05 pm, Councilman Lewis left the meeting.

Councilman Riggs made a motion, seconded by Councilman Boyum to close the public hearing. Councilman Britt, Boyum and Riggs voted in favor of the motion. The motion carries by a 3-0 vote.

Councilman Boyum made a motion, seconded by Councilman Riggs to approve **APPLICATION # V 15-09-05**: Trenton Beard requests a variance from Article X of the Statesboro Zoning Ordinance to reduce the required side yard setback from 15' to 5' to allow for the proposed addition to be aligned with the existing building (Tax Parcel # S31 000021 003).

Councilman Britt, Boyum and Riggs voted in favor of the motion. The motion carries by a 3-0 vote.

**Public Hearing and Consideration of a Motion to approve APPLICATION # V 15-09-04: John Wayne Figg requests a variance from Article IV of the Statesboro Zoning Ordinance to reduce the required accessory structure setback from 10' to 2.5' for the rear and right side setback to allow for an 18' X 24' open front wood and metal shed to be constructed to store recreational vehicles (Tax Parcel # S26 000019 000).**

Councilman Riggs made a motion, seconded by Councilman Boyum to open the public hearing. Councilman Britt, Boyum and Riggs voted in favor of the motion. The motion carries by a 3-0 vote.

John Figg spoke in favor of the request stating her wanted a place to store his recreational vehicles. Mayor Moore asked if the structure would be closed in. He replied it would be closed on three sides. Mayor Moore stated she was concerned the equipment stored inside would be visible to the street. Mr. Figg stated he had no problem with installing a roll up door.

At 7:15 pm, Councilman Lewis returned to the meeting.

Councilman Boyum made a motion, seconded by Councilman Britt to close the public hearing. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

Councilman Boyum made a motion, seconded by Councilman Riggs to approve APPLICATION # V 15-09-04: John Wayne Figg requests a variance from Article IV of the Statesboro Zoning Ordinance to reduce the required accessory structure setback from 10' to 2.5' for the rear and right side setback to allow for an 18' X 24' open front wood and metal shed to be constructed to store recreational vehicles (Tax Parcel # S26 000019 000) with the condition of adding a roll up door to secure the building. Councilman Britt, Boyum Riggs and Lewis voted in favor of the motion. The motion carries by a 4-0 vote.

### **Consideration of a Motion to approve a Memorandum of Understanding regarding the Georgia Southern University E-Zone and Innovation Incubator**

Councilman Riggs made a motion, seconded by Councilman Britt to approve a Memorandum of Understanding regarding the Georgia Southern University E-Zone and Innovation Incubator. Councilman Britt, Boyum, Riggs, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

### **Other Business from City Council**

Mayor Moore stated there were 53 applicants that applied for the City Manager position. She also stated that approximately 20 applicants will be sent questionnaires.

Mayor Moore also stated the position of Director of Public Safety/Police Chief will be addressed at the next Council meeting. The decision will be made as to which model will be used in the future.

**City Managers Comments:** None

**Public Comments (General)**

- A) Amber Friske request to speak to Council in regards to Fletcher Drive with wildlife, drainage and traffic.**
- B) Ms. Annie Bellinger request to speak with Council regarding the habits in the community**

Ms. Fiske spoke expressing her concerns regarding Fletcher Drive with the drainage problems and no sidewalks. She also talked about the speed limit not being followed as well as a deer crossing sign needs to be placed in the area. She was receptive when speed bumps were mentioned as part of a solution to the speeding on the road.

Ms. Bellinger spoke with Council on fairness. Ms. Bellinger lives on Morris Street and mentioned that she saw Councilman Lewis collaborating with the Funeral Home owner on their street. She also stated she thinks the mini mart owners are dishonest and do not treat everyone fair. She spoke of how she was being treated for a dental problem and later found that she was being treated for the wrong condition.

### **Consideration of a Motion to Adjourn**

Councilman Lewis made a motion, seconded by Councilman Riggs to adjourn the meeting. Councilman Britt, Boyum, Riggs, and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

The meeting was adjourned at 7:40 pm.