



November 20, 2012 6:00 pm

1. Call to Order by Mayor Joe Brannen
2. Invocation and Pledge of Allegiance by Councilman Travis Chance
3. Recognitions/Public Presentations
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 11-06-2012 Council Minutes
 - b) 11-06-2012 Council Work Session Minutes
 - B) Consideration of a motion for the surplus and disposal of four solid waste trailers in the Solid Waste Disposal Division:
 - a.) 2004 East refuse trailer (#4417)
 - b.) 2005 East refuse trailer (#6108)
 - c.) 2005 East refuse trailer (#6109)
 - d.) 2006 East refuse trailer (#7665)
 - C) Notification of alcohol license application:
 - a) Licensee: Robert Tyler Hodges
DBA: CVS/Pharmacy #6861
Location: 441 Fair Road
Type of Alcohol License: Packaged
Type of Business: Beer & Wine Packaged Only
6. Consideration of a Motion to approve **Resolution 2012-20**: A Resolution to adopt the second amendment to the Fiscal Year 2013 budget for each fund of the City of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/ expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding appropriated
7. Consideration of a Motion to approve "Vehicle for Hire"
 - a) Spells Taxi Service – John Wayne Darden (Driver)
 - b) D W Yellow Cab- Adelphe Robin So (Driver)
 - c) D W Yellow Cab – Kenneth James Hall Lewis (Driver)
 - d) Gnat Taxi – William Casey Harper (Driver)

8. Public Hearing and Consideration of a Motion to approve the following:
 1. (a) **APPLICATION # V 12-10-01**: Goo-Goo Car Wash requests a variance from Article X of the Statesboro Zoning Ordinance regarding setback and landscape buffer requirements for property located on Brannen Street. (Tax Map # MS72000016000).
 - (b) **APPLICATION # V 12-10-02**: Goo-Goo Car Wash requests a variance from Article XV of the Statesboro Zoning Ordinance regarding Maximum Square Footage and height for signs for property located on Brannen Street (Tax Map # MS72000016000).
 2. **APPLICATION # SE 12-10-04**: Mrs. Dorothy Cummings requests a special exception be granted pursuant to the Statesboro Zoning Ordinance to allow the applicant to operate a Group Daycare in an R-6 (Single Family Residential) District for property located at 324 James Street. (Tax Map # S09000033000)
9. Consideration of a Motion to approve 1st reading of **Ordinance 2012-08**: An Ordinance Regarding Georgia State Minimum Standard Codes for Construction
10. Consideration of a Motion to Adopt **Resolution #2012-23**. A Resolution approving the City of Statesboro's proposed FY 2013 Road Resurfacing List and further authorizing the Mayor to execute the Georgia Department of Transportation's Local Maintenance & Improvement Grant (LMIG) Application. The City's share to be funded through 2007 SPLOST.
11. Other Business from City Council
12. Public Comments (General)
13. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
CITY COUNCIL MINUTES
NOVEMBER 6, 2012**

A regular meeting of the Statesboro City Council was held on November 6th, 2012 at 9:00 am in the Council Chambers at City Hall Present were Mayor Joe R. Brannen, Council Members: Will Britt, John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Attorney Alvin Leaphart, City Engineer Robert Cheshire and Director of Community Development Mandi Cody.

The meeting was called to order by Mayor Joe Brannen

Invocation was given by Rev. Ronnie Tremble and Pledge of Allegiance by Councilman Gary Lewis

Recognitions/Public Presentations

A) Proclamation for “National Radiologic Technology Week”

Mayor Joe R. Brannen read and presented the proclamation for “National Radiologic Technology Week” to some of the class members attending Ogeechee Technical College

B) Kelly Collingsworth representing Keep Bulloch Beautiful request the opportunity to update Council on the progress of the Curbside Recycling Program and upcoming KBB events

Kelly Collingsworth updated Council on the recycling program and the upcoming events for KBB.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) 10-16-2012 Council Minutes

b) 10-16-2012 Executive Session Minutes

B) Consideration of a Motion to approve “Vehicle for Hire”

a) Gnat Taxi LLC – Christopher Renog DeLoach (Driver)

C) Consideration of a Motion to approve 2nd reading of an Alcohol License

a) Eagle Creek Brewing Company LLC – Daniel Adam Long

D) Consideration of a motion to authorize the donation and transfer of title for solid waste disposal trailer 4050 to Bulloch County for joint recycling

E) Notification of alcohol license application:

a) Licensee: Heidi Howard-Chauhan- change of manager

DBA: Longhorn Steakhouse #5084

Location: 719 Northside Dr East

Type of Alcohol License: Restaurant

Type of Business: Beer, Wine & Liquor by the Drink – Pouring Sales

b) Licensee: Anthony Dippolito- change of manager

DBA: Applebee’s Neighborhood Grill & Bar

Location: 24087 Highway 80 East

Type of Alcohol License: Restaurant

Type of Business: Beer, Wine & Liquor by the Drink – Pouring Sales

Councilman Riggs made a motion, seconded by Councilman Lewis 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.

Consideration of a Motion to approve Resolution 2012-25: A Resolution to adopt the second amendment to the Fiscal Year 2013 budget for each fund of the City of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding appropriated.

Councilman John Riggs made a motion, seconded by Mayor Pro Tem Will Britt to postpone this item until the next Council Meeting. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a motion to approve the Fire Department to move forward with the purchasing process for acquisition of a platform fire truck and fire engine not to exceed \$1,500,000 in SPLOST dollars

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt for the approval of the Fire Department to move forward with the purchasing process for acquisition of a platform fire truck and fire engine not to exceed \$1,500,000 in SPLOST dollars

Consideration of a Motion to approve the IRS restated 401(a) Defined Contribution and 457(b) Deferred Compensation Master Plan and Adoption Agreement documents.

Councilman Chance made a motion, seconded by Councilman Lewis to approve the IRS restated 401(a) Defined Contribution and 457(b) Deferred Compensation Master Plan and Adoption Agreement documents. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Other Business from City Council

A) Presentation of the First Quarter Financial Statements for FY 2013

Finance Director Cindy West updated Council on the first quarter of the financial statements for FY 2013.

City Manager made Council aware of the changes to some shared dumpster accounts that would show an increase from \$17.00 to \$19.45 to reflect the current rates.

Public Comments (General) None

Consideration of a Motion to Adjourn

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

The meeting was adjourned at 9:40 am.



**CITY OF STATESBORO
CITY COUNCIL WORK SESSION MINUTES
NOVEMBER 6, 2012**

A work session of the Statesboro City Council was held on November 6, 2012 at 9:55 a.m. in the Council Chambers at City Hall. Present were Mayor Joe R. Brannen, Council Members: Will Britt, Tommy Blich, John Riggs, Travis Chance and Gary Lewis. Also present were City Manager Frank Parker, City Clerk Sue Starling, Department Heads as well as staff members, news media and citizens.

Topics for Discussion

ABM Building Solutions Energy Enhancement Program presented by Frank Banks

Frank Banks and Sean Reed representing the ABM Building Solutions made a presentation to Mayor and Council concerning energy saving solutions. They would like to contract with the City of Statesboro to reduce our energy cost for City buildings.

GSU/COS presentation regarding potential economic development projects

Members of the Georgia Southern University faculty gave Council an update on the Shooting Sports Education project and the Incubator, Fab Lab project. They are asking Council to contribute to the projects which are located on the University's Campus.

The meeting was adjourned at 11:35 am.

No action was taken.



City of Statesboro
Engineering Department – Public Works

P.O. Box 348
Statesboro, Georgia 30459

912.764.0681 (Voice)
912.764.7680 (Fax)

MEMORANDUM

To: Frank Parker, City Manager

From: Jason Boyles, Senior Assistant City Engineer

Date: November 12, 2012

Re: Request to Surplus Four Solid Waste Trailers in the Solid Waste Disposal Division

As you are aware earlier this year the City entered into a new transportation agreement with Rackleff Enterprises which includes a provision for the contractor to provide the trailers necessary to meet the transportation demand. Since then the contractor has provided trailers and the City has gradually begun to surplus and dispose our oldest trailers. Therefore, staff is recommending that the following four trailers be declared surplus at the November 20, 2012 city council meeting and then sold by electronic auction:

- a.) 2004 East refuse trailer (#4417)
- b.) 2005 East refuse trailer (#6108)
- c.) 2005 East refuse trailer (#6109)
- d.) 2006 East refuse trailer (#7665)

Following the sale of the four aforementioned trailers the Solid Waste Disposal Division will still retain 10 trailers. Staff will continue to evaluate operational and market conditions and gradually surplus most of the remaining trailers over time as conditions warrant. Let me know if you need anything further from me on this request.

Cc: Robert Cheshire, PE, City Engineer
Sue Starling, City Clerk
Jeff McCarty, Landfill Superintendent
Darren Prather, Purchasing Director

CITY OF STATESBORO, GEORGIA

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

DATE OF APPLICATION 11-2-12 NEW ☒ RENEWAL ☐

TYPE OF BUSINESS TO BE OPERATED:

<input checked="" type="checkbox"/>	RETAIL BEER & WINE PACKAGED ONLY	\$1,250.00
<input type="checkbox"/>	RETAIL BEER & WINE BY THE DRINK	\$1,250.00
<input type="checkbox"/>	BEER, WINE & LIQUOR BY DRINK	\$3,750.00
<input type="checkbox"/>	WHOLESALE LICENSE	\$1,000.00
<input checked="" type="checkbox"/>	APPLICATION FEE - PACKAGED SALES	\$ 150.00
<input type="checkbox"/>	APPLICATION FEE - POURING SALES	\$ 150.00

APPLICANTS FULL NAME ROBERT TYLER HODGES

OWNERS NAME Georgia Cvs Pharmacy, LLC

DBA (BUSINESS NAME) CVS/pharmacy # 6861

BUSINESS ADDRESS 441 Fair Rd, Statesboro, GA 30458

BUSINESS MAILING ADDRESS One cvs Dr, Licensing/23062A, Woonsocket, RI 02895

BUSINESS TELEPHONE # pending

APPLICANTS HOME ADDRESS

APPLICANTS HOME PHONE #

ARE YOU A CITIZEN OF THE UNITED STATES? ☒ YES ☐ NO

HAVE YOUR EVER BEEN ARRESTED FOR ANYTHING? ☐ YES ☒ NO

IS THE APPLICANT THE OWNER OF THE BUSINESS? ☐ YES ☒ NO

IF NO, WHAT IS YOUR TITLE IN THE BUSINESS? STORE MANAGER

HOW MANY PARTNERS, SHAREHOLDERS, ETC. ARE INVOLVED IN THE BUSINESS
please see attached officer list

PLEASE LIST BELOW:

FOR OFFICE USE ONLY: APPROVED DENIED (REASON ATTACHED)

Police Department _____ _____

Community Development _____ _____

Fire Department _____ _____

Building Official _____ _____

ENTITY NAME: Georgia CVS Pharmacy, LLC

Personnel Name	Management Title	Home Address	Business Address	Phone
Thomas S. Moffatt	President		One CVS Drive, Woonsocket, RI 02895	401-765-1500
Carol A. DeNale	Senior Vice President/Treasurer		One CVS Drive, Woonsocket, RI 02895	401-765-1500
Melanie K. Luker	Secretary		One CVS Drive, Woonsocket, RI 02895	401-765-1500
Linda M. Cimbron	Assistant Secretary		One CVS Drive, Woonsocket, RI 02895	401-765-1500
Jeffrey E. Clark	Assistant Treasurer		One CVS Drive, Woonsocket, RI 02895	401-765-1500
Jason D. Desrochers	Assistant Treasurer		One CVS Drive, Woonsocket, RI 02895	401-765-1500

RESOLUTION 2012-20: A RESOLUTION TO ADOPT THE FIRST AMENDMENT
TO THE FISCAL YEAR 2013 BUDGET FOR EACH FUND OF THE CITY OF
STATESBORO, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH
BUDGET AS EXPENDITURES/EXPENSES, ADOPTING THE SEVERAL ITEMS OF
REVENUE ANTICIPATIONS, AND PROHIBITING EXPENDITURES OR
EXPENSES FROM EXCEEDING THE ACTUAL FUNDING APPROPRIATED

THAT WHEREAS, sound governmental operations require a Budget in order to plan the financing of services for the residents of the City of Statesboro; and

WHEREAS, Title 36, Chapter 81, Article 1 of the Official Code of Georgia Annotated (OCGA) requires a balanced Budget for the City's fiscal year, which runs from July 1st to June 30th of each year; and

WHEREAS, the Mayor and City Council have reviewed a proposed First Amendment to the Budget from the City Manager that includes some revenues/financing sources and expenditures/expenses not anticipated in the original Budget, and carries forward funding and appropriations for some projects and equipment budgeted in the previous fiscal year, but not purchased by fiscal year-end; and

WHEREAS, each of these funds is a balanced budget, so that anticipated revenues and other financial resources for each fund equal the proposed expenditures or expenses and any transfers; and

WHEREAS, the Mayor and City Council wish to adopt this First Budget Amendment for Fiscal Year 2013;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia as follows:

Section 1. That the proposed changes to the budget, attached hereto as Attachment #1 and incorporated herein as a part of this Resolution, are hereby adopted as the First Budget Amendment for the City's Fiscal Year 2013 Budget.

Section 2. That the several items of revenues, other financial resources, and sources of cash shown in the budget amendment for each fund in the amounts shown anticipated are hereby adopted; and that the several amounts shown in the budget amendment for each fund as proposed expenditures or expenses, and uses of cash are hereby appropriated to the departments and agencies named in each fund, as amendments to the existing Budget previously adopted.

Section 3. That the "legal level of control" as defined in OCGA 36-81-2 is set at the departmental level, meaning that the City Manager in his capacity as Budget Officer is authorized to move appropriations from one line item to another within a department, but under no circumstances may expenditures or expenses exceed the amount

appropriated for a department without a further budget amendment approved by the Mayor and City Council.

Section 4. That all appropriations shall lapse at the end of the fiscal year.

Section 5. That this Resolution shall be and remain in full force and effect from and after its date of adoption.

Adopted this 20th day of November, 2012.

CITY OF STATESBORO, GEORGIA

By: Joe R. Brannen, Mayor

Attest: Sue Starling, City Clerk

ATTACHMENT #1

FY 2013 FIRST BUDGET AMENDMENT

100 General Fund:

- Animal Control
Increase Expenditures for Payment to Bulloch County by \$4,716.
- High Hope
Increase Expenditures for Services by \$1,800
- Arts Center
Increase Expenditures for Arts Center by \$4,946.
- Economic Development
Increase Expenditures for DSDA by \$480.
Decrease Expenditures for DSDA by \$1,200 for interest earned on payment of building that has yet to be applied to loan.
- Recreation
Decrease Expenditures for Boys and Girls club by \$10,742.

Net effect on Fund is: None.

210 Confiscated Assets Fund:

- No Changes.

Net effect on Fund is: None

221 CDBG Fund:

- No Changes.

Net effect on Fund is: None.

224 US Department of Justice Grant

- No Changes.

Net effect on Fund is: None.

250 Multiple Grants Fund:

- No Changes.

Net effect on Fund is: None.

270 Statesboro Fire Service Fund:

- No Changes.

Net effect on Fund is: None.

275 Hotel/Motel Fund:

- No Changes.

Net effect on Fund is: None.

286 Technology Fee Fund:

- No Changes.

- **Net effect on Fund is: None.**

322 2007 SPLOST Fund:

- No Changes.

Net effect on Fund is: None.

350 Capital Improvements Program Fund:

- No Changes.

Net effect on Fund is: None.

505 Water and Sewer Fund:

- No Changes.

Net effect on Fund is: None

506 Reclaimed Water System Fund

- No Changes.
- **Net effect on Fund is: None**
-

515 Natural Gas Fund:

- No Changes.

Net effect on Fund is: None.

541 Solid Waste Collection Fund:

Commercial Division

- No Changes.

Residential Division

- No Changes.

Yardwaste Division

- No Changes.

Net effect on Fund is: None.

542 Solid Waste Disposal Fund:

- No Changes.

Net effect on Fund is: None.

601 Health Insurance Fund:

- No Changes.

Net effect on Fund is: None.

602 Fleet Management Fund:

- No Changes.

Net effect on Fund is: None.

603 Workers Compensation Fund:

- No Changes.

Net effect on Fund is: None.

CITY OF STATESBORO
P O BOX 348
STATESBORO, GEORGIA 30459
(912) 764-5468
FAX (912) 764-4691

APPLICATION FOR VEHICLE FOR HIRE PERMIT - DRIVER

DATE 8-28-2012

NAME OF BUSINESS SPELLS TAXI SERVICE

OWNER OF BUSINESS ML SPELLS

BUSINESS ADDRESS 139 Morris Street

CITY, STATE & ZIP Statesboro GA 30458

BUSINESS TELEPHONE 912-536-6200

NAME OF DRIVER John Wayne Darden

HOME ADDRESS

CITY, STATE & ZIP

HOME TELEPHONE

ALIASES

AGE OF DRIVER

HAVE YOU EVER BEEN ARRESTED? YES ☒ NO ☐

SIGNATURE John Wayne Darden

DATE 8-28-2012



Scott P. Brunson
Police Major

Statesboro Police Department

25 West Grady Street
Statesboro, Georgia 30458
Phone: (912) 764-9911 / Fax: (912) 489-5050



Wendell Turner
Public Safety Director

September 6, 2012

Sue Starling, City Clerk
City of Statesboro

Via Hand-Delivery

REF: Licensing

BUSINESS: Spells Taxi Service, 139 Morris St., Statesboro, GA
APPLICANT: John Wayne Darden,

The response received from the fingerprints submitted shows the following record on file for Mr. Darden:

03/03/2010 Manufacture/Deliver/Distribute or Possess W/Intent to Distribute
Controlled Substance

Respectfully submitted,

A handwritten signature in black ink, appearing to be "W. Turner", written over a horizontal line.

Wendell Turner
Public Safety Director

CITY OF STATESBORO
P O BOX 348
STATESBORO, GEORGIA 30459
(912) 764-5468
FAX (912) 764-4691

APPLICATION FOR VEHICLE FOR HIRE PERMIT - DRIVER

DATE 10/03/2012

NAME OF BUSINESS DW YELLOW CAB

OWNER OF BUSINESS WILFRIED FRANCOIS

BUSINESS ADDRESS 1 GREENWOOD AVE

CITY, STATE & ZIP STATESBORO, GA, 30458

BUSINESS TELEPHONE 912 681 1143

NAME OF DRIVER ADELPHE ROBIN SO

HOME ADDRESS


CITY, STATE & ZIP

HOME TELEPHONE

ALIASES

AGE OF DRIVER

HAVE YOU EVER BEEN ARRESTED? YES _____ NO ✓

SIGNATURE 

DATE 10/22/2012



Scott P. Brunson
Police Major

Statesboro Police Department

25 West Grady Street
Statesboro, Georgia 30458
Phone: (912) 764-9911 / Fax: (912) 489-5050



Wendell Turner
Public Safety Director

November 1, 2012

Sue Starling, City Clerk
City of Statesboro

Via Hand-Delivery

REF: Licensing

BUSINESS: DW Yellow Cab, 1 Greenwood Ave., Statesboro, GA
APPLICANT: Adelphe Robin So.

The response received from the fingerprints submitted shows no record in the state on Mr. So.

Respectfully submitted,

A handwritten signature in cursive script, reading "Major Scott P. Brunson".

Major Scott P. Brunson

CITY OF STATESBORO
P O BOX 348
STATESBORO, GEORGIA 30459
(912) 764-5468
FAX (912) 764-4691

APPLICATION FOR VEHICLE FOR HIRE PERMIT - DRIVER

DATE 10-30-2012

NAME OF BUSINESS D. W Yellow Cab

OWNER OF BUSINESS Wilfrid Francois

BUSINESS ADDRESS 1 Greenwood Ave

CITY, STATE & ZIP Statesboro, Ga. 30458

BUSINESS TELEPHONE 601-1608

NAME OF DRIVER Kenneth James Hall Lewis

HOME ADDRESS

CITY, STATE & ZIP

HOME TELEPHONE

ALIASES

AGE OF DRIVER

HAVE YOU EVER BEEN ARRESTED? YES ☒ NO ☐

SIGNATURE 

DATE 10-30-2012



Scott P. Brunson
Police Major

Statesboro Police Department

25 West Grady Street
Statesboro, Georgia 30458
Phone: (912) 764-9911 / Fax: (912) 489-5050



Wendell Turner
Public Safety Director

November 5, 2012

Sue Starling, City Clerk
City of Statesboro

Via Hand-Delivery

REF: Licensing

BUSINESS: DW Yellow Cab, 1 Greenwood Ave., Statesboro, GA
APPLICANT: Kenneth James Hall Lewis,

The response received from the fingerprints submitted shows the following record on file for Mr. Lewis:

04/18/2000 Criminal Trespass
07/03/2007 Probation Violation
11/21/2008 DUI

Respectfully submitted,

A handwritten signature in cursive script that reads 'Major Scott P. Brunson'.

Major Scott P. Brunson

CITY OF STATESBORO
P O BOX 348
STATESBORO, GEORGIA 30459
(912) 764-5468
FAX (912) 764-4691

APPLICATION FOR VEHICLE FOR HIRE PERMIT - DRIVER

DATE October 30, 2012

NAME OF BUSINESS Gnat Taxi

OWNER OF BUSINESS Jonathan Earl Lockin

BUSINESS ADDRESS 4277 Louis rd SW

CITY, STATE & ZIP Lilburn, Ga 30047

BUSINESS TELEPHONE 404 861 5733

NAME OF DRIVER William Casey Harper

HOME ADDRESS

CITY, STATE &

HOME TELEPHONE

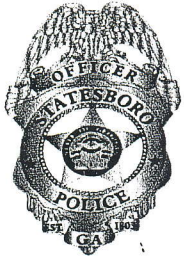
ALIASES None

AGE OF DRIVER

HAVE YOU EVER BEEN ARRESTED? YES ☒ NO ☐

SIGNATURE [Signature]

DATE October 30, 2012



Scott P. Brunson
Police Major

Statesboro Police Department

25 West Grady Street
Statesboro, Georgia 30458
Phone: (912) 764-9911 / Fax: (912) 489-5050



Wendell Turner
Public Safety Director

November 5, 2012

Sue Starling, City Clerk
City of Statesboro

Via Hand-Delivery

REF: Licensing

BUSINESS: Gnat Taxi, 4277 Louis Rd. SW, Lilburn, GA
APPLICANT: William Casey Harper

The response received from the fingerprints submitted shows the following record on file for Mr. Harper:

11/03/2000 Marijuana – Possess Less Than 1 Oz.
10/29/2002 Probation Violation
11/14/2004 DUI
03/28/2009 Driving While License Suspended or Revoked

Respectfully submitted,

A handwritten signature in cursive script that reads "Major Scott P. Brunson".

Major Scott P. Brunson



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

» (912) 764-0630
» (912) 764-0664 (Fax)

**V 12-10-01 & V 12-10-02
VARIANCE REQUEST
BRANNEN STREET**

LOCATION: Brannen Street

REQUEST: Variance from Article X regarding setback requirements and variance from Article XV regarding sign height and size.

APPLICANT: Goo-Goo Car Wash

OWNER(S): Sawmill Center, Inc.

LAND AREA: 1.01 acres

PARCEL TAX MAP #s: MS72000016000

COUNCIL DISTRICT: District 5 (Chance)



PROPOSAL:

The applicant is requesting a variance from Article X, Section 1003 to eliminate the required rear yard setback and a variance from Article XV to increase the freestanding sign height from the required eight (8) feet to thirty (30) feet with an increased freestanding aggregate of 185 square feet, an increased wall sign aggregate of 65 square feet, and an increased total aggregate of 250 square feet to allow the use of the standard company sign. (See **Exhibit A** – Location Map, **Exhibit B** – Sketch Plan, and **Exhibit C** – Sign Rendering)

BACKGROUND:

The subject site is currently zoned CR (Commercial Retail) with no case history.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	CR (Commercial Retail)	Retail and Food Services
SOUTH:	CR (Commercial Retail)	Retail and Food Services
EAST:	CR (Commercial Retail)	Retail and Food Services
WEST	CR (Commercial Retail)	Retail and Food Services

The subject property is located in a commercial area with all property lines surrounded by parcels zoned CR (Commercial Retail) and include a mix of restaurants and retail sale sites, including Wal-Mart, Murphy Oil, Vaden Nissan, Statesboro Mall, and Statesboro Crossing. (**See Exhibit E**)

COMPREHENSIVE PLAN:

The subject site lies within the "Activity Centers" character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The "Activity Centers" character areas are identified as areas that incorporate (or will incorporate) a wide range of land uses, but have historically developed in a manner that is auto-oriented with an abundance of large surface parking lots. The long-term development pattern preferred for Activity Centers is to incorporate features that mitigate these expanses of surface parking by incorporating new landscaping, framing parking areas with street-oriented infill construction, and including features that support other transportation options.

The *Statesboro Comprehensive Plan* also lists strategies which should be considered throughout the City, regardless of character area. One of those strategies is to reduce visual clutter of signs by incorporating uniform design features. Additionally, the *Statesboro Comprehensive Plan* indicates that "development decisions should be fair and predictable, relying on well-crafted development regulations."

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site is currently served by city utilities including water and sewer, sanitation, and public safety services. Careful placement of the building will ensure no significant impact on community facilities as a result of this request. Frontage and physical access is granted to the site by Brannen Street.

ENVIRONMENTAL:

The subject property does contain wetlands and is located in a special flood hazard area; however, all environmental issues related to the development of the property have been addressed during the standard permitting and inspection procedures. This request is not expected to have any impact on the wetlands.

ANALYSIS:

I. Whether to grant a variance to eliminate the required rear yard setback.

The 1.01 acre site, currently zoned CR (Commercial Retail), is a vacant undeveloped site. The applicant is proposing to utilize the subject site as a carwash with a zero (0) foot rear yard setback rather than the required twenty five (25) feet.

Section 1801 of the *Statesboro Zoning Ordinance* lists the following four (4) factors that the Mayor and Council [could] consider to be true in its consideration of a variance request:

- (1) There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;**
 - The subject site is small and irregularly shaped (triangle) making it difficult to design a building that will accommodate the required setbacks at all property lines.
 - The subject site consists of several undevelopable areas. The property contains a Georgia Power easement and two sewer easements leaving approximately .33 acres developable out of the total 1.01 acres (approximately 33% developable).
 - The design of Brannen Street restricts the subject site to only one access (right in and right out).
- (2) The special conditions and circumstances do not result from the actions of the applicant;**
 - The small irregular shape of the property, excessive easements, and the design of Brannen Street is not the result from actions of the applicant.
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
 - Applying the required rear yard setbacks to this property would force the building too close to the road, thereby affecting the parking requirements and access drives, making this property undevelopable and inaccessible by City fire trucks and dump trucks.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
 - This request, if granted, would not cause substantial detriment to the public good. However, to protect the adjacent property owner of any burden due to this request, staff has recommended a five (5) foot rear yard setback.
 - A right-in, right-out access drive and the recent installation of traffic lights at the intersection of Walmart and Vaden Nissan should remedy any traffic concerns.

II. **Whether to grant a variance to increase the required sign height from eight (8) feet to thirty (30) feet, increase maximum freestanding square footage from sixty (60) square feet to one hundred eighty five (185) square feet, increase wall signage from fifty (50) square feet to sixty five (65) square feet thereby allowing a maximum total aggregate of two hundred fifty (250) square feet rather than one hundred fifty (150) square feet in Sign District 3.**

The applicant is requesting a variance from Article XV to allow a maximum height of thirty (30) feet, a maximum aggregate of one hundred eighty five (185) square feet for freestanding signs, a maximum aggregate of sixty five (65) square feet for wall signs, and a maximum total aggregate of two hundred fifty (250) square feet – which includes both freestanding and wall signs.

The *Statesboro Zoning Ordinance* lists regulations for erecting signs within the City of Statesboro by grouping areas into Sign Districts. This property is located in Sign District 3 which restricts signage monumental style signs at eight feet (8') in height and allows only one freestanding style sign to each road frontage per parcel at a maximum aggregate of sixty (60) square feet with a wall sign aggregate limited to fifty (50) square feet. The applicant wishes to increase the height of the freestanding sign by twenty two (22) feet, the freestanding aggregate by one hundred twenty five (125) square feet, and wall signage by fifteen (15) square feet thereby increasing the total aggregate by one hundred (100) square feet.

Much like other sites on Brannen Street, the subject site contains uneven topography and makes the business virtually invisible from Veterans Memorial Bypass which serves as an access corridor. Many of the surrounding developments have historically been permitted for taller signs due to the visibility and topography issues from the Bypass, including the recently granted Vaden Nissan, Steak N Shake restaurant, the old Carey Hilliards restaurant, and the adjacent Statesboro Crossing Development. Due to the evolution of retail businesses, staff has recognized the need to reevaluate the appropriateness of Brannen Street being placed in Sign District 3, or whether it belongs in Sign District 2 where taller signs are permitted. Sign District 2 allows two hundred fifty (250) square feet total aggregate for signs which satisfies this request.

Granting the applicant a variance to allow a sign that is twenty two (22) feet taller than that which is allowed by ordinance should logically result in an increase in square footage for such sign. The increase in square footage of the freestanding sign not only exceeds that allowed by the ordinance but also exceeds the maximum total aggregate of signs (including freestanding and wall signs). This would not allow the applicant to have any wall signage as all of the square footage allowed will be reserved for the freestanding sign alone. The ordinance allows fifty (50) square feet of wall signs within the maximum total aggregate, however, the applicant has requested that the maximum total aggregate be increased to two hundred fifty (250) square feet to include both the freestanding request with one (1) wall sign at approximately sixty five (65) square feet ($185+65=250$ square feet).

However, it is important to note that the taller aforementioned signs in the vicinity are located on larger parcels making taller signs necessary and appropriate from a sight distance standpoint and to reduce clutter. If a variance is granted to allow a thirty (30) foot tall sign, careful placement is vital in ensuring safe sight clearance on this site.

Section 1503(G), as amended effective July 1, 2009, states that no variances shall be permitted from the terms of Article XV regarding signs in the *Statesboro Zoning Ordinance*. It continues to state that “specifically, no variances under Article XVIII (regarding consideration and approval of variances) of this ordinance shall be applicable to the standards contained within this Article [XV].” However, Article XV regarding signs is part of the *Statesboro Zoning Ordinance*, which provides for the award of variances by the City Council from the zoning regulations stating that “approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done” and **Section 1801 states that the Mayor and Council [should] consider if the following are true in its consideration of a variance request:**

- (1) There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;**
 - o Much like other parcels in the area, this subject site has uneven topography, making the site invisible from Veterans Memorial Bypass. Visibility from the Bypass is essential to inform traffic of the businesses existence. (See **Exhibit E**)
- (2) The special conditions and circumstances do not result from the actions of the applicant;**
 - o This property has a low uneven topography in relation to Veterans Memorial Bypass. The topography is not the result of the applicant.

- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
- The proposed sign is designed to company standards all over the United States.
 - Applying the ordinance to the proposed signs could, perhaps, result in a lack of visibility to the site from the nearby access corridor.
 - Most of the signs in the surrounding area are approximately thirty (30) feet in height.
 - Staff has questioned the validity of the current sign district of businesses on Brannen Street and has recognized the need for taller signs in this location than that which is permissible by the ordinance.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
- This request, if granted, would not cause substantial detriment to the public good so long as the placement is carefully reviewed to ensure sight clearance.
 - The preamble of Article XV (Signs) states that the intent of the sign ordinance is to avoid “the interference with the ability of property owners to enjoy or use their property without undue visual obstruction, distraction or hazard”.
 - Much of the commercial signage height and style in the immediate area is in line with the applicant's request. For example, the recently issued Vaden Nissan, Steak N Shake sign, the existing Moe's, Statesboro Crossing, and BI-LO signs.

Given concerns that a staff denial to present an applicants' variance request for a hearing and consideration before the governing body poses a potential violation of an applicants' right to due process, the requested variance regarding maximum sign aggregate and height for Sign District 3 has been included in this report and presented for Council consideration despite Article XV's stated prohibition against variances.

STAFF RECOMMENDATION:

Based on the factors of consideration for a variance given in Section 1801 and *the Comprehensive Plan*, staff recommends approval of the variances requested by V 12-10-01 and V 12-10-02 with the following recommended conditions:

- 1. Any proposed buildings must be setback a minimum of five (5) feet from the rear property line.**
- 2. The maximum freestanding sign height must not exceed thirty (30) feet.**
- 3. The maximum total sign aggregate must not exceed two hundred fifty (250) square feet.**
 - a. Freestanding sign aggregate must not exceed one hundred eighty five (185) square feet.**
 - b. Wall sign aggregate must not exceed sixty five (65) square feet.**
- 4. The placement of the proposed monument sign must be approved by the City Engineer prior to issuance of a sign permit.**

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 7-0 to recommend approval of the variances requested by V 12-10-01 and V 12-10-02 with the following staff recommended conditions:

- 1. Any proposed buildings must be setback a minimum of five (5) feet from the rear property line.**
- 2. The maximum freestanding sign height must not exceed thirty (30) feet.**
- 3. The maximum total sign aggregate must not exceed two hundred fifty (250) square feet.**
 - a. Freestanding sign aggregate must not exceed one hundred eighty five (185) square feet.**
 - b. Wall sign aggregate must not exceed sixty five (65) square feet.**
- 4. The placement of the proposed monument sign must be approved by the City Engineer prior to issuance of a sign permit.**

Commissioner Holmes Ramsey expressed concerns of an existing reservoir in the rear of the property.

(Please note: Unless otherwise stated in any formal motion by City Council, staff considers the conceptual site plan (Exhibit B) submitted on behalf of the applicant for this request to be illustrative only. Approval of the application does not constitute approval of any final building or site plan).

EXHIBIT A: LOCATION MAP



*DEVELOPMENT SERVICES REPORT
Case # V 12-10-01 & V 12-10-02
Amended November 14, 2012*

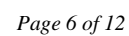


EXHIBIT C: SIGN RENDERING



EXHIBIT D: PERMITTED SIGNS IN SIGN DISTRICT 3.

DIMENSIONAL STANDARDS

SIGN DISTRICT 3 (As defined in subsection 1509[A.3])	SIGN FOR AN INDIVIDUAL ESTABLISHMENT ON AN INDIVIDUAL LOT	MAJOR SIGN FOR PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT	BUSINESS SIGN FOR AN INDIVIDUAL ESTABLISHMENT, SHOP, ETC., WITHIN A PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT
AGGREGATE SIGN AREA*:			
1. Maximum Number of Total Square Feet (SF)	150 square feet including freestanding and building signs	Size is based upon the overall floor space of the center as follows: 0-50,000 sf = 100 sf > 50,000 sf = 150 sf	Not applicable
FREESTANDING SIGNS**:			
2. Freestanding Sign Maximum Square Feet	60 square feet	Varies per overall floor space of the center (See "Aggregate Sign Area" herein)	Not applicable
3. Maximum Height	8 feet	15 feet	Not applicable
4. Setback Requirement	5 feet from property line	5 feet from property line	Not applicable
5. Number of Signs Allowed	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs	Not allowed
BUILDING SIGNS:			
1. Maximum Number of Total Square Feet	Wall length of 100 feet or less: 50 square feet. Wall length of greater than 100 feet: 100 square feet.	60 square feet	The greater of 60 sf or 5% of wall areas, allotted to the individual establishment
2. Maximum Height	Building elevation	Building elevation	Building elevation
3. Number of Building Signs Allowed***	One per elevation	One sign per common entrance	One per building elevation per tenant
<p><i>*As provided in Section 1501 and Table 2 herein, "aggregate sign area" includes all freestanding or building signs regardless of whether or not a permit for a particular type of sign is required.</i></p> <p><i>**Limited to monument and standard informational signs. Billboards and stanchion signs prohibited as provided in Table 2 herein.</i></p> <p><i>*** Two (2) per building elevation where one (1) sign is in the form of a canopy/awning, and where the cumulative square footage of both does not exceed the "maximum number of total square feet" for building signs.</i></p>			

EXHIBIT E: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: Subject Site.



Figure 2: Subject Site with Murphy Oil to the North.

EXHIBIT E: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 3: East of the Subject Site (Wal-Mart Entrance).



Figure 4: Western portion of the Subject Site with Carmike Cinemas abutting.

EXHIBIT E: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 5: Vaden Nissan to the South of the Subject Property across Brannen Street.



Figure 6: Adjacent Statesboro Crossing Sign (31' Tall).

EXHIBIT E: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 7: Moe's Stanchion Style Sign at 31' height on Brannen Street.



Figure 8: Bi-Lo's Stanchion Style Sign in Same Sign District as Subject Site – 30' Tall Sign.



City of Statesboro – Department of Community Development DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

» (912) 764-0630
» (912) 764-0664 (Fax)

SE 12-10-04 SPECIAL EXCEPTION REQUEST 324 JAMES STREET

LOCATION: 324 James Street

REQUEST: Special Exception to allow a group daycare in R6 (Single Family Residential) district.

APPLICANT: Dorothy Cummings

OWNER(S): John R. Holloway

LAND AREA: .14 acres

PARCEL TAX MAP #s: S09000033000

COUNCIL DISTRICT: 2 (Lewis)



PROPOSAL:

Ms. Dorothy Cummings requests a Special Exception to allow for the utilization of the property located at 324 James Street as a group day care in a R6 (Single Family Residential) district. A group daycare is defined pursuant to the *Statesboro Zoning Ordinance* as any place operated by a person, society, agency, institution, or group that receives pay for the supervision of seven (7) to eighteen (18) children under the age of eighteen (18) for less than twenty four (24) hours a day. (See **Exhibit A – Location Map**)

BACKGROUND:

The subject site is a .14 acre single lot and is currently zoned R6 (Single Family Residential). A Conditional Use Variance was granted by Mayor and City Council in 2004 to Ms. Beulah Annette Holloway to allow the utilization of the subject property as a retail establishment offering music lessons.

The use proposed in this application is beyond the scope of City Council's previous approvals, both in use and licensees/applicants. It should be noted that the purpose of this application is to consider whether the land uses and licenses proposed at the site may qualify this applicant for a zoning recommendation of approval at the site for the requested uses and licenses.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R6 (Single Family Residential)	Single Family Homes
SOUTH:	R6 (Single Family Residential)	Daycare and Mortuary
EAST:	R6 (Single Family Residential)	Single Family Homes
WEST	R6 (Single Family Residential)	Single Family Homes

The subject property is surrounded by single family residential zoning districts that are being utilized in a small scale commercial manner. The land uses of surrounding properties range from residential to a daycare center, a mortuary, and Elks Lodge. **(See Exhibit C)**

COMPREHENSIVE PLAN:

The subject site lies within the “Established” character area as identified by the City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. The “Established” character areas are identified as being traditionally residential in nature. Some neighborhoods within this character area are facing decline and issues with blight. Extra efforts should be made to return them to viable neighborhoods.

Neighborhood-scaled retail and commercial, small-scale office, neighborhood services, and small-lot single family residential are all appropriate land uses for properties within the Established character area. Some suggested development and implementation strategies for the area include the following:

- Ensure that new development and land uses do not encroach upon or detract from the character of the recognized National Historic Districts within this area.
- Provide support for the creation of neighborhood associations and provide continued support for these organizations once established through the development of initiatives to address unique neighborhood issues/characteristics.
- Strengthen enforcement of code violations for private property, including property maintenance, parking, and structural conditions.
- Add crosswalks and pedestrian signals along busy streets, including Johnson Street.

Statesboro Comprehensive Plan, Community Agenda pages 14-15.

As illustrated in the *Comprehensive Plan*, small-scale retail in this area is expected. Utilizing the subject site in a less intensive retail manner contributes to the goals set forth in the implementation strategies and corresponds with the surrounding uses.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site is currently served by city utilities including water, sewer, and public safety services. No significant impact is expected on utilities as a result of this request.

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard zone. There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The .14 acre site is currently zoned R6 (Single Family Residential). A Conditional Use Variance, currently referred to as Special Exception, was granted by the Statesboro Mayor and City Council in 2004 to a different applicant to allow a retail use of the property for music lessons. The property was utilized as such until 2008. The proposed use and applicant has since changed.

The *Statesboro Zoning Ordinance* distinguishes daycares into the following three (3) distinct categories:

1. **Family Daycare** – private residence who receives pay for supervision of three (3) but not more than six (6) children under eighteen (18) years of age who are not related to such persons and whose parents are not residents in the same private residence.
2. **Group Daycare** – any place operated by a person, society, agency institution, or group who receives pay for the supervision of not less than seven (7) or more than eighteen (18) children under eighteen (18) years of age.
3. **Daycare Center** – Any place operated by a person, society agency, institution, or group who receives pay for the supervision of nineteen (19) or more children eighteen (18) years old or under.

The current applicant presently holds a business license and operates a family daycare which is permissible in private residences. The applicant has provided a copy of the state issued license for a family daycare and anticipates renewing in December with a group daycare status. The applicant has requested to intensify the use from a family daycare to group daycare in order to supervise approximately twelve (12) children.

Special Exceptions (sometimes referred to as Conditional Use Variance) allow for a land use that is inconsistent with uses permitted of right within a zoning district but which may be granted where requested uses may be deemed appropriate and compatible with the surrounding neighborhood. In addition, *Article XXIV* of the *Statesboro Zoning*

Ordinance states that approval of a conditional use variance by the Mayor and Council does not constitute an approval for future expansions, additions or changes to the initially approved operation resulting in the filing of this application.

Article XXVII (Daycare) of the *Statesboro Zoning Ordinance* restricts group daycares to CR (Commercial Retail), HOC (Highway Oriented Commercial), CBD (Central Business District), and LI (Light Industrial) zoning districts. **Section 2704 lists nine (9) minimum conditions for Mayor and City Council to consider when granting a proposed group daycare in a building also occupied as a residential dwelling.**

* Note: The applicant does not intend to live in the building.

- A. The premises on which the child care use is established shall have access on a thoroughfare adequate for traffic.**
 - o James Street is a public road that is considered adequate for traffic.
- B. The child care facility shall contain not less than 30 square feet of indoor play area for each child at maximum enrollment and not less than 100 square feet per child of outdoor play area at maximum enrollment.**
 - o The existing building is approximately 924 square feet which allows adequate square footage of indoor play area for twelve (12) or more children.
 - o The exact square footage of the outdoor play area is unknown at this time but is estimated to be approximately 846 square feet which would be adequate for approximately eight (8) children if correctly estimated.
- C. The outdoor play areas shall be fenced with fencing not less than four feet in height.**
 - o The aforementioned outdoor play area contains fencing four (4) feet in height.
- D. The premises must contain adequate off-street loading and unloading.**
 - o Although not paved, the access drive is wide enough for approximately three (3) vehicles side by side.
- E. In premises also occupied as a dwelling, the day care portion of the dwelling, shall not occupy over 25 percent of the heated square feet of the dwelling.**
 - o This premise is not proposed to be occupied as a residential dwelling; therefore, this provision does not apply.
 - o If the applicant does choose to live in the residential dwelling, this provision would apply. The existing building is approximately 924 square feet. Limiting the daycare portion to 25% of the overall square footage would reduce the useable space to 231 square feet. At 30 square feet of indoor play area per child, the applicant may supervise only seven (7) kids at any one time.
- F. All signs shall be in compliance with the City's existing sign ordinance.**
 - o Any new signs will be reviewed during the permitting process for compliance with the ordinance.
- G. Off-street parking for employees shall be provided at the rate of one and one-half parking spaces per employee.**
 - o The subject site appears to have adequate room for parking.
- H. The applicant must provide a site plan indicating parking, pick-up and drop-off points, and playground area.**
 - o The applicant has not included a site plan with this application but site visits prove that the area should have adequate room for pick up and drop off points with a sign indicating the location of the playground.
- I. Any other conditions that City Council may deem necessary to promote the health, safety, and welfare of the neighborhood.**
 - o It may be of importance for City Council to consider requiring an expanded outdoor play area totaling a minimum of 1,200 square feet (100 square feet per child – 12 proposed children).

In addition, Section 2406 of the *Statesboro Zoning Ordinance* lists seven (7) factors that should be considered by Mayor and City Council “in determining compatibility” of the requested use with adjacent properties and the overall community as for considerations of Conditional Use Variances, or Special Exceptions as follows:

- A. Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.**
- B. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.**
 - o Traffic counts for the area and thereby relative were not recorded.
- C. Off street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.**
 - o The *Statesboro Zoning Ordinance* states that any land use that requires a minimum of five (5) spaces or less may use alternative surface material for parking. This particular use is required to have one space per employee which would make the aforementioned provision applicable in this case.

- D. Public facilities and utilities are capable of adequately serving the proposed use.**
 - The proposed use will fall under the state fire marshal's jurisdiction.
 - The Statesboro Fire Marshal is currently working with the applicant to have additional exit signs installed.
- E. The proposed use will not have significant adverse effect on the level of property values or the general character of the area.**
 - This area is in dire need of attention due to issues of blight. The proposed use should not have an adverse effect on property values in the area; however, it is important that we consider ways to enhance property values and control violations in this area.
- F. Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.**
 - No site plan was submitted as part of this application; however, the applicant does not intend to change or alter the existing structure in any way.
- G. Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.**
 - The proposed business is different from that which was previously approved and involves a different applicant; thus, necessitating this request.

Finally, Section 2406 also requires consideration of the following factors given for standards for determination in a zoning change in "balancing the promotions of the public health, safety, morality [morals] and general welfare against the right of unrestricted use of property" given in § 2007 of the *Statesboro Zoning Ordinance*":

- 1. Existing uses and zoning or [of] property nearby.**
 - Although the property is surrounded by residential zoning districts, the surrounding land uses include small scale commercial uses such as daycare centers, a mortuary, and a private club.
- 2. The extent to which property values are diminished by the particular zoning restrictions.**
- 3. The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
- 4. The relative gain to the public, as compared to the hardship imposed upon the property owner.**
- 5. The suitability of the subject property for the zoned purposes.**
- 6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
 - This property is not currently vacant and has been operated as a family daycare since 2010.
- 7. The extent the proposed change would impact population density in the area, community facilities, living conditions in the area, traffic patterns and congestion, environmental aspects, existing and future land use patterns, and property values in adjacent areas.**
 - Given the current use of the property as a family daycare and the surrounding uses, the proposed group daycare is not expected to have a negative impact.

STAFF RECOMMENDATION:

Based on factors of consideration from the *Comprehensive Plan* and the *Statesboro Zoning Ordinance*, staff recommends approval of the Special Exception requested by SE 12-10-04 with the following recommended conditions:

- 1. A cap of no more than twelve (12) children being supervised at any one time as long as the building is not occupied as a residential dwelling.**
- 2. Expand the existing fenced in outdoor play area to a minimum of 1,200 square feet.**

If the applicant chooses to reside in the dwelling, the number of children to be supervised must be capped at seven (7) with no alterations to the outdoor play area.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 7-0 to recommend approval of the Special Exception requested by application SE 12-10-04 with the following staff recommended conditions:

- 1. A cap of no more than twelve (12) children being supervised at any one time as long as the building is not occupied as a residential dwelling.**
- 2. Expand the existing fenced in outdoor play area to a minimum of 1,200 square feet.**

If the applicant chooses to reside in the dwelling, the number of children to be supervised must be capped at seven (7) with no alterations to the outdoor play area.

EXHIBIT A: LOCATION MAP



EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The subject property from James Street.



Figure 2: The fenced in area behind the building.

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 3: The side of the building showing available parking.



Figure 4: View of the back of the building.

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 5: Daycare across James Street from the Subject Site.



Figure 6: Mortuary to the southwest of the Subject Site across James Street.

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 7: Adjacent properties to the east of the Subject Site.



Figure 8: Adjacent Properties to the west of the Subject Site.

ORDINANCE 2012-08

**ORDINANCE 2012-08
REGARDING
GEORGIA STATE MINIMUM STANDARD CODES
FOR CONSTRUCTION**

AN ORDINANCE REGARDING ENFORCEMENT OF THE GEORGIA STATE MINIMUM STANDARD CODES FOR CONSTRUCTION; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia State Minimum Standard Codes for Construction promote the life, health, safety and general welfare of all citizens, and;

WHEREAS, said Codes are also designed to protect the property of all citizens, and;

WHEREAS, it is the desire of Mayor and Council of the City of Statesboro to enforce and/or adopt and enforce, in all respects, the various Georgia State Minimum Standard Codes for Construction, and;

WHEREAS, a local jurisdiction is required to adopt administrative procedures in order to enforce said construction codes by the Official Code of Georgia Annotated Section 8-2-26;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

Section 1. Section 14-1 (Adoption and enforcement of technical codes) of the Code of Ordinances, City of Statesboro, Georgia is hereby amended by replacing it in full, and shall read as follows:

Sec. 14-1. - Adoption and enforcement of technical codes.

The City of Statesboro shall enforce the latest edition of the following Georgia State Minimum Standard Codes and all appendices, as adopted and amended by the Georgia Department of Community Affairs:

International Building Code
International Mechanical Code
International Fuel Gas Code
International Plumbing Code
National Electrical Code
International Fire Code
International Residential Code
International Energy Conservation Code
International Existing Building Code
International Swimming Pool and Spa Code

Any person, firm, corporation or agent who shall violate a provision of the construction codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of violating the Code of Ordinances of the City of Statesboro. Each such person, firm, corporation or agent shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the Construction codes is committed or continued, and upon conviction of any such violation such person shall be punished within the limits as provided in Section 5-3 of the Charter of the City of Statesboro.

In addition to prosecution in Municipal Court said codes shall be administratively enforced by personnel of the city's Protective Inspection Division pursuant to the Administrative Procedures attached to this Ordinance as Attachment A. A copy of the Administrative Procedures contained in Attachment A are kept on file with the City Clerk for review by the public during the regular business hours of City Hall. A copy of the Administrative Procedures contained in Attachment A can be obtained through an Open Records Request

The adoption and enforcement of the construction codes per this ordinance shall not be held to deprive any Federal, State, or local agency, e.g. the State Fire Marshal and the Statesboro Fire Department, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the construction codes or of any remedy then existing for the enforcement of its orders.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: This ordinance shall become effective immediately upon its adoption by the City Council.

SO ORDAINED, this ____ day of _____ 2012 in Statesboro, Georgia.

First Reading November 20, 2012
Second Reading December 4, 2012

Joe R. Brannen, in his capacity as Mayor of
Statesboro, Georgia.

ATTEST:

Sue Starling, in her capacity as City Clerk of
Statesboro, Georgia.

ATTACHMENT "A"
OF ORDINANCE NO.:
ADMINISTRATION & ENFORCEMENT

1 PURPOSE AND SCOPE

1.1 PURPOSE

The purpose of this Section is to provide for the administration and enforcement of the Georgia State Minimum Standard Codes for Construction as adopted and amended by the Georgia Department of Community Affairs. Hereinafter, the State Minimum Standard Codes for Construction shall be referred to as “the construction codes”.

1.2 CODE REMEDIAL

1.2.1 GENERAL. These construction codes are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof - which are public safety, health, and general welfare -through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

1.2.2 QUALITY CONTROL. Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.

1.2.3 PERMITTING AND INSPECTION. The inspection or permitting of any building, system or plan, under the requirements of construction codes shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. The City of Statesboro, nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

1.3 SCOPE

1.3.1 APPLICABILITY:

GENERAL. Where, in any specific case, different sections of these construction codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

BUILDING. The provisions of the International Building Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, **except in one and two family dwellings.**

ELECTRICAL. The provisions of the National Electrical Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

GAS. The provisions of the International Fuel Gas Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this Code.

These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, **except in one and two family dwellings.**

MECHANICAL. The provisions of the International Mechanical Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems. **Except in one and two family dwellings.**

PLUMBING. The provisions of the International Plumbing Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and when connected to a water or sewerage system.

FIRE PREVENTION. The provisions of the International Fire Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

ENERGY. The provisions of the International Energy Conservation Code, as adopted and amended by the Georgia Department of Community Affairs, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment that will enable the effective use of energy in new building construction.

ONE AND TWO FAMILY DWELLINGS. The provisions of the International Residential Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every

one or two family dwelling or any appurtenances connected or attached to such buildings or structures.

1.3.2 FEDERAL AND STATE AUTHORITY. The provisions of the construction codes shall not be held to deprive any Federal, State, or local agency, e.g. the State Fire Marshall and the Statesboro Fire Department or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the construction codes or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

1.3.3 APPENDICES. Appendices referenced in the text of the construction codes shall be considered an integral part of the construction codes.

1.3.4 REFERENCED STANDARDS. Standards referenced in the text of the construction codes shall be considered an integral part of the construction codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where construction code provisions conflict with a standard, the construction code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

1.3.5 MAINTENANCE. All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the construction codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his/her designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

1.4 DIVISION OF PROTECTIVE INSPECTIONS

There is hereby established a division to be called the Division of Protective Inspections and the person in charge shall be known as the Building Official. The Governing Body shall establish the qualifications for the Building Official and other personnel of the Division of Protective Inspections.

1.4.1 RESTRICTIONS ON EMPLOYEES. An officer or employee connected with the [division](#), except one whose only connection is as a member of the board established by Section 5.1, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with his duties or conflict with the interests of the division.

1.4.2 RECORDS. The Building Official shall keep, or cause to be kept, a record of the business of the division. The records of the division shall be open to public inspection pursuant to the provisions of the Georgia Open Records Act.

1.4.3 LIABILITY. Any officer or employee, or member of the Board of Adjustments and Appeals, charged with the enforcement of the construction codes, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself/herself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer or employee or member because of such act performed by him/her in the enforcement of any provision of the Construction codes shall be defended by the governing jurisdiction until the final termination of the proceedings.

1.4.4 REPORTS. The Building Official shall submit annually a report covering the work of the Division of Protective Inspections during the preceding year. He/She may incorporate in said report a summary of the decisions of the Board of Adjustments and Appeals during said year.

1.5 EXISTING BUILDINGS

1.5.1 GENERAL. Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the construction codes provided that the alteration, repair or rehabilitation work conforms to the requirements of the construction codes for new construction. The Building Official shall determine the extent to which the existing system shall be made to conform to the requirements of the construction codes for new construction.

1.5.2 CHANGE OF OCCUPANCY.

If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the construction codes as required by the Building Official.

1.6 SPECIAL HISTORIC BUILDINGS

The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as Historic Buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts.

2. POWERS AND DUTIES OF THE BUILDING OFFICIAL

2.1 GENERAL

The Building Official is hereby authorized and directed to enforce the provisions of the construction codes. The Building Official is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose.

2.2 RIGHT OF ENTRY

2.2.1 Whenever necessary to make an inspection to enforce any of the provisions of the Construction codes, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by these construction codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

2.2.2 When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to the construction codes.

2.3 STOP WORK ORDERS

Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the construction codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

2.4 REVOCATION OF PERMITS

2.4.1 MISREPRESENTATION OF APPLICATION. The Building Official may revoke a permit or approval, issued under the provisions of the construction codes, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

2.4.2 VIOLATION OF CODE PROVISIONS. The Building Official may revoke a permit upon determination by the Building Official that the construction erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the construction codes.

2.5 UNSAFE BUILDINGS OR SYSTEMS

All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code.

2.6 REQUIREMENTS NOT COVERED BY CODE

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by or the construction codes, shall be determined by the Building Official.

2.7 ALTERNATE MATERIALS AND METHODS

The provisions of the construction codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Building Official. The Building Official shall approve any such alternate, provided the Building Official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the Construction codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

3. PERMITS

3.1 PERMIT APPLICATION

3.1.1 WHEN REQUIRED Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the work.

EXCEPTION: Permits shall not be required for the following mechanical work:

1. any portable heating appliance;
2. any portable ventilation equipment;
3. any portable cooling unit;

4. any steam, hot or chilled water piping within any heating or cooling equipment regulated by the construction codes;
5. replacements of any part which does not alter its approval or make it unsafe;
6. any portable evaporative cooler;
7. any self-contained refrigeration system containing 10 lb.(4.54 kg.) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

3.1.2 WORK AUTHORIZED. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

3.1.3 MINOR REPAIRS. Ordinary minor repairs may be made with the approval of the Building Official without a permit, provided that such repairs shall not violate any of the provisions of the construction codes.

3.1.4 INFORMATION REQUIRED. Each application for a permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his/her authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building Official.

3.1.5 TIME LIMITATIONS. An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

3.2 DRAWINGS AND SPECIFICATIONS

3.2.1 REQUIREMENTS. When required by the Building Official, two or more copies of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the construction codes. Such information shall be specific, and the construction codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

3.2.2 ADDITIONAL DATA. The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of

calculations. All drawings, specifications and accompanying data required by the Building Official to be prepared by an architect or engineer shall be affixed with their official seal.

3.2.3 DESIGN PROFESSIONAL. The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:

1. All Group A, E, and I occupancies.
2. Buildings and structures three stories or more high.
3. Buildings and structures 5000 sq. ft. (465 m²) or more in area.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

EXCEPTION: Single family dwellings, regardless of size, shall require neither a registered architect nor engineer, nor a certification that an architect or engineer is not required.

3.2.4 STRUCTURAL AND FIRE RESISTANCE INTEGRITY. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.

3.2.5 SITE DRAWINGS. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building Official may require a boundary line survey prepared by a qualified surveyor.

3.2.6 HAZARDOUS OCCUPANCIES. The Building Official may require the following:

1. **GENERAL SITE PLAN.** A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

2. **BUILDING FLOOR PLAN.** A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

3.3 EXAMINATION OF DOCUMENTS

3.3.1 PLAN REVIEW. The Building Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the Construction codes and all other pertinent laws or ordinances.

3.3.2 AFFIDAVITS. The Building Official may accept a sworn affidavit from a Registered Architect or Engineer stating that the plans submitted conform to the construction codes. For buildings and structures the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of the construction codes as to strength, stresses, strains, loads and stability. The Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building Official, copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the Construction codes. Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for the compliance with all provisions of the construction codes and other pertinent laws or ordinances.

3.4 ISSUING PERMITS

3.4.1 ACTION ON PERMITS. The Building Official shall act upon an application for a permit without unreasonable or unnecessary delay. If the Building Official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.

3.4.2 REFUSAL TO ISSUE PERMIT. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the construction codes or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

3.4.3 SPECIAL FOUNDATION PERMIT. When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the construction codes.

3.4.4 PUBLIC RIGHT OF WAY. A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application with the City's Engineering Department for the lines of the public street on which he/she proposes to build, erect or locate said building; and it shall be the duty of the Building Official to see that the street lines are not encroached upon except as provided for in Chapter 22 of the Standard Building Code.

3.5 CONTRACTOR RESPONSIBILITIES

It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical, sprinkler or plumbing systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the local government with their license number before receiving a permit for work to be performed.

3.6 CONDITIONS OF THE PERMIT

3.6.1 PERMIT INTENT. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the construction codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of the Construction codes. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Building Official.

3.6.2 PERMIT ISSUED ON BASIS OF AN AFFIDAVIT. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the Construction codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Building Official.

3.6.3 PLANS. When the Building Official issues a permit, he/she shall enforce, in writing or by stamp, both sets of plans "Reviewed for Code Compliance." One set of drawings so reviewed shall be retained by the Building Official and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his/her authorized representative.

3.7 FEES

3.7.1 PRESCRIBED FEES. A permit shall not be issued until the fees prescribed by the governing body have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, etc. has been paid.

3.7.2 WORK COMMENCING BEFORE PERMIT ISSUANCE. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing, etc. system before obtaining the necessary permits, shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees.

3.7.3 ACCOUNTING. The Building Official shall cause to be kept a permanent and accurate accounting of all permit fees and other money collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

3.7.4 SCHEDULE OF PERMIT FEES. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the fee schedules as set by the governing body.

3.7.5 BUILDING PERMIT VALUATIONS. If, in the opinion of the Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

3.8 INSPECTIONS

3.8.1 EXISTING BUILDING INSPECTIONS. Before issuing a permit the Building Official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the construction codes.

3.8.2 MANUFACTURERS AND FABRICATORS. When deemed necessary by the Building Official he shall make, or cause to be made, an inspection of materials or assemblies at the point

of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the Construction codes.

3.8.3 INSPECTION SERVICE. The Building Official may make, or cause to be made, the inspections required by 3.8.6 He/She may accept reports of inspectors of recognized inspection services provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the Construction codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

3.8.4 INSPECTIONS PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OR COMPLETION. The Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or Completion.

3.8.5 POSTING OF PERMIT. Work requiring a permit shall not commence until the permit holder or his/her agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building Official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the Building Official.

3.8.6 REQUIRED INSPECTIONS. The Building Official upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the Technical Code:

BUILDING

1. Foundation Inspection: To be made after trenches are excavated and forms erected.
2. Frame Inspection: To be made after the roof, all framing, fireblocking and bracing are in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete.
3. Final Inspection: To be made after the building is completed and ready for occupancy.

ELECTRICAL

1. Underground Inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

2. Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. Final Inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

PLUMBING

1. Underground Inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.
3. Final Inspection: To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.
4. Note: See Section 311 of the Standard Plumbing Code for required tests.

MECHANICAL

1. Underground Inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-In Inspection: To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
3. Final Inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

GAS

1. Rough Piping Inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
2. Final Piping Inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

Final Inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to insure compliance

with all the requirements of the construction codes and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

ENERGY

1. Foundation Inspection: be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.
2. Frame Inspection: to be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
3. Final Inspection: To be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances.

3.8.7 WRITTEN RELEASE. Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Building Official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

3.8.8 REINFORCING STEEL, STRUCTURAL FRAMES, INSULATION, PLUMBING, MECHANICAL, OR ELECTRICAL SYSTEMS Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the Building Official.

3.8.9 PLASTER FIRE PROTECTION. In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Building Official after all lathing and backing is in place. Plaster shall not be applied until the release from the Building Official has been received.

3.9 CERTIFICATES

3.9.1 CERTIFICATE OF OCCUPANCY.

3.9.1.1 BUILDING OCCUPANCY. A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the Building Official has issued a Certificate of Occupancy. Said Certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the Building Official.

3.9.1.2 ISSUING CERTIFICATE OF OCCUPANCY. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and

plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the Building Official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, and the allowable load per square foot for each floor in accordance with the provisions of the construction codes.

3.9.1.3 TEMPORARY/PARTIAL OCCUPANCY. A temporary/partial certificate of occupancy may be issued for a portion of a building, which may safely be occupied prior to final completion of the building.

3.9.1.4 EXISTING BUILDING CERTIFICATE OF OCCUPANCY. A Certificate of Occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the Construction codes and other applicable laws and ordinances for such occupancy, a Certificate of Occupancy shall be issued.

3.9.2 CERTIFICATE OF COMPLETION. Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a Certificate of completion may be issued. This Certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This Certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a Certificate of Occupancy.

3.9.3 SERVICE UTILITIES.

3.9.3.1 Connection of Service Utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the construction codes for which a permit is required, until released by the Building Official and a Certificate of Occupancy or Completion is issued.

3.9.3.2 Temporary Connection. The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy.

3.9.3.3 Authority to Disconnect Service Utilities. The Building Official shall have the power to authorized disconnection of utility service to the building, structure or system regulated by the Construction codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

3.10 POSTING FLOOR LOADS

3.10.1 OCCUPANCY. An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.

3.10.2 STORAGE AND FACTORY-INDUSTRIAL OCCUPANCIES. It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the protective inspection division.

3.10.3 SIGNS REQUIRED. In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Building Official on the plan, shall be marked on plates or approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

4. TESTS

The Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his/her agent, by an approved testing laboratory or other approved agency.

5. CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

5.1 APPOINTMENT

There is hereby established a Board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members and two alternates. The Governing Body shall appoint the Board.

5.2 MEMBERSHIP AND TERMS

5.2.1 MEMBERSHIP. The Construction Board of Adjustment and Appeals should consist of seven members appointed by resolution of the City Council. Such Board members should be composed of individuals with knowledge and experience in the construction codes, such as design professionals, contractors or building industry representatives. In addition to the regular members, there should be two alternate members, one member at large from the building industry and one member at large from the public. A Board member shall not act in a case in which he has a personal or financial interest.

5.2.2 TERMS. The terms of office of the Board members shall be staggered so no more than 1/3 of the Board is appointed or replaced in any 12 month period. The term of office of each Board

member shall be specified in the resolution appointing each Board member. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the Board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

5.2.3 QUORUM AND VOTING. A simple majority of the Board shall constitute a quorum. In varying any provision of the Construction codes, the affirmative votes of the majority present shall be required. In modifying a decision of the Building Official, not less than two affirmative votes shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

5.2.4 SECRETARY OF BOARD. The Building Official shall act as Secretary of the Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote.

5.3 POWERS

The Construction Board of Adjustments and Appeals shall have the power, as further defined in 5.4, to hear the appeals of decisions and interpretations of the Building Official and consider variances of the construction codes.

5.4 APPEALS

5.4.1 DECISION OF THE BUILDING OFFICIAL. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of the Construction codes do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case.
4. The true intent and meaning of the Construction codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

5.4.2 VARIANCES. The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of the Construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the Construction codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Construction codes to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will made possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of the Construction codes and will not be detrimental to the public health, safety and general welfare.

5.4.2.1 Condition of Variances. In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with the Construction codes. Violation of the conditions of a variance shall be deemed a violation of the Construction codes.

5.4.3 NOTICE OF APPEAL. Notice of appeal shall be in writing and filed within 30 calendar days after the Building Official renders the decision. Appeals shall be in a form acceptable to the Building Official.

5.4.4 UNSAFE OR DANGEROUS BUILDINGS OR SERVICE SYSTEMS. In the case of a building, structure, or service system, which, in the opinion of the Building Officials, is unsafe, unsanitary or dangerous, the Building Official may, in his order, limit the time for such notice of appeals to a shorter period.

5.5 RULES AND REGULATIONS

The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of these procedures. The Board shall meet on call of the Chairman. The Board shall meet within 30 calendar days after notice of appeal has been received.

5.5.1 DECISIONS. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of the Construction codes, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the Building

Official for two weeks after filing. Every decision of the Board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

6. SEVERABILITY

If any section, subsection, sentence, clause or phrase of the Construction codes is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the construction codes.

RESOLUTION #2012-23:

A Resolution approving the City of Statesboro Proposed Fiscal Year 2013 Street Resurfacing Program List and further authorizing the Mayor to execute the Georgia Department of Transportation (GDOT) Local Maintenance & Improvement Grant (LMIG) Application for Fiscal Year 2013.

THAT WHEREAS, the City participates in the GDOT LMIG Program;

WHEREAS, this program provides funding assistance for road improvement projects within the City of Statesboro for the benefit of the citizenry;

WHEREAS, the LMIG program requires that the City present a list of streets for participation annually and that the City execute the Local Government Affidavit and Certification in order to receive funding assistance for the listed streets;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia as follows:

Section 1. The City Engineer has prepared a list of roads for funding through the LMIG program to the City Manager. The City Manager has reviewed the list and recommends approval by the City Council.

Section 2. The City Council has reviewed the list prepared by the City Engineer attached to this resolution and has received the recommendation of the City Manager. The City Council authorized the Mayor to execute the Local Government Affidavit and Certification with GDOT.

Section 3. That this Resolution shall be and remain effective from and after its date of adoption.

Adopted this 20th day of November, 2012.

CITY OF STATESBORO, GEORGIA

By: _____
Joe Brannen, Mayor

Attest: _____
Sue Starling, City Clerk

**GEORGIA DEPARTMENT OF TRANSPORTATION
LOCAL MAINTENANCE & IMPROVEMENT GRANT (LMIG)
APPLICATION FOR FISCAL YEAR 2013
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.**

All Applications must be submitted by the Local Governing Official to the Georgia Department of Transportation, Office of Local Grants, 600 West Peachtree Street NW, Atlanta, Georgia 30308.

LOCAL GOVERNMENT INFORMATION

Date of Application: _____

Name of local government: City of Statesboro
Address: P.O. Box 348 Statesboro, GA 30459
Contact Person and Title: Brad Deal, Assistant City Engineer
Contact Person's Phone Number: 912-764-0655
Contact Person's Fax Number: 912-764-0664
Contact Person's Email: brad.deal@statesboro.ga.gov

Is the Priority List attached? ☒ Yes ☐ No

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

I, Joe Brannen (Name), the Mayor (Title), on behalf of City of Statesboro (local government), who being duly sworn do swear that the information given herein is true to the best of his/her knowledge and belief. Local Government swears and certifies that it has read and understands the LMIG General Guidelines and Rules and that it has complied with and will comply with the same.

Local government further swears and certifies that it has read and understands the regulations for the Georgia Planning Act of 1989 (O.C.G.A. § 45-12-200, et seq.), Service Delivery Strategy Act (O.C.G.A. § 36-70-20, et seq.), and the Local Government Budgets and Audits Act (O.C.G.A. 36-81-1 et seq.) and will comply in full with said provisions. Local government further swears and certifies that the roads or sections of roads described and shown on the local government's Project List are dedicated public roads and are part of the Public Road System in said county/city. Local government further swears and certifies that it complied with federal and/or state environmental protection laws and at the completion of the project(s), it met the match requirements as stated in the Transportation Investment ACT (TIA).

Further, the local government shall be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or omissions related to the designs, drawings, specifications, work and other services furnished by or on behalf of the local government pursuant to this Application ("Loss"). To the extent provided by law, the local government further agrees to hold harmless and indemnify the DEPARTMENT and the State of Georgia from all suits or claims that may arise from said Loss.

**GEORGIA DEPARTMENT OF TRANSPORTATION
LOCAL MAINTENANCE & IMPROVEMENT GRANT (LMIG)
APPLICATION FOR FISCAL YEAR 2013**

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

If the local government fails to comply with these General Guidelines and Rules, or fails to comply with its Application and Certification, or fails to cooperate with the auditor(s) or fails to maintain and retain sufficient records, the DEPARTMENT may, at its discretion, prohibit the local government from participating in the LMIG program in the future and may pursue any available legal remedy to obtain reimbursement of the LMIG funds. Furthermore, if in the estimation of the DEPARTMENT, a roadway or bridge shows evidence of failure(s) due to poor workmanship, the use of substandard materials, or the failure to follow the required design and construction guidelines as set forth herein, the Department may pursue any available legal remedy to obtain reimbursement of the allocated LMIG funds or prohibit local government from participating in the LMIG program until such time as corrections are made to address the deficiencies or reimbursement is made.

Local Government:

109296

E-Verify Number

____ (Signature)

Sworn to and subscribed before me,

____ (Print)

This ____ day of ____, 20__.

Mayor / Commission Chairperson

In the presence of:

____ (Date)

NOTARY PUBLIC

SEAL:

My Commission Expires:

FOR GDOT USE ONLY

The local government's Application is hereby granted and the amount allocated to the local government is _____. Such allocation must be spent on any or all of those projects listed in the Project List.

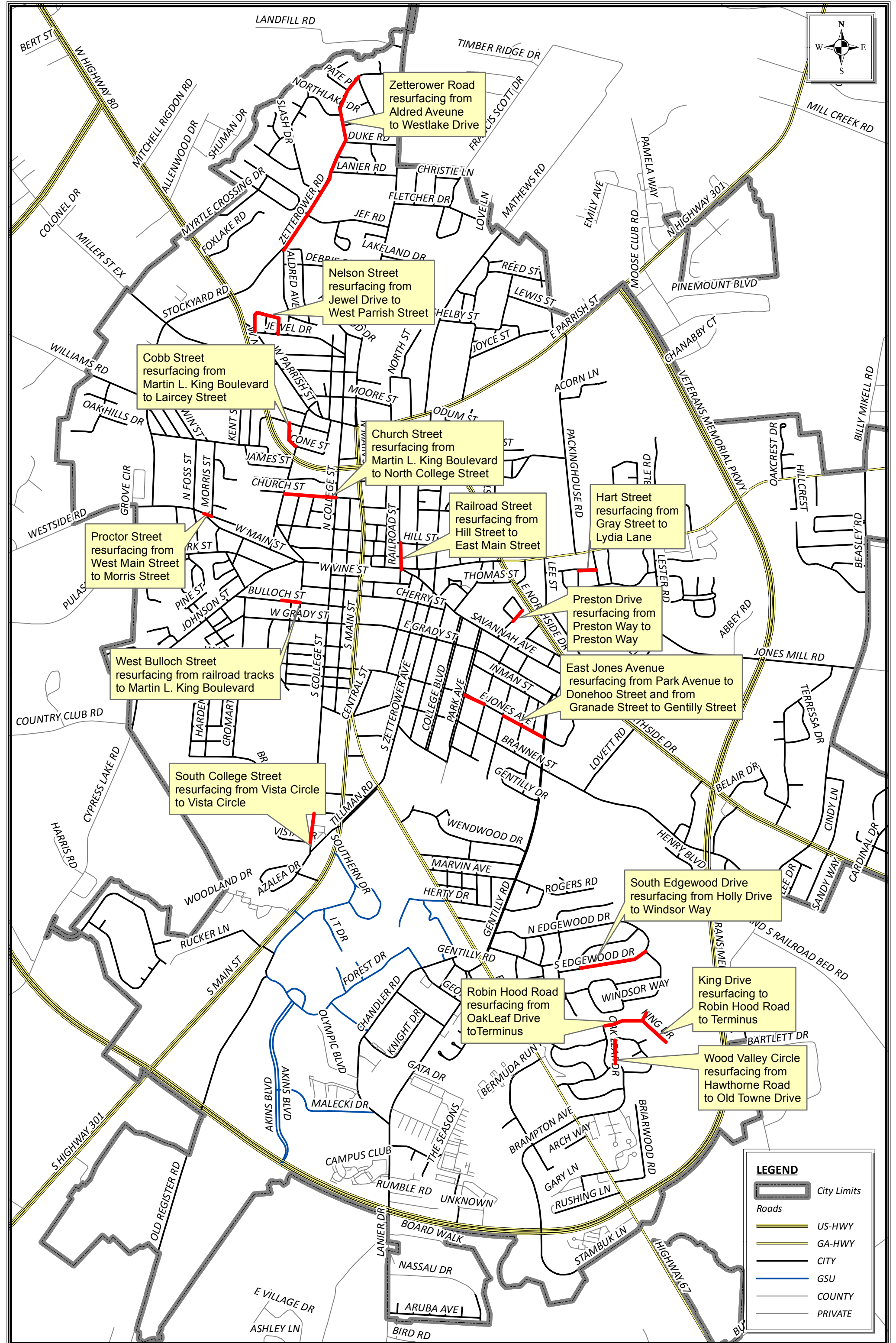
This ____ day of ____, 20__.

Terry L Gable

Local Grants Administrator

City of Statesboro 2013 Street Resurfacing List

Priority	Street	Beginning Point	Ending Point	Length (miles)
1	Zetterower Road	Aldred Avenue	Westlake Dr	0.87
2	East Jones Avenue	Park Avenue	Donehoo St	0.11
3	East Jones Avenue	Granade Street	Gentilly St	0.21
4	Proctor Street	Morris Street	West Main Street	0.04
5	Church Street	Martin Luther King Boulevard	North College Street	0.24
6	Wood Valley Circle	Hawthorne Road	Old Towne Dr	0.13
7	South Edgewood Drive	Holly Drive	Windsor Way	0.31
8	Robin Hood Road	Oak Leaf Drive	Terminus	0.25
9	King Drive	Robin Hood Road	Terminus	0.15
10	Railroad Street	Hill Street	East Main Street	0.12
11	Hart Street	Gary Street	Lydia Lane	0.09
12	Preston Way	Preston Drive	Preston Drive	0.07
13	South College Street	Vista Circle	Vista Circle	0.19
14	Cobb Street	Martin Luther King Boulevard	Laircey Street	0.12
15	West Bulloch Street	Railroad Tracks	Martin Luther King Boulevard	0.08
16	Nelson Street	Jewel Drive	West Parrish Street	0.26
			Total Mileage	3.24



Zetterower Road
resurfacing from
Aldred Avenue
to Westlake Drive

Nelson Street
resurfacing from
Jewel Drive to
West Parrish Street

Cobb Street
resurfacing from
Martin L. King Boulevard
to Laircey Street

Church Street
resurfacing from
Martin L. King Boulevard
to North College Street

Railroad Street
resurfacing from
Hill Street to
East Main Street

Hart Street
resurfacing from
Gray Street to
Lydia Lane

Proctor Street
resurfacing from
West Main Street
to Morris Street

Preston Drive
resurfacing from
Preston Way to
Preston Way

West Bulloch Street
resurfacing from railroad tracks
to Martin L. King Boulevard

East Jones Avenue
resurfacing from Park Avenue to
Donehoo Street and from
Granade Street to Gentilly Street

South College Street
resurfacing from Vista Circle
to Vista Circle

South Edgewood Drive
resurfacing from Holly Drive
to Windsor Way

Robin Hood Road
resurfacing from
OakLeaf Drive
to Terminus

King Drive
resurfacing to
Robin Hood Road
to Terminus

Wood Valley Circle
resurfacing from
Hawthorne Road
to Old Towne Drive

LEGEND

- City Limits
- Roads
 - US-HWY
 - GA-HWY
 - CITY
 - GSU
 - COUNTY
 - PRIVATE