



April 17, 2018 5:30 pm

1. Call to Order by Mayor Jonathan McCollar
2. Invocation and Pledge of Allegiance by Councilman John Riggs
3. Recognitions/Public Presentations
 - A) Ms. Kania Greer would like to give an update on the Community Dog Park
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 04-03-2018 Council Minutes
 - b) 04-06-2018 Budget Retreat Minutes
6. Second Reading and Consideration of a Motion to approve **Ordinance 2018-01**: An Ordinance to amend Chapter 5-336 –Vendor and Professional Appeals.
7. Public Hearing and Consideration of a Motion to Approve: **APPLICATION V 18-03-04**: Gemini Construction requests a variance from Article XV Section 1509(C) Table 4 of the Statesboro Zoning Ordinance regarding the minimum required setback for a freestanding sign permitted for installation July 17, 2017.
8. Public Hearing and Consideration of a Motion to Approve: **APPLICATION V 18-03-05**: Ken Kitching requests a zoning map amendment for roughly .21 acres of a .73 acre parcel from the HOC (Highway Oriented Commercial) zoning district to the CR (Commercial Retail) zoning district. The applicant will subsequently subdivide the entire .73 acre parcel and construct an office building on the resulting .21 acre parcel.
9. Public Hearing and Consideration of a Motion to Approve: **APPLICATION RZ 18-03-03**: Ken Kitching requests a variance from Article X Section 1003(A), which requires a minimum lot area of 10,000 square feet. Consideration should first be given to variance application V18-03-05.
10. Public Hearing and Consideration of a Motion to Approve: **APPLICATION RZ 18-01-09**: L&S Acquisitions and CFN Partners, LLC request a zoning map amendment of a proposed subdivision of 6.8 acres of a 60.92 acre parcel located at Josh Hagin Road from the R8 (Single-Family Residential) and R10 (Single-Family Residential) zoning districts to the CR (Commercial Retail) zoning district to permit new retail construction (Tax Parcel 107 000009 000). This application was tabled at the request of the applicant at the January 16, 2018 City Council Meeting.

11. Public Hearing and Consideration of a Motion to Approve: **APPLICATION DSDA 18-03- 03**: Northland Communications requests to demolish one (1) structure addressed 32 East Main Street, which is a contributing property to the remains of the East Vine Street Warehouse and Depot District. The property lies within the boundaries of the Downtown Statesboro Development Authority and requires a finding of necessity for proposed demolitions where the structure does not exceed 35 percent in structural damage and meets one of the criteria contained in Section 3003(D).

12. Public Hearing and Consideration of a Motion to Approve Alcohol License Application:
 - A) Jay Suree Ambe 2018 Inc.
Vrundaben Patel
118 Lanier Drive
Statesboro, Ga 30458

 - B) New Tokyo Ga Inc.
Yan Zhu
100 Brampton Ave
Suite 1A
Statesboro, Ga 30458

 - C) Shriji Food
Mohanlal Babarbhair Patel
218 N Main Street
Statesboro, Ga 30458

13. Public Hearing and First Reading of **Ordinance 2018-02**: An Ordinance of the Statesboro Code of Ordinances: Chapter 6 (Alcoholic Beverages) Amendment to Section 6-5 adding insurance requirements for alcoholic beverage licensees.

14. Public Hearing and First Reading of **Ordinance 2018-03**: An Ordinance of the Statesboro Code of Ordinances: Chapter 6 (Alcoholic Beverages) Amendment modifying policy relating to admission of patrons under 21 years of age to establishments licensed to sell alcoholic beverages pursuant to Sec 6-9 in compliance with Georgia state law.

15. Public Hearing and First Reading of **Ordinance 2018-04**: An Ordinance of the Statesboro Code of Ordinances: Chapter 6 (Alcoholic Beverages) Amendment adding Low Volume Licensees to Section 6-3 Definitions and consideration by Mayor and Council of whether a discount for license fees should be available for such licensees and in what amount.

16. Public Hearing and First Reading of **Ordinance 2018-05**: An Ordinance of the Statesboro Code of Ordinances: Chapter 6 (Alcoholic Beverages) Amendment adding Special Events provision to Section 6-8 “Regulations pertaining to certain classes of licenses generally” as Section 6-8 9(d)(3)

17. Consideration of a Motion to approve the First Amendment to lease agreement with Verizon Wireless regarding City water tower access lease at 289 A.J. Riggs Road
18. Consideration of a Motion for the approval of the Fifth Amendment to the lease agreement with AT&T regarding City water tower access lease at 201 Lanier Drive.
19. Consideration of a Motion to Approve Award of Contract to Southeastern Civil, Inc. for the South College Street Headwall project in the amount of \$104,135.00, base bid per unit pricing. This project will be paid by Stormwater Utility revenues.
20. Consideration of a Motion to award a contract for general liability and workers compensation insurance brokerage services to Glenn - Davis and Associates. This award would be for a one (1) year term with the option to renew for two (2) additional one (1) year terms.
21. Consideration of a Motion to award a contract to CDW to purchase a citywide software upgrade off the National Joint Powers Alliance (NJPA) contract in the amount of \$45,054.50.
22. Consideration of a Motion to Approve **Resolution 2018-16**: A Resolution to hereby further amend the Classification and Compensation Plan as follows, that the Planning and Development Specialist in the Planning and Development Department is hereby reclassified to a City Planner I, and that the existing City Planner be reclassified to City Planner II.
23. Consideration of a Motion to approve the revision of the existing City Attorney contract to compensate for additional undertaken duties.
24. Other Business from City Council
25. City Managers Comments
26. Public Comments (General)
27. Consideration of a Motion to enter into Executive Session to discuss “Personnel Matters” “Real Estate” and/or “Potential Litigation” in accordance with **O.C.G.A. §50-14-3 (2012)**
28. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
Council Minutes
April 03, 2018**

A regular meeting of the Statesboro City Council was held on April 03, 2018 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Jonathan McCollar, Council Members: Phil Boyum, Sam Lee Jones, and Jeff Yawn.. Also present were City Manager Randy Wetmore, Deputy City Manager Robert Cheshire, City Clerk Sue Starling and City Attorney Cain Smith. Councilman John Riggs was absent.

The Meeting was called to Order by Mayor Jonathan McCollar.

The Invocation and Pledge of Allegiance was led by Councilman Jeff Yawn

Recognitions/Public Presentations

A) Proclamation in recognition of “National Service Recognition Day”.

Mayor McCollar presented a proclamation to Deb Blackburn Pless in recognition of National Service Day. Ms. Pless also spoke on the services the organization provided to the community.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) 03-20-2018 Council Minutes

Councilman Yawn made a motion, seconded by Councilman Jones to approve the consent agenda. Councilman Boyum, Jones and Yawn voted in favor of the motion. The motion carries by a 3-0 vote.

Public Hearing and Consideration of a Motion to Approve: APPLICATION DSDA 18-03-04: Lovett 9 Mills Excavating requests the demolition of a single-family structure addressed 201 North Main Street, which is located within the boundaries of the Downtown District. Article XXX Section 3003 of the Statesboro Zoning Ordinance requires a finding of necessity for the demolition of structures deemed worthy of preservation by City Council (Tax Parcel S17 000050 000).

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

No one spoke for or against the request.

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

Councilman Yawn made a motion, seconded by Councilman Boyum to approve **APPLICATION DSDA 18-03- 04**: Lovett 9 Mills Excavating requests the demolition of a single-family structure addressed 201 North Main Street, which is located within the boundaries of the Downtown District. Article XXX Section 3003 of the Statesboro Zoning Ordinance requires a finding of necessity for the demolition of structures deemed worthy of preservation by City Council (Tax Parcel S17 000050 000). Councilman Boyum, Jones and Yawn voted in favor of the motion. The motion carries by a 3-0 vote.

Public Hearing and Consideration of a Motion to approve/deny Resolution 2018-15: A resolution called for the adoption of infrastructure extension and development guidance policy statement.

There was no motion to open the public hearing.

No one spoke against the request. Councilman Jones asked the Director of Utilities Steve Hotchkiss to give his input. Mr. Hotchkiss spoke in favor of the request.

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

Councilman Yawn made a motion, seconded by Councilman Jones to approve **Resolution 2018-15**: A resolution called for the adoption of infrastructure extension and development guidance policy statement. Councilman Boyum, Jones and Yawn voted in favor of the motion. The motion carries by a 3-0 vote.

Public Hearing and First Reading of Ordinance 2018-01: An Ordinance to amend Chapter 5-336 –Vendor and Professional Appeals.

There was no motion to open the public hearing.

City Attorney Cain Smith presented the ordinance and explained he would be adding additional language before the second reading.

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

No one spoke for or against the request. There was no vote taken as this was the first reading of Ordinance 2018-01.

Consideration of a Motion to approve the design, bid, and construction of approximately 730' of 15" gravity sewer main to serve new and future development on the S&S Railroad Bed Road in an amount not to exceed \$109,000.00.

Councilman Jones made a motion, seconded by Councilman Boyum to approve the design, bid, and construction of approximately 730' of 15" gravity sewer main to serve new and future development on the S&S Railroad Bed Road in an amount not to exceed \$109,000.00. Councilman Boyum, Jones and Yawn voted in favor of the motion. The motion carries by a 3-0 vote.

Other Business from City Council:

Councilman Boyum asked Deputy City Manager Robert Cheshire if anyone had reached out to DOT in regards to Hwy67 construction. Mr. Cheshire stated they typically could not use the DOT's right of way to run service lines but he will inquire about the possibility.

City Managers Comments

City Manager Randy Wetmore reminder every one of the budget retreat set for Friday April 6, 2018.

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

There was no Executive Session held at this meeting.

Public Comments (General) None

Consideration of a Motion to Adjourn

Councilman Yawn made a motion, seconded by Councilman Jones to adjourn the meeting. Councilman Boyum, Jones and Yawn voted in favor of the motion. The motion carries by a 3-0 vote.

The meeting was adjourned at 9:35 am.



CITY OF STATESBORO
Budget Retreat Minutes
April 06, 2018

A City Council Budget Retreat was held on April 06, 2018 at 8:30 am in the City Hall Council Chambers at 50 East Main St. Statesboro, Georgia. Present was Mayor Jonathan McCollar, Councilmembers: John Riggs, Sam Lee Jones and Jeff Yawn. Also present was City Manager Randy Wetmore, Deputy City Manager Robert Cheshire, City Clerk Sue Starling. Councilman Phil Boyum was not present.

The meeting was called to order by Mayor McCollar.

Department Heads present were:

Director of Public Utilities Steve Hotchkiss, Police Chief Mike Broadhead, Assistant Fire Chief Bobby Duggar, Director of Public Works and City Engineer Jason Boyles, Interim Director of Human Resource Flavia Starling, Director of the Department of Central Services Darren Prather and Finance Director Cindy West. Other City staff members were also present

City Manager Randy Wetmore presented the budget assumptions which included no increase in property taxes and a 2.5% cost of living raise for city employees along with other assumptions.

The meeting consisted of the department heads giving an overview of their budget for FY 2019 which included their CIP Projects, 2017 highlights and budget assumptions. They also updated Council on projects and programs that were ongoing or completed.

DSDA Director Allen, Muldrew, Board President of SCVB Barry Turner and Director of the Arts Council Jamie Grady updated Council on their accomplishments and goals.

There was no action taken at this meeting.

The meeting was adjourned at 2:00 p.m.

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs
Travis L. Chance



Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Cain Smith, City Attorney

Date: April 17, 2018

RE: Amendment of Section 5-336- Vendor Appeals

Policy Issue: As currently enacted Section 5-336 allows vendors to appeal the award of any contract to the city manager, regardless of whether the award was made by the city manager or by proper vote of Mayor and City Council. Should vendor remain dissatisfied after city manager decision on appeal vendor could then appeal to Mayor and City Council. City manager has no authority to amend contracts awarded by vote of Mayor and City Council.

Recommendation: That 5-336 be amended so that only vendor contracts properly awarded by the city manager are to be appealed to the city manager.

Background: 5-336 as currently written requires that vendor appeals regarding awarding of contracts must go through the city manager regardless of whether city manager has authority to amend award or not. This results in Mayor and Council having to revisit contract awards recently made by them if any non-prevailing vendor is dissatisfied with their previous determination of award.

Budget Impact: N/A

Council Person and District: All

Attachments: Current and proposed revised versions of 5-336

Ordinance 2018-01: An Ordinance Amending Chapter 5 of the Statesboro Code of Ordinances (Purchasing System Policy)

WHEREAS, the City has previously adopted an ordinance regulating the City's purchasing system policy; and

WHEREAS, the Mayor and City Council have determined that there is sufficient reason and need to amend Chapter 5 (Purchasing System Policy) of the Code of Ordinances, City of Statesboro, Georgia; and

WHEREAS, the public hearing that preceded the adoption of the ordinance amendment was advertised; and

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

Chapter 5-336 Purchasing System Policy of the Code of Ordinances, City of Statesboro, Georgia is hereby amended and shall read as follows:

Sec. 5-336 – Vendor and Professional Appeals

Any vendor or professional may appeal a contract awarded by the city manager pursuant to Sections 5-320, 5-322, 5-324, or 5-325(a) to the city manager within five calendar days of the award of the contract. A vendor or professional dissatisfied with the city manager's decision on appeal under this section shall then have ten calendar days from the date of the city manager's decision to appeal to the mayor and city council for final determination. Vendor and professional appeals under this subsection are expressly forbidden if the award of contract is made by vote of mayor and city council.

First Reading: April 3, 2018

Second Reading: April 17, 2018

Jonathan McCollar, Mayor

Sue Starling, City Clerk

Sec 5-336. - Vendor appeals.

Any vendor or professional may appeal the award of a contract to the city manager within five calendar days of the award of the contract. A vendor dissatisfied with the city manager's decision shall have ten calendar days from the date of his decision to appeal to the mayor and city council for final determination.

(Ord. No. 2011-09, 11-1-11)

Sec 5-336. – Vendor and professional appeals.

Any vendor or professional may appeal a contract awarded by the city manager pursuant to Sections 5-320, 5-322, 5-324, or 5-325(a) to the city manager within five calendar days of the award of the contract. A vendor or professional dissatisfied with the city manager's decision on appeal under this section shall then have ten calendar days from the date of the city manager's decision to appeal to the mayor and city council for final determination. Vendor and professional appeals under this subsection are expressly forbidden if the award of contract is made by vote of mayor and city council.

CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Travis L. Chance, District 5

Jonathan M. McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348 • STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Sharon Anton, City Planner

Date: April 6, 2018

RE: April 17, 2018 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Variance*

Recommendation: Staff recommends approval of the variance requested by application V 18-03-04.

Background: Gemini Construction requests a variance from Article XV Section 1509(C) Table 4 of the Statesboro Zoning Ordinance regarding the minimum required setback for a freestanding sign permitted for installation July 17, 2017.

Budget Impact: None

Council Person and District: Vacant (District 5)

Attachments: Development Services Report V 18-03-04



City of Statesboro – Department of Planning & Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

V 18-03-04
VARIANCE REQUEST
416 NORTHSIDE DRIVE EAST

LOCATION: 416 Northside Drive East

REQUEST: Variance from Article XV Section 1509(C) Table 4 regarding the minimum required setback for a previously installed freestanding sign in Sign District 2.

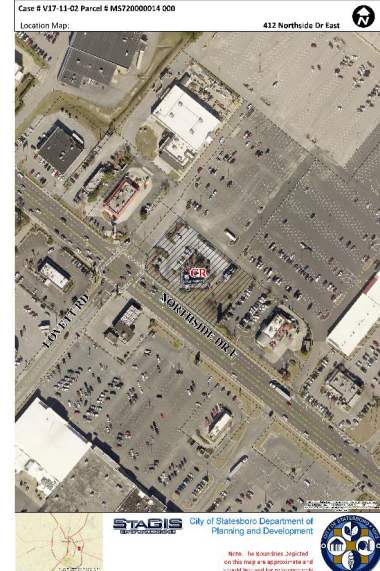
APPLICANT: Gemini Construction Co., LLC

OWNER(S): Southern Square, LLC

ACRES: 1.15 acres

PARCEL TAX MAP #: MS□2 000014 000

COUNCIL DISTRICT: District 5 (Vacant)



PROPOSAL:

The applicant requests a variance from Article XV Section 1509(C) Table 4 of the *Statesboro Zoning Ordinance* regarding the minimum required setback for a freestanding sign permitted for installation July 17, 2017 (See **Exhibit A** – Location Map).

BACKGROUND:

Checkers Drive-In was the previous tenant at the location. Currently, the site is undergoing construction of an Aspen Dental personal services facility and an AT&T retail store. The property owner agreed to remove the original Checkers Drive-in pylon sign and was approved for a 29.41 sq. ft. multiple-tenant freestanding sign in July 2017 (See **Exhibit D**—Permit 3021).

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail)	Food Service Facilities and Retail Establishments
SOUTH:	CR (Commercial Retail)	Food Service Facilities and Retail Establishments
EAST:	CR (Commercial Retail)	Food Service Facilities and Retail Establishments
WEST	CR (Commercial Retail)	Food Service Facilities and Retail Establishments

The subject property is located within the CR (Commercial Retail) district and lies across Northside Drive East from Statesboro Mall. Surrounding parcels include mixed uses, such as restaurants and retail shops (See **Exhibit A** – Location Map, **Exhibit B**—Future Development Map and **Exhibit C**—Photos of Subject Site).

COMPREHENSIVE PLAN:

The subject site lies within the “Activity Centers/Regional Centers” character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Master Plan*. The “Activity

Centers/Regional Centers” character areas are currently dominated by auto-oriented design and large surface parking lots. The Activity Centers will evolve into pedestrian-oriented shopping, office, and entertainment places that may also accommodate high-density residential development. Where excess parking is located, infill development can break up large surface lots. Tree plantings and landscaping will be generous to soften the development intensity in these areas. Access to these activity centers will be easily achieved for pedestrians, cyclists, and drivers alike (See **Exhibit B** – Future Development Map).

Some suggested development and implementation strategies for the “Activity Centers/Regional Centers” character area include the following:

- Encourage infill, new, and redevelopment to build close to the street.
- New developments that contain a mix of residential, commercial uses and community facilities at small enough scale and proximity to encourage walking between destinations

Statesboro Comprehensive Master Plan, Community Agenda page 23.

In addition, the Future Development Map and Defining Narrative section of the Comprehensive Plan states the following:

“Statesboro residents have expressed dissatisfaction with a variety of features in the community which clutter streetscapes and obstruct natural landscape features -particularly on major corridors entering and exiting the community. While City leadership has acknowledged the need to comprehensively update land development regulations to holistically address aesthetic concerns, there exist a number of individual topics which can be addressed by ordinance amendments in the short-term. Signs (attached and detached) should be managed by incorporating uniform design features, and by restricting billboards and other off-premise signage which distract from traffic control signage and compete with local and other on-site businesses.”

Statesboro Comprehensive Master Plan, Community Agenda page 11.

ANALYSIS:

I. Variance from Article XV Section 1509(C) Table 4: Sign District 2 Dimensional Standards to permit a retroactive variance for the installation of a freestanding sign inside the required setback.

The applicant is requesting a variance from Article XV (Signs) regarding the minimum required setback for a freestanding sign. Article XV (Signs) Section 1509 of the *Statesboro Zoning Ordinance* regulates the dimensional standards for all freestanding signs within the City of Statesboro. The subject site is located in the CR (Commercial Retail) zoning district and is regulated by the dimensional standards of Sign District 2 (See **Exhibit D**—Section 1509(C) Table 4). The ordinance states freestanding signs are “not allowed” for Individual establishments within a planned commercial development; however, the applicant removed the original Checkers Drive-in pylon sign and was allowed to install one (1) multi-tenant sign in its place (See **Exhibit D**—Section 1509(C) Table 4).

The applicant’s intention is to decrease the minimum required setback from five feet to 4.23 feet (See **Exhibit E**—Proposed Signage Plans).

Sign District 2 Regulations	Applicant’s Request	Permitted
Freestanding Signs: Not allowed	One (1) 7.92 square feet tenant sign installed to a monument sign	Permitted July 2017 by property owner.

Section 1503(G) 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 of this ordinance [chapter] shall be applicable to the standards contained within this article.” 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;**
2. **The special conditions and circumstances do not result from the actions of the applicant;**
3. **The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.

STAFF RECOMMENDATION:

Staff recommends approval of the variance requested by application V 18-03-04.

PLANNING COMMISSION RECOMMENDATION:

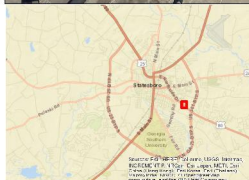
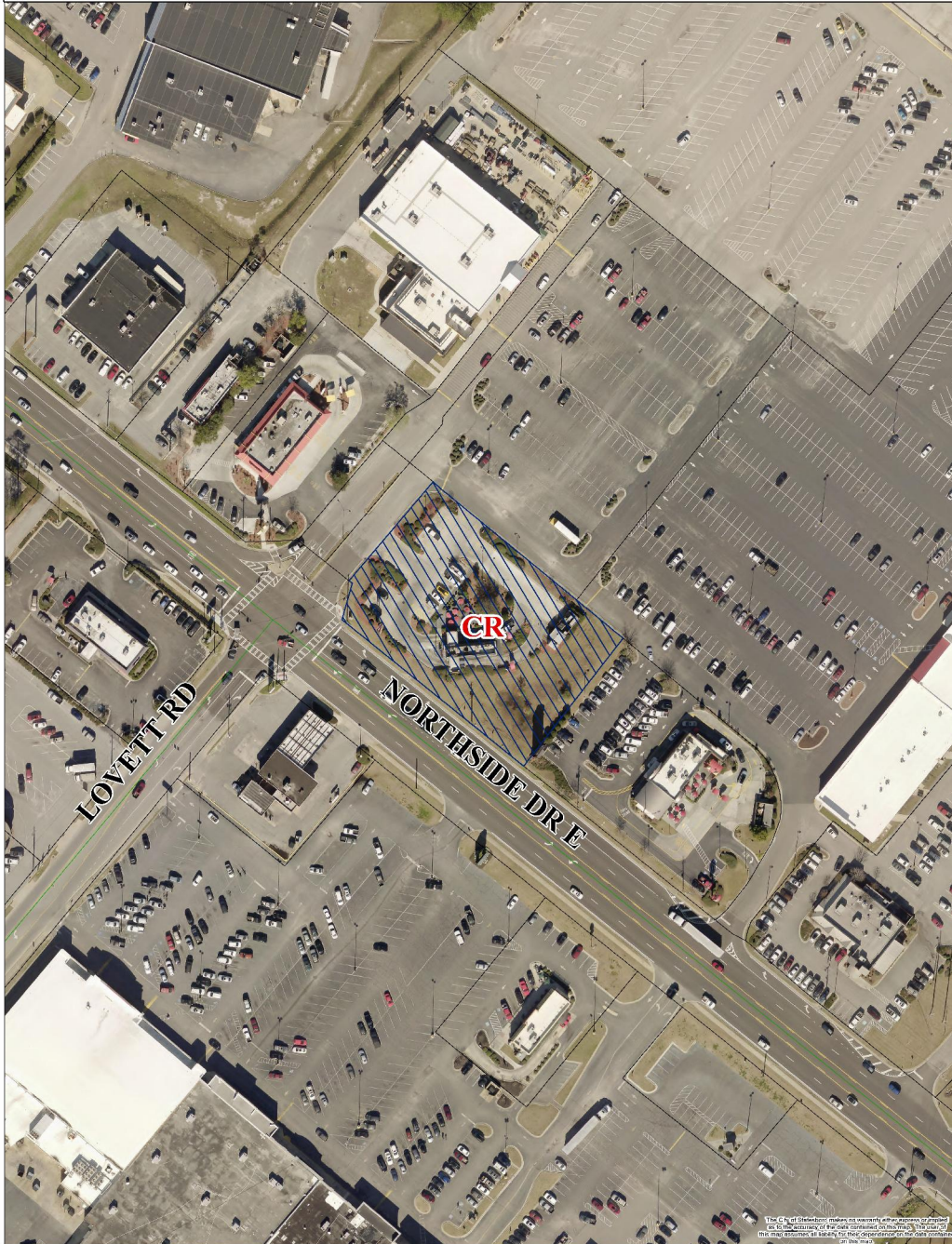
At the regularly scheduled meeting held April 3, 2018 at 5:00 PM, the Planning Commission voted 6-0 to approve the variance requested by application V 18-03-04.

EXHIBIT A: LOCATION MAP

Case # V18-03-04 Parcel # MS720000014 000

Location Map:

412/416 Northside Dr East



City of Statesboro Department of Planning and Development

Note: The Boundries Depicted on this map are approximate and should be used for reference only



EXHIBIT B: FUTURE DEVELOPMENT MAP

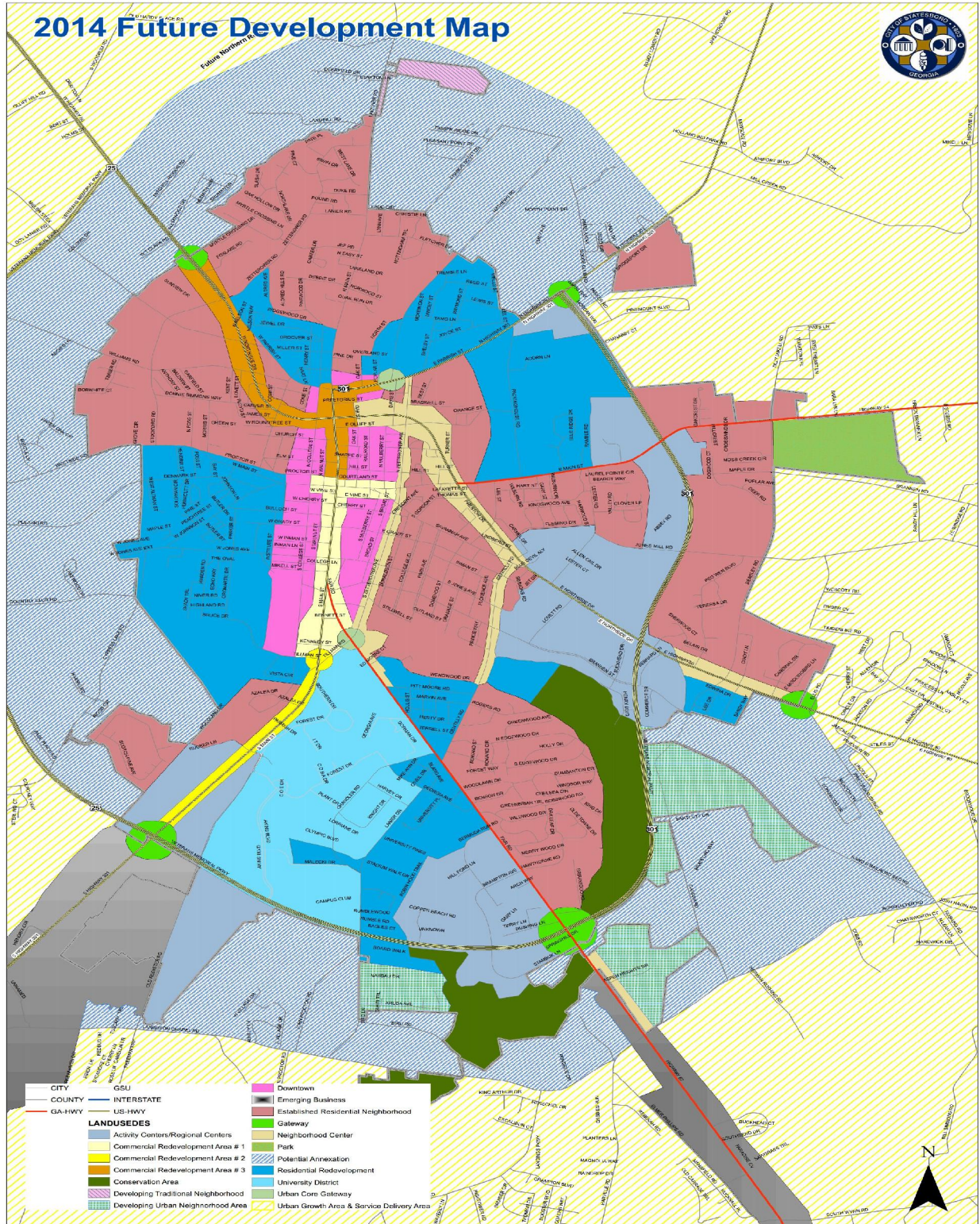


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: Subject Site Depicting Installed Freestanding Sign Facing Northside Drive East



Picture 2: Subject Site Depicting Installed Freestanding Sign Facing North-West



EXHIBIT D: SECTION 1509 TABLE 5

Table 4. Sign District 2 Dimensional Standards

TABLE INSET:

SIGN DISTRICT 2 (As defined in subsection 1509[A.2])	SIGN FOR AN INDIVIDUAL ESTABLISHMENTS ON AN INDIVIDUAL LOT	MAJOR SIGN FOR PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT	INDIVIDUAL ESTABLISHMENTS, SHOPS, ETC., WITHIN A PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT
AGGREGATE SIGN AREA*:			
1. Maximum Number of Total Square Feet (SF)*	250 square feet including freestanding and building sign	Size is based upon the overall floor space of the center as follows: 0-50,000 sf = 200 sf > 50,000 sf = 350 sf	Not applicable
FREESTANDING SIGNS**:			
2. Freestanding Sign Maximum Square Feet	150 square feet	Varies per overall floor space of the center (See "Aggregate Sign Area" herein)	Not applicable
3. Maximum Height	20' on St. or Fed. Frontage 8' on Local Frontage	25' on St. or Fed. Frontage 15' on Local Frontage	Not applicable
4. Setback Requirements	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	125 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>*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. Where a billboard is to be located on a lot in accordance with the provisions of section 1511 herein, the aggregate sign area shall not exceed the combined maximum number of total square feet permitted for the billboard, as established in subsection 1511(B), and the building sign.</p> <p>**Excludes billboards. Billboards shall be subject to the provisions of section 1511 of this article.</p> <p>*** 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.</p>			



CITY OF STATESBORO
Planning and Development
50 East Main Street
P.O. Box 348
Statesboro, GA 30459
912-764-0630

SIGN PERMIT

No. 3021

Business / Owner's Name: Aspen Dental / AT+T

Sign Location / Property Address: 412 + 416 Northside Drive East

Applicant: Matt Patrick 1150 Interstate Pkwy Augusta, Ga. 30909 706-434-1736

Contractor: Gemini Construction, LLC

Total Sign Area Approved:	<u>29.41 ft.²</u>	Permit Fee:	<u>\$79.41</u>
Permit Expiration (If applicable):		Required Setback from property line:	<u>5'</u>

Owner/Contractor is hereby authorized to construct, erect, replace, modify, change panels, or leave unchanged the sign(s) as specified below:

Description of Approved Work:

Install one (1) new multiple-tenant
free-standing monument sign.
Note: Sign must be installed in location
and at dimensions depicted on plans. Signs
must adhere to regulations set forth for
sign district 2, Article XV.

Approved by: [Signature]

Date: 7/17/2017

Note: The application submitted has been reviewed and approved in accordance with the submitted application (and any supporting documentation) and article XV of the Statesboro Zoning Ordinance. The approved sign(s) must be constructed and installed in accordance with Article XV of the Statesboro Zoning Ordinance and construction must be substantially complete within six (6) months of permit issuance for this approval to remain valid. Electronic changeable copy signs must remain static for a minimum of eight (8) seconds and incorporate no transitional sequence between messages such as dissolves, fading, scrolling or animation.

CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Travis L. Chance, District 5

Jonathan M. McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348 • STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Sharon Anton, City Planner

Date: April 6, 2018

RE: April 17, 2018 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Map Amendment and Variance*

Recommendation: Staff recommends approval of the zoning map amendment requested by application RZ 18-03-0 and the variance requested by application V 18-03-04.

Background: Ken Kitching requests a zoning map amendment for roughly .21 acres of a .73 acre parcel from the HOC (Highway Oriented Commercial) zoning district to the CR (Commercial Retail) zoning district. The applicant will subsequently subdivide the entire .73 acre parcel and construct an office building on the resulting .21 acre parcel. In addition, the applicant requests a variance from Article X Section 1003(A), which requires a minimum lot area of 10,000 square feet. Consideration should first be given to the variance request.

Budget Impact: None

Council Person and District: Vacant (District 5)

Attachments: Development Services Reports RZ 18-03-03 and V 18-03-05



City of Statesboro-Department of Planning and Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

RZ 18-03-03 & V 18-03-05
ZONING MAP AMENDMENT & VARIANCE REQUESTS
110 RUSHING LANE

LOCATION: 110 Rushing Lane

REQUEST: Rezone from HOC (Highway Oriented Commercial) to CR (Commercial Retail) zoning district and variance to reduce the minimum required lot size in the CR (Commercial Retail) zoning district

APPLICANT: Ken Kitching

OWNER(S): A&K LLC

ACRES: .73 acres

PARCEL TAX MAP #: MS75 000009 003

COUNCIL DISTRICT: 5 (Vacant)



PROPOSAL:

The applicant is requesting a zoning map amendment for roughly .21 acres of a .73 acre parcel from the HOC (Highway Oriented Commercial) zoning district to the CR (Commercial Retail) zoning district. The applicant will subsequently subdivide the entire .73 acre parcel and construct an office building on the resulting .21 acre parcel.

In addition, the applicant requests a variance from Article X Section 1003(A), which requires a minimum lot area of 10,000 square feet. Consideration should first be given to the variance request (See **Exhibit A**—Location Map, **Exhibit B**—Proposed Plat, **Exhibit C**—Photos of Subject Site).

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail)	Mobile home dwelling units
SOUTH:	PUD/R4/CR (Planned Unit Development with High Density Residential District and Commercial Retail Overlay)	Group of apartment houses
EAST:	HOC (Highway Oriented Commercial)	Retail or wholesale establishments
WEST:	HOC (Highway Oriented Commercial)	Vacant

Properties to the north and south are predominantly residential structures, while properties to the east and west contain a range of uses including a professional business office and vacant land. (See **Exhibit C**—Photos of Subject Site).

COMPREHENSIVE PLAN:

The subject site lies within the "Activity Centers/Regional Centers" character area as identified by the City of Statesboro 2014 Future Development Map (See **Exhibit D—2014 Future Development Map**) within the City of Statesboro Updated 2014 Comprehensive Plan.

Vision:

Currently dominated by auto-oriented design and large surface parking lots, the Activity Centers will evolve into pedestrian-oriented shopping, office, and entertainment places that may also accommodate high-density residential development. Where excess parking is located, infill development can break up large surface lots. Tree plantings and landscaping will be generous to soften the development intensity in these areas. Access to these activity centers will be easily achieved for pedestrians, cyclists, and drivers alike.

Appropriate Land Uses

- Small, mid-size, and regional retail and commercial, including big box stores.
- Redeveloped shopping center should be encouraged to include diverse uses and pedestrian-scaled elements.
- Diverse mix of higher density housing types, such as multi-family, town houses, apartments, lofts, and condos.
- Entertainment
- Services
- Employment Centers
- Office
- Medical
- Multi-Family

Suggested Development & Implementation Strategies

- Infill and redevelopment in these areas should occur according to a master plan that allows for mixed uses, transportation choices and urban design that mitigates the appearance of auto-dependence (such as screening parking lots or locating parking areas primarily to the sides and rear of buildings). New development should respect historic context of building mass, height and setbacks.
- Focus on redevelopment in areas of disinvestment (such as those that have become or are in danger of becoming greyfields⁴). Development strategy should encourage uses and activities that are suitable for the immediately-surrounding character areas.

Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 26.

COMMUNITY FACILITIES AND TRANSPORTATION:

The subject property is currently serviced by city utilities, sanitation, and public safety. No significant impact is expected on community facilities or services as a result of this request.

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard area. 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 subject parcel is currently zoned HOC (Highway Oriented Commercial) and the applicant has immediate plans to construct an office building. The applicant proposes the subdivision of the parcel to accommodate the sale of the existing structure.

- I. **Application RZ 18-03-03: Whether or not to grant a zoning map amendment for the proposed subdivision of a portion of one (1) parcel from HOC (Highway Oriented Commercial) to CR (Commercial Retail) zoning district**

The request to rezone the subject properties should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's primary land use policies: *The Statesboro Comprehensive Plan*, the

Statesboro Downtown Master Plan and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed CBD (Central Business District) zoning district for uses as set forth in the *Statesboro Zoning Ordinance*.

Section 2007 of the Statesboro Zoning Ordinance provides eight (8) standards for the Mayor and City Council to consider “in making its determination” regarding a zoning map amendment and “balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.” Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council’s consideration of the application:

- (1) Existing uses and zoning or (of) property nearby;
- (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.
- (7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;
- (8) Consistency with other governmental land use, transportation, and development plans for the community.

II. Application V 18-03-05: Whether or not to grant a variance from Article X Section 1003(A) to decrease the minimum required lot area for a parcel in the CR (Commercial Retail) zoning district from 10,000 square feet to 9,099 square feet

Section 1801 of the *Statesboro Zoning Ordinance* lists four factors that the Mayor and City Council should consider to be true when determining whether to grant a variance:

- (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;
- (2) The special conditions and circumstances do not result from the actions of the applicant;
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.

STAFF RECOMMENDATION:

Staff recommends approval of the zoning map amendment requested by application RZ 18-03-03 and the variance requested by applications V 18-03-05 with the following conditions:

CONDITIONS

1. Future signage must be multi-tenant; the installation of new, individual freestanding signage is prohibited.

PLANNING COMMISSION RECOMMENDATION:

At the regularly scheduled meeting held on April 3, 2018 at 5:00 PM, the Planning Commission voted 6-0 to approve the zoning map amendment requested by application RZ 18-03-03 and the variance requested by application V 18-03-05 with the staff recommended conditions:

CONDITIONS

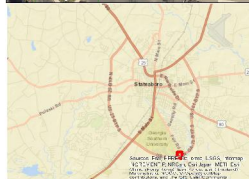
1. Future signage must be multi-tenant; the installation of new, individual freestanding signage is prohibited.

EXHIBIT A: LOCATION MAP

V18-03-05 & RZ18-03-03 Parcel # MS75000009 003

Location Map:

110 Rushing Lane

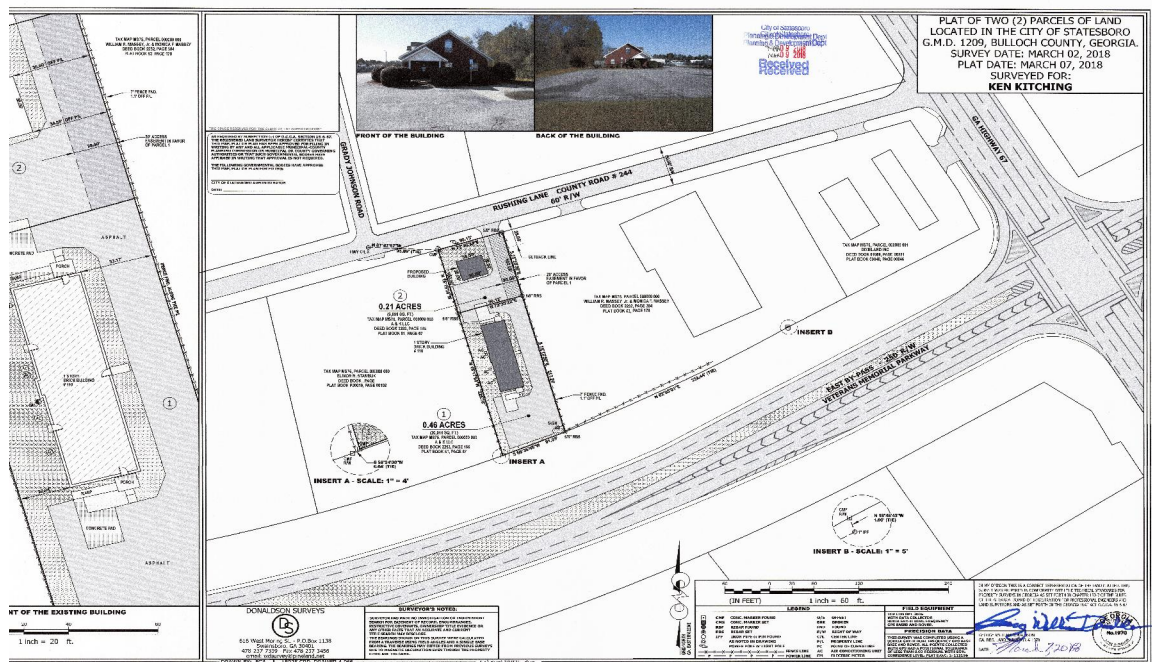


City of Statesboro Department of Planning and Development



Note: The Boundries Depicted on this map are approximate and should be used for reference only

EXHIBIT B: PROPOSED PLAT



(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 C: PHOTOS OF SUBJECT SITE

Picture 1: Subject Site Depicting Front Elevation



Picture 2: Rushing Lane Depicting Mobile Dwelling Units Across from Subject Site



EXHIBIT C: PHOTOS OF SUBJECT SITE

Picture 3: Rushing Lane Facing Fair Road at Entrance to Subject Site



Picture 4: Drive of Subject Site



EXHIBIT C: PHOTOS OF SUBJECT SITE

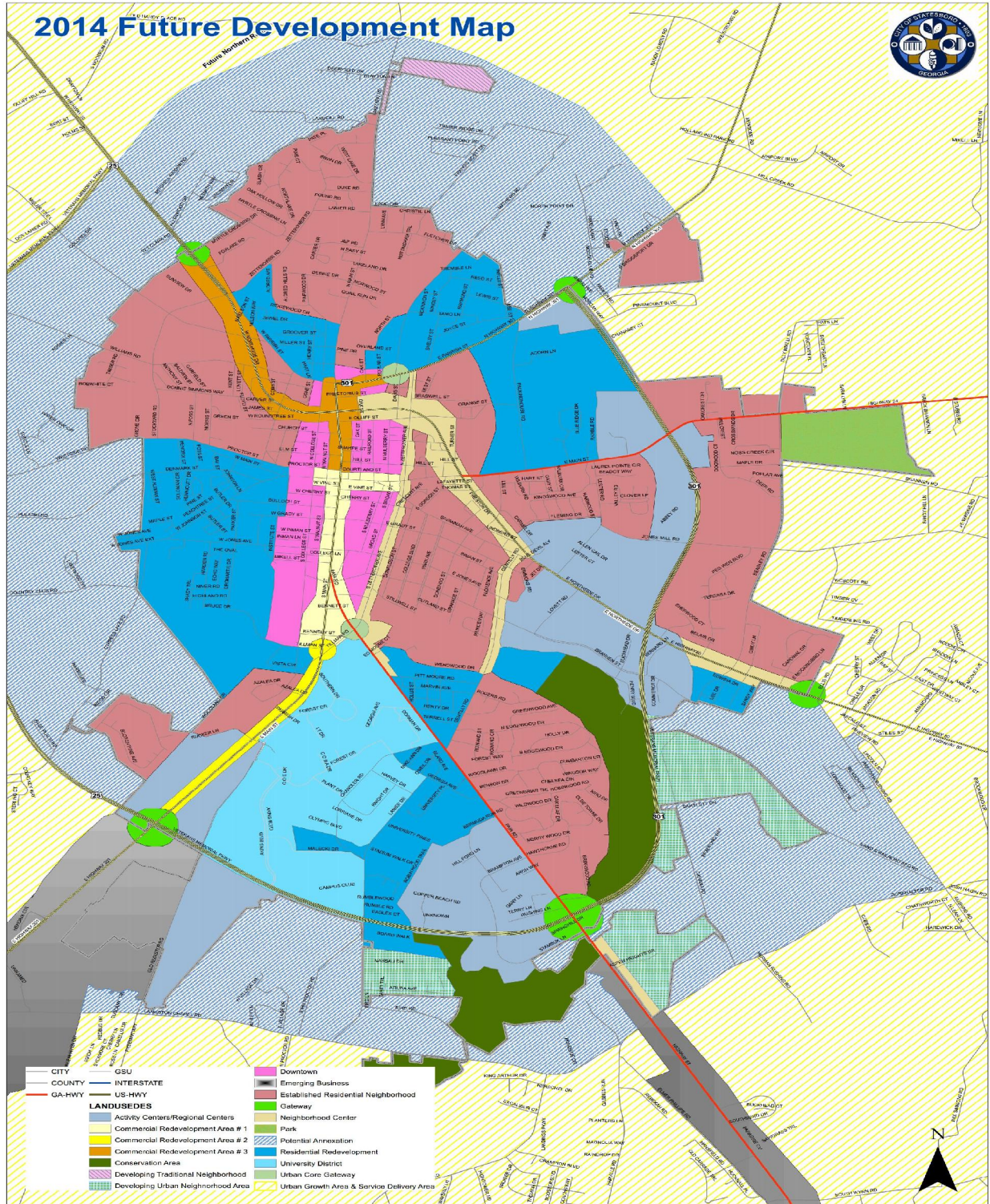
Picture 5: Rear of Subject Site



Picture 6: Rear Elevation of Subject Site



EXHIBIT D: 2014 FUTURE DEVELOPMENT MAP



CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Travis L. Chance, District 5

Jonathan M. McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348 • STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Sharon Anton, City Planner

Date: April 6, 2018

RE: April 17, 2018 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Map Amendment*

Recommendation: Staff recommends approval of the zoning map amendment requested by application RZ 18-01-09 with conditions.

Background: L&S Acquisitions and CFN Partners, LLC request a zoning map amendment of a proposed subdivision of 6.8 acres of a 60.92 acre parcel located at Josh Hagin Road from the R8 (Single-Family Residential) and R10 (Single-Family Residential) zoning districts to the CR (Commercial Retail) zoning district to permit new retail construction (Tax Parcel 107 000009 000).

This application was tabled at the request of the applicant at the January 16, 2018 City Council Meeting.

Budget Impact: None

Council Person and District: Vacant (District 5)

Attachments: Development Services Report RZ 18-01-09



City of Statesboro-Department of Planning and Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

RZ 18-01-09
ZONING MAP AMENDMENT REQUEST
JOSH HAGIN ROAD/S&S RAILROAD BED ROAD

LOCATION: Josh Hagin Road/S&S Railroad Bed Road

REQUEST: Request to rezone a proposed subdivision of 6.8 acres of a 60.92 acre parcel located at Josh Hagin Road from the R8 (Single-Family Residential) and R10 (Single-Family Residential) zoning districts to the CR (Commercial Retail) zoning district to permit new retail construction

APPLICANT: L&S Acquisitions and CFN Partners, LLC

OWNER(S): L&S Acquisitions and CFN Partners, LLC

ACRES: 60.92 acres; rezone proposed subdivision of 6.8 acres

PARCEL TAX MAP #: 107 000009 000

COUNCIL DISTRICT: 5 (Chance)



PROPOSAL:

The applicant is requesting a zoning map amendment from the R8 (Single-Family Residential) and R10 (Single-Family Residential) zoning districts to the CR (Commercial Retail) zoning district to permit new retail construction. The proposed 6.8 acre parcel would be subdivided from an existing 60.92 acre parcel that was annexed into the City of Statesboro in 2013 (See **Exhibit A** – Location Map, **Exhibit B** – Proposed Concept Plan).

BACKGROUND:

The subject property was annexed into the City of Statesboro on July 1, 2013 (See **Exhibit C** – Case AN 13-03-08 Judgment Letter). During the annexation process, the property was rezoned from R40 (Single Family Residential – Bulloch County) to the R8 (Single-Family Residential) and R10 (Single-Family Residential) zoning districts. Currently, the subject property is an undeveloped 60.92 acre site located on Josh Hagin Road fronting the S&S Greenway Trail and the applicant would like to subdivide a 6.8 acre portion of the parcel and rezone to the CR (Commercial Retail) zoning district.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R40 & R25 (Single Family Residential – Bulloch County)	Undeveloped
SOUTH:	R40 (Single Family Residential – Bulloch County)	Single-Family Dwelling Units and Undeveloped
EAST:	R25 (Single Family Residential – Bulloch County)	Undeveloped
WEST:	R3 (Single-Family Residential)—City of Statesboro and R40 (Single-Family Residential)--Bulloch County	Single-Family Dwelling Units and Undeveloped

The subject parcel is surrounded by property that is zoned for single-family uses located in both Bulloch County and City of Statesboro. Actual uses range from single family homes to undeveloped with Bradford Place (residential) Subdivision being to the southwest located in Bulloch County (See **EXHIBIT C**—Photos of the Subject Site).

COMPREHENSIVE PLAN:

The subject site lies within the “Developing Urban Neighborhood Area” character area as identified by the City of Statesboro 2014 Future Development Map (See **EXHIBIT E**—2014 Future Development Map) within the *City of Statesboro Updated 2014 Comprehensive Plan*.

Vision:

The residential areas in the Developing Urban Neighborhood Areas are located in newly developing or redeveloping areas of the City. The developments in this area will primarily be characterized by urban style housing, likely with clustered densities, green space, and a higher level of resident amenities. Nodal commercial development should also be included to serve the needs of resident. New developments should strive to increase connectivity within developments, to existing streets, and to adjacent undeveloped properties. Sidewalk facilities should be located along major roadways and along neighborhood streets. Pedestrian access should remain a priority.

Appropriate Land Uses

- Neighborhood scale retail and commercial
- Small scale office
- Small lot single family residential
- Multifamily Residential
- Diverse mix of housing types, such as multi family, town homes, apartments, lofts, and condos
- Mixed residential and neighborhood scale retail, commercial, and office

Suggested Development & Implementation Strategies

- New development that reflect traditional neighborhood design principles, such as smaller lot, orientation to street, mix of housing types, pedestrian access to neighborhood commercial center.
- New development that contains a mix of residential, commercial uses and community facilities at small enough scale and proximity to encourage walking between destinations.
- Clustering development to preserve open space within site.
- Enlisting significant site features (view corridors, water features, farm land, wetlands, parks, trails, etc.) as amenity that shapes identify and character of development.
- Site plans, buildings design, and landscaping that are sensitive to natural features of the sites, including topography and views.
- Using infrastructure availability and planning to steer development away from areas of natural, cultural, and environmentally sensitive resources.
- New developments should provide recreational facilities and open space to meet the needs of their residents.
- Promote walking and bicycling as an alternative means of transportation through the provision of safe, accessible and connected networks and bike storage facilities at destinations.
- There should be good vehicular and pedestrian/bike connections to retail/commercial services as well as internal street connectivity, connectivity to adjacent properties/subdivisions, and multiple site access points.
- Whenever possible, connect to the existing and proposed network of bicycle paths and multi-use trails.

Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 19.

COMMUNITY FACILITIES AND TRANSPORTATION:

The subject property does not currently have complete access to City of Statesboro utilities. Both water and sewer main service lines are proposed to be extended to this area in the near future – with individual services and extensions to be provided by the developer. Other services such as sanitation and public safety services will be extended upon approval of this request.

Transportation networks to and within the site should be developed and designed prior to developmental approval of the site. Such networks should be designed for appropriate volumes, capacities, and uses and interconnected with the surrounding properties that are being considered for annexation along with this parcel.

ENVIRONMENTAL:

The subject property appears to be partially located within wetland areas and special flood areas. Any potential issues will be addressed during standard permitting processes and reviews.

ANALYSIS:

I. Application RZ 18-01-09: Whether or not to grant a zoning map amendment from the R8 (Single-Family Residential) and the R10 (Single-Family Residential) zoning districts to the CR (Commercial Retail) zoning district

The request to rezone the proposed subdivided parcel from the R8 (Single-Family Residential) and the R10 (Single-Family Residential) zoning districts to the CR (Commercial Retail) zoning district should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the *Statesboro Comprehensive Plan*, the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan* and the potential for the property to develop and be utilized in conformance with the requirements of the proposed CR (Commercial Retail) zoning district as set forth in the *Statesboro Zoning Ordinance*. Following is a brief comparison of the current zoning and the proposed zoning:

Current Zoning Compared to Requested Zoning

CR – Commercial retail districts allow for general retail, wholesale, office, and personal service establishments and health care uses. This district allows for more intense and less dense development, but allows for uses that are not as automobile dependent as the Highway Oriented Commercial District in which the principal use of land is for establishments offering accommodations and supplies or services to motorists and the traveling public and require more land area.

R8 – Single-family residential districts are restricted to single-family detached dwellings, educational and religious facilities, public utilities and non-recreational uses, to name a few. Lots in this district are required to have a minimum 8,000 square foot lot area.

R10 – Single-family residential districts are restricted to single-family detached dwellings, educational and religious facilities, public utilities and non-recreational uses, to name a few. Lots in this district are required to have a minimum 10,000 square foot lot area.

Section 2007 of the Statesboro Zoning Ordinance provides eight (8) standards for the Mayor and City Council to consider “in making its determination” regarding a zoning map amendment in “balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.” Those standards are as follows:

- (1) Existing uses and zoning or (of) property nearby;**
- (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.**
- (7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas; and**
- (8) Consistency with other governmental land use, transportation, and development plans for the community.**

STAFF RECOMMENDATION:

Staff recommends approval of the zoning map amendment requested by application RZ 18-01-09 with the following conditions:

CONDITION

1. Subdivision, design, and development of the property shall be in conformance with the requirements of all developmental standards of the City of Statesboro.

PLANNING COMMISSION RECOMMENDATION:

At its regularly scheduled meeting, held Tuesday, January 2, 2018, the Planning Commission voted 7-0 to approve the zoning map amendment requested by application RZ 18-01-09 with staff recommended conditions:

CONDITION

1. Subdivision, design, and development of the property shall be in conformance with the requirements of all developmental standards of the City of Statesboro.

CITY COUNCIL RECOMMENDATION:

At its regularly scheduled meeting, held Tuesday, January 16, 2018, the Statesboro City Council voted 5-0 to table the item, at the applicant's request.

EXHIBIT A: LOCATION MAP

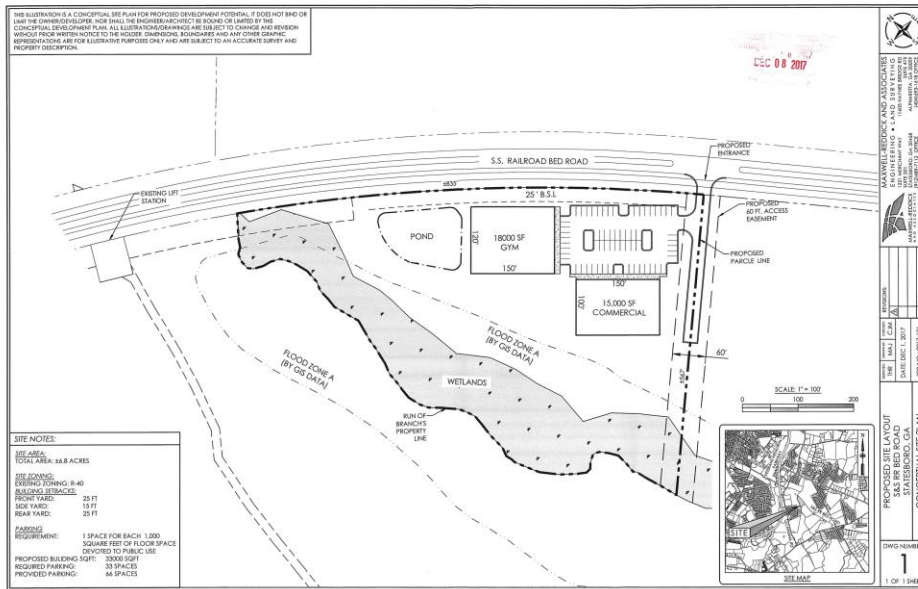


City of Statesboro Department of Planning and Development

Note: The Boundaries Depicted on this map are approximate and should be used for reference only



EXHIBIT B: CONCEPTUAL SITE PLAN



(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 C: CASE AN 13-03-08 JUDGMENT LETTER

CITY OF STATESBORO

COUNCIL
Thomas N. Blitch
John C. Riggs
William P. Britt
Travis L. Chance
Gary L. Lewis



Joe R. Brannen, Mayor
Frank Parker, City Manager
Sue Starling, City Clerk

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

August 22, 2013

Mr. Paul C. Beasley
1068 Cawana Road
Statesboro, GA 30461

RE: APPLICATION # AN 13-03-08 ANNEXATION REQUEST- (Josh Hagin Road).

Dear Mr. Beasley:

At its evening meeting on Tuesday, August 20, 2013, the Statesboro City Council **approved** the following request with staff recommended conditions:

APPLICATION # AN 13-03-09: George Terrell Beasley requests annexation by the 100 percent method of 60.92 acres of property located at Josh Hagin Road fronting the S&S Greenway Trail and for said property to be zoned from R40 (Single Family Residential Bulloch County) to R 8 and R 10 (Single Family Residential) City of Statesboro (Tax Parcel Number 107 000012 000).

STAFF RECOMMENDATION:

Staff recommends approval of the requested annexation with R8 & R10 (Single Family Residential) zoning designations requested by AN 13-03-08 with the following conditions:

1. Forty nine percent (49%) of the property acreage (approximately 29.85 acres) shall be zoned R10 – Single Family Residential – with 10,000 square feet minimum lot sizes.
2. Forty nine percent (49%) of the property acreage (approximately 29.85 acres) shall be zoned R 8 – Single Family Residential – with 8,000 square feet minimum lot sizes.
3. The R10 zone shall be designated along the property's border with the S&S Greenway Trail and the boundary with the adjacent Bradford Place residential subdivision.
4. Two percent (2%) of the property acreage (approximately 1.22 acres) shall be reserved for green open space for community use, but shall be privately maintained by the owner, developer, or appropriate association.
5. Transportation infrastructure planning and design for the property shall be designed and approved at subdivision platting stages and shall be based on approved City of Statesboro standards, specifications, and long range planning needs with approval from the City of Statesboro Engineer.

Georgia Municipal Association City of Excellence • Certified City of Ethics
Telephone: (912) 764-5468 • Fax: (912) 764-4691 • email: cityhall@statesboroga.net

EXHIBIT C: CASE AN 13-03-08 JUDGMENT LETTER (CONT.)

6. Subdivision, design, and development of the property shall be in conformance specifically with the requirements of the Statesboro Subdivision Regulations and all other developmental standards of the City of Statesboro.
7. Sidewalk connectors shall be added to Sallie Zettower Elementary School.

Annexation into the City of Statesboro and zoning of said property is effective as of July 1, 2013. Please be advised that the approval of the zoning map amendment permits the use of the property pursuant to the (Commercial Retail) zoning district regulations found in the *Statesboro Zoning Ordinance*. Any development of the property must first be properly reviewed and permitted by the City of Statesboro. Should you have any questions, please do not hesitate to contact me by phone or e-mail at 912-764-0630 or mandi.cody@statesboroga.gov .

Sincerely,



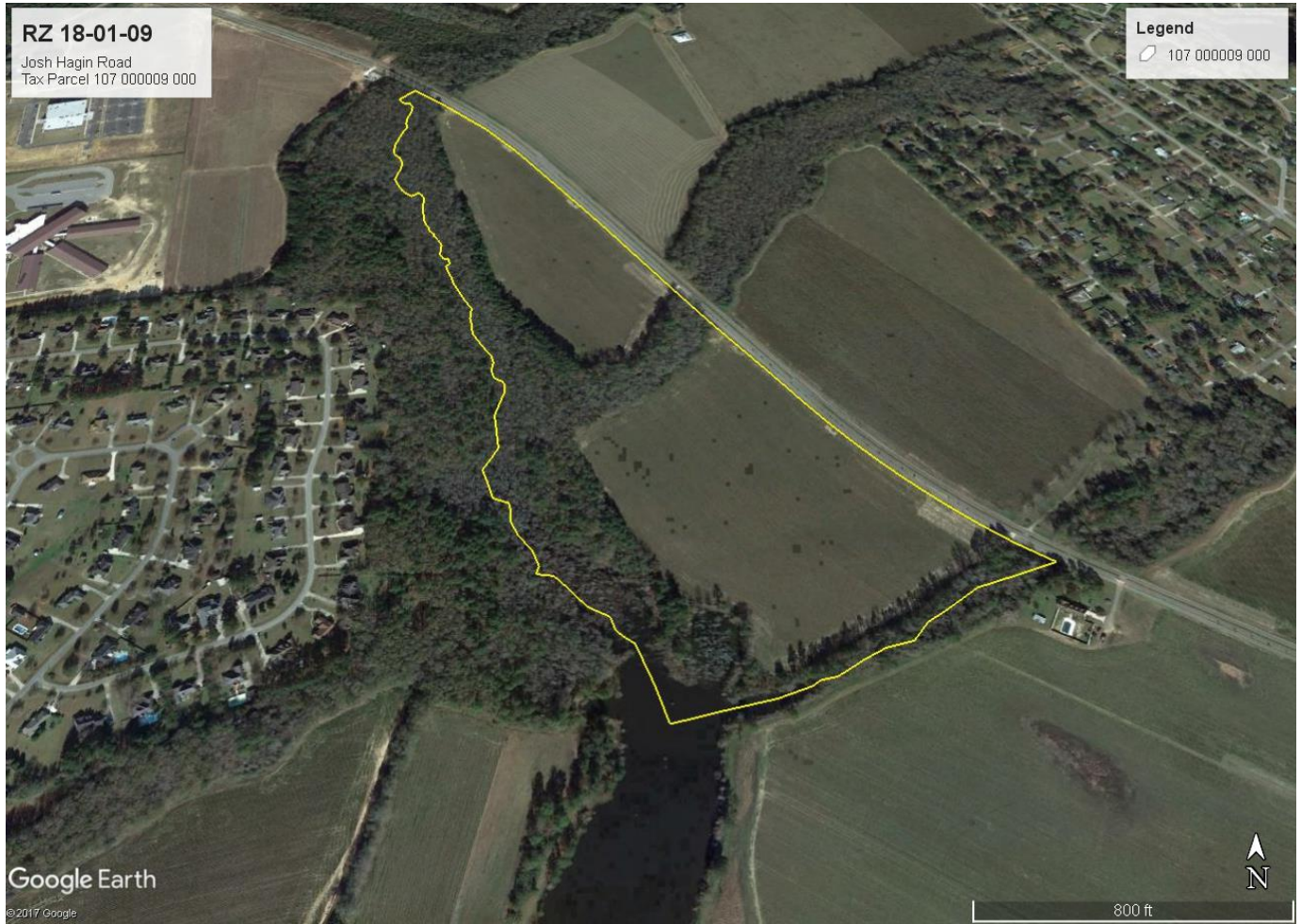
Mandi Cody
Director, Planning & Development

cc: Walter Ray Beasley, Executor
George T. Beasley, Executor
Planning Commission Members via email
Robert Cheshire, City Engineer via email
Justin Daniel, GIS Coordinator via email
Jim Anderson via e-mail

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EXHIBIT D: PHOTOS OF SUBJECT SITE

Picture 1: Aerial View of Subject Site



Picture 2: Subject Site Facing West



EXHIBIT D: PHOTOS OF SUBJECT SITE (CONT.)

Picture 3: Subject Site Facing Southwest



Picture 4: Subject Site Facing South Depicting the S&S Greenway Trail and S&S Railroad Bed Road

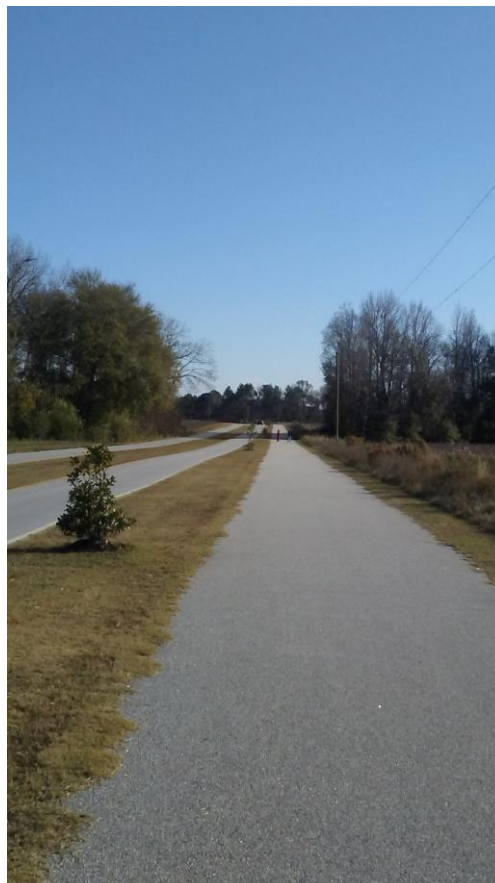
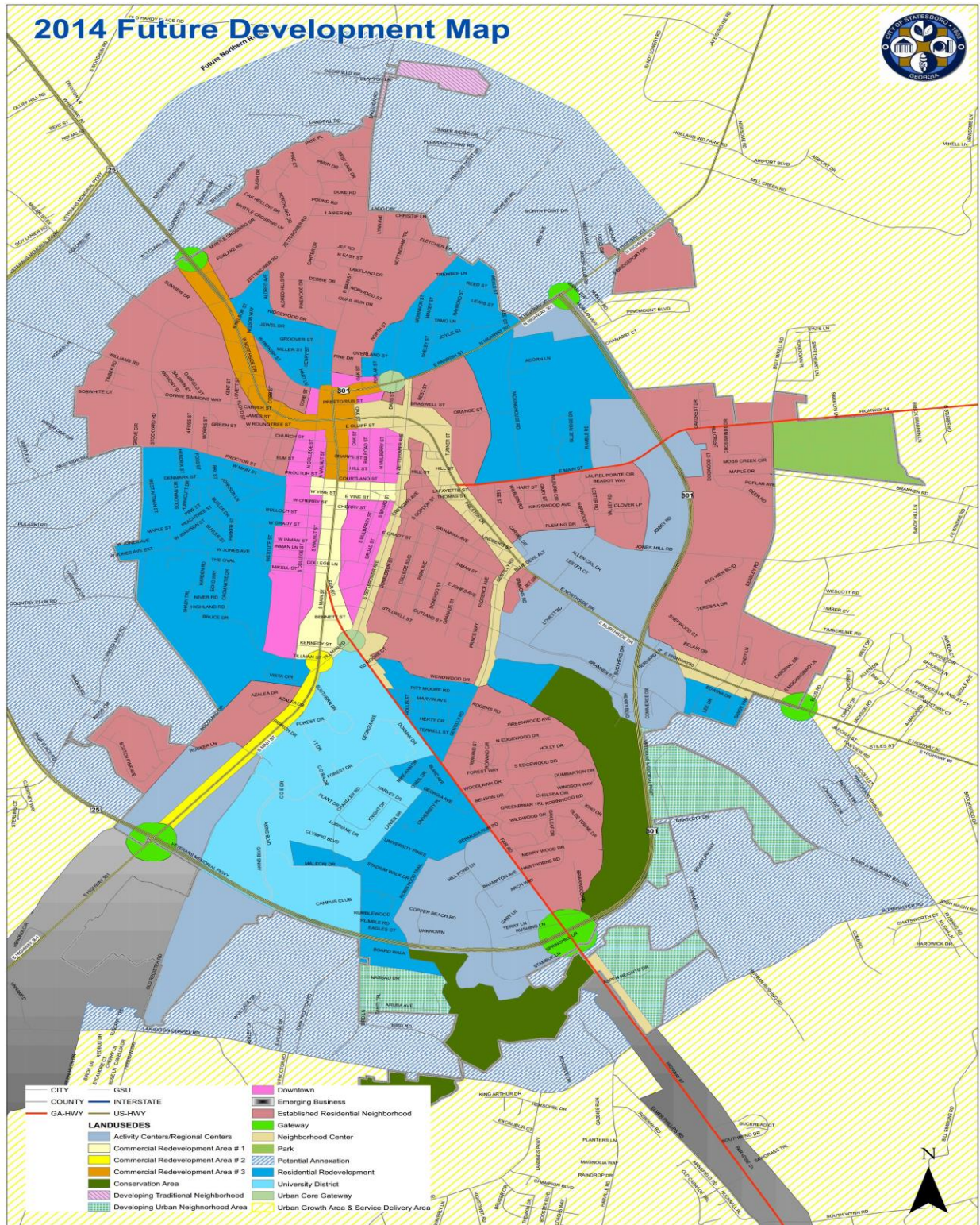


EXHIBIT E: CITY OF STATESBORO 2014 FUTURE DEVELOPMENT MAP



CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Travis L. Chance, District 5

Jonathan M. McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348 • STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Sharon Anton, City Planner

Date: April 6, 2018

RE: April 17, 2018 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Demolition Request*

Recommendation: Staff does not have a recommendation for the demolition requested by application DSDA 18-04-01.

Background: Northland Communications requests to demolish one (1) structure addressed 32 East Main Street, which is a contributing property to the remains of the East Vine Street Warehouse and Depot District. The property lies within the boundaries of the Downtown Statesboro Development Authority and requires a finding of necessity for proposed demolitions where the structure does not exceed 35 percent in structural damage and meets one of the criteria contained in Section 3003(D).

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report DSDA 18-04-01



City of Statesboro-Department of Planning and Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

**DSDA 18-04-01
 DEMOLITION REQUEST
 32 EAST VINE STREET**

LOCATION: 32 East Vine Street

REQUEST: Request for a finding of necessity for the demolition of one (1) structure located within the Downtown Statesboro Development Authority Design Standards District.

APPLICANT: Northland Communications Corp

OWNER(S): Northland Communications Corp

ACRES: 1.17 acres

PARCEL TAX MAP #: S29 000019 000

COUNCIL DISTRICT: District 2 (Sam Jones)



PROPOSAL:

The applicant would like to demolish one (1) structure addressed 32 East Main Street, which is a contributing property to the remains of the East Vine Street Warehouse and Depot District. The property lies within the boundaries of the Downtown Statesboro Development Authority, and requires a finding of necessity for proposed demolitions where the structure does not exceed 35 percent in structural damage and meets one of the criteria contained in Section 3003(D) (See **Exhibit A**—Location Map, **Exhibit B**—Photos of Subject Site and **Exhibit C**—Bulloch County Tax Assessor Parcel Information Card).

SURROUNDING ZONING/LAND USES:

	ZONING:	LAND USE:
NORTH:	CBD (Central Business District)	Food service facilities, retail or wholesale establishments, business or professional offices and office buildings
SOUTH:	LI (Light Industrial)	Retail or wholesale establishments
EAST:	CBD (Central Business District)	Personal services facilities
WEST:	CBD (Central Business District)	Personal services facilities

BACKGROUND:

The remains of the East Vine Street Warehouse and Depot District contains two (2) buildings—one (1) warehouse and one (1) depot. The extant structures in the district made a significant contribution to Statesboro’s economy during the late 19th and early 20th centuries. The applicant is proposing the demolition of one (1) of the remaining structures.

COMPREHENSIVE PLAN:

The subject site lies within the “Urban Core/Downtown” character area as identified by the City of Statesboro 2014 Future Development Map (See **EXHIBIT E**—2014 Future Development Map) within the *City of Statesboro Updated 2014 Comprehensive Plan* – which calls for the protection of “historic buildings from demolition or inappropriate restoration, which can degrade the architectural details of the structures” while encouraging the construction of multi-family residential uses in the area.

The *City of Statesboro Updated 2014 Comprehensive Plan* specifically mentions the subject site and encourages adaptive reuse (*Statesboro Updated 2015 Comprehensive Plan, Community Agenda* page 15).

Vision:

Downtown is the historic core of the city and should remain the activity and cultural hub of the region. In the Urban Core, traditional development patterns of buildings along the sidewalk and a lively streetscape should be respected and promoted. Historic buildings should be protected from demolition or inappropriate restoration which can degrade the architectural details of the structures. Additional residential opportunities, especially in the form of lofts or other residential over retail, should be promoted. Street-level uses should be reserved for retail, entertainment, or similar high activity uses.

Appropriate Land Uses

- Neighborhood-scale retail and commercial, especially niche market stores which serve as a destination
- Arts and entertainment venues
- Civic uses
- Office
- Neighborhood services
- Range of housing styles & price points
- Multifamily Residential
- Loft, mixed use, and urban residential, including small lot single-family residential along secondary streets
- Multi-story buildings with retail on the street and office/residential above
- Government offices & services

Suggested Development & Implementation Strategies

- Historic structures should be preserved or adaptively reused wherever possible.
- Create local historic districts.
- Economic development strategies should continue to nurture thriving commercial activity.
- New development should respect historic context of building mass, height and setbacks.
- Encourage mixed-use infill and redevelopment. Uses should typically transition across the rear of properties instead of across the street to soften the transition and maintain appropriate streetscapes.

Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 14.

TAX ALLOCATION DISTRICT REDEVELOPMENT PLAN:

The 2014 Tax Allocation District Redevelopment Plan (TAD) seeks to “encourage the private redevelopment of outmoded, highway-oriented commercial development into pedestrian friendly, mixed-use centers” to achieve the vision set forth in the 2011 Statesboro Downtown Master Plan and the 2009 and 2014 Comprehensive Plans. The plan does not set forth specific suggestions for this subject site. The parcel in this request is listed in the TAD under Appendix B (page 49) (See **Exhibit D**—List of Parcels Included in the TAD). The parcel had an appraised value of \$307,500, an assessed value of \$123,000 and a tax value of \$123,000, at the time the Tax Allocation Redevelopment Plan was written in December 2014. The assessed value increased to \$124,807, according to the 2017 valuation.

COMMUNITY FACILITIES AND TRANSPORTATION:

The subject properties are currently serviced by city utilities, sanitation, and public safety. No significant impact is expected on community facilities or services as a result of this request.

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard area. There is no expected environmental impact associated with this request. Any environmental issues associated with the proper demolition of the structure and/or removal and disposal of debris are the responsibility of the applicant.

ANALYSIS:

Whether or not a Finding of Necessity Should be Issued Authorizing the Demolition of the Structures Requested by Application DSDA 18-04-01:

The site contains one (1) of two (2) structures—one (1) warehouse and one (1) depot—comprising the remains of the East Vine Street Warehouse and Depot District. The warehouse dates from 1906-1908 and the frame depot (the current location of Northland Communications and the subject of this request) dates from 1923.

The National Park Service found that the East Vine Street Warehouse and Depot District important under the following NRHP criteria for evaluation:

- Criteria A: Places that are associated with events that have made a significant contribution to the broad patterns of our history; and
- Criteria C: Places that embody the distinctive characteristics of a type, period, or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction.

In addition, the East Vine Street Warehouse and Depot District's areas of significance include the following:

- Criteria A Areas of Significance: Commerce and transportation
- Criteria C Areas of Significance: Architecture

Narrative statement of significance (areas of significance) from the National Register of Historic Places Registration Form (July 1989):

"The East Vine Street Warehouse and Depot District played an important part in the historical development of downtown Statesboro and is eligible for nomination to the National Register of Historic Places as a part of the Statesboro multiple property listing. In support of National Register criteria C, the district is significant in the area of architecture for its depot and concentration of historic warehouse structures which developed in conjunction with the railroad. The utilitarian design featured on these buildings was common to early 20th-century warehouse districts around Georgia but is found in Statesboro only in this district. The district is also significant under National Register criteria A in the areas of commerce and transportation for its support of the economic expansion which occurred in Statesboro during the late 19th and early 20th centuries. This economic expansion has been credited to the Sea Island cotton market and the accessibility [sic] of the railroad.

"The district is significant in the area of commerce and transportation because it is associated with the two principal forces driving Statesboro's early 20th-century economic prosperity. Statesboro was founded in 1802, but its physical development did not commence until 1889 with the coming of the railroad and the increase in the production of Sea Island cotton. The East Vine Street Warehouse and Depot District is comprised of the extant structures directly associated with the railroad and cotton marketing. With its commerce directly tied to the Sea Island cotton market, Statesboro prospered from 1890 until the boll weevil caused dramatic damage to the crop in the 1920s. The Great Depression of the 1930s also had a detrimental effect on Statesboro's economy and the availability of marketable goods. The structures had been important for storing cotton and, to a lesser extent, other goods near the railroad. Cotton crop damage and the depression resulted in a smaller amount of goods that needed to be stored and transported. The Savannah and Statesboro Railroad Depot still stands within the district as reminder of the early 20th century when the railroads were the most convenient and economical method for overland conveyance of freight such as cotton and other agricultural products. The 1923 depot was constructed near the end of Statesboro's boom period.

"In terms of architecture, the buildings are significant for their early 20th-century utilitarian design, the purpose of which was to withstand heavy use. This simple, straightforward design is typical of similar buildings built throughout the state in the late 19th and early 20th centuries. Beyond their practical purpose, the buildings exhibit decorative features commonly found on commercial and warehouse structures constructed at the time in Georgia. These decorative features include signs painted on the sides of the structure for merchant identification, horizontal stepped parapets, segmental-arched windows and doors, and corbeled-brick cornices. L. R. Blackburn, a contractor associated with downtown Statesboro's development, has been given credit for some of the masonry construction within the district. The depot is the 1923 reconstruction of an 1899 depot which was destroyed by fire in 1922. The

late Victorian-style depot was reconstructed using the same plan as the original and was the last railroad depot constructed in pre-World War II Georgia.

“During the late 19th and early 20th centuries, Georgia county seats were shipping and transportation centers for their county. Cotton and other goods were then shipped from the county seat to port cities, such as Savannah. Because of the district’s association with the early 20th-century commercial expansion resulting from the Sea Island cotton trade and its continued importance as a transportation and warehouse center for Statesboro and Bulloch County, the district meets National Register criteria A. Because the district exhibits architectural design characteristics common to small-town, commercial and industrial structures of the early part of the 20th century, including corbeling, pressed-metal cornices, round- and segmental-arched windows, the district meets National Register criteria C.” (See **Exhibit F**—Historic Resources of Statesboro Map)

STAFF RECOMMENDATION:

Staff does not have a recommendation regarding application DSDA 18-03-04.

EXHIBIT A: LOCATION MAP

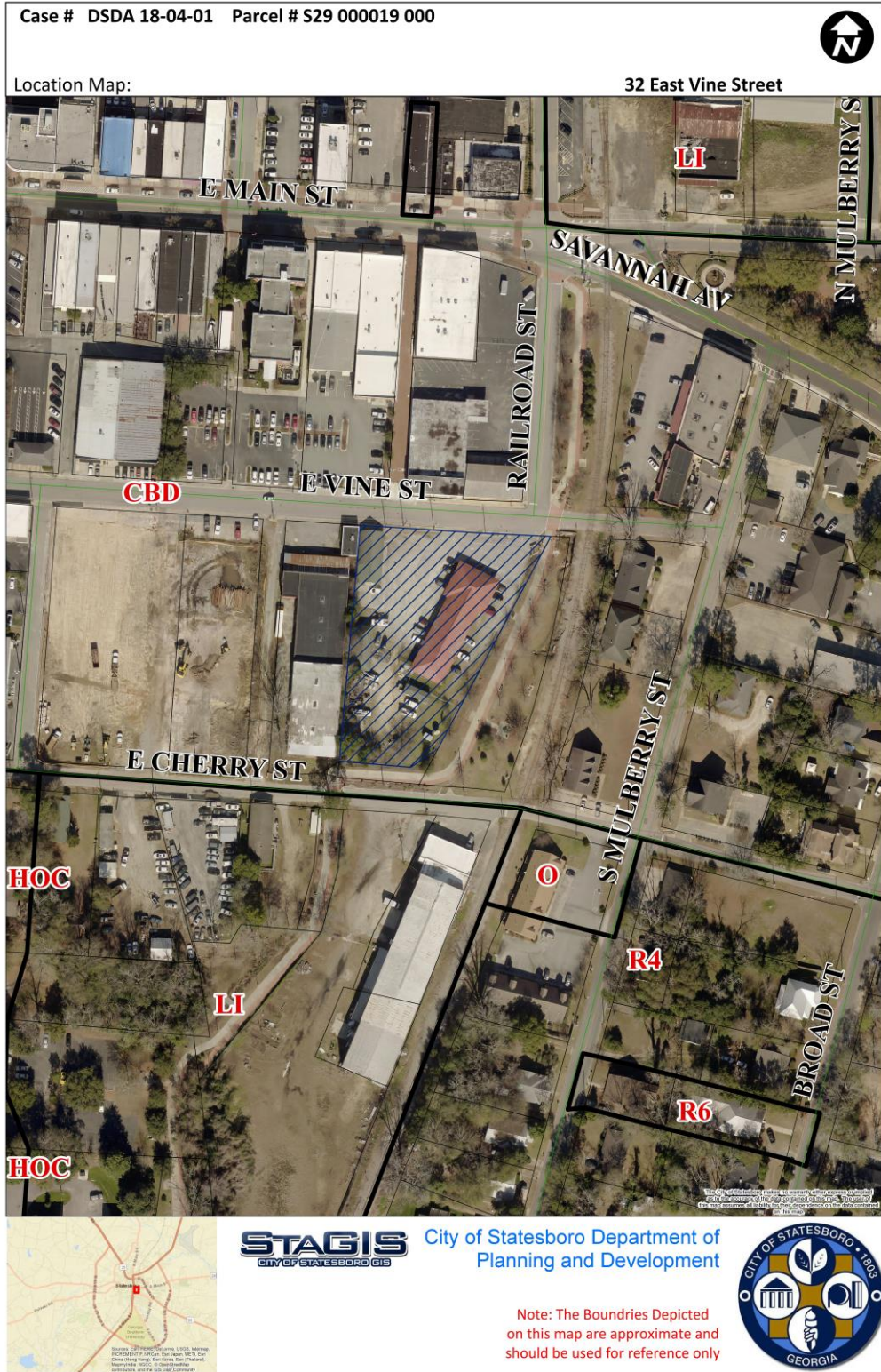


EXHIBIT B: PHOTOS OF SUBJECT SITE

Picture 1: Subject site depicting front elevation



Picture 2: Subject site depicting side elevation



EXHIBIT B: PHOTOS OF SUBJECT SITE

Picture 3: Subject site depicting rear of property and side elevation



Picture 4: Subject site depicting side and front elevation



EXHIBIT C: BULLOCH COUNTY TAX ASSESSOR PARCEL INFORMATION CARD

3/28/2018

qPublic.net - Bulloch County, GA



Summary

Parcel Number 529 000019 000
 Location Address 32 EAST VINE ST
 Legal Description NORTHLAND CABLE/VINE ST
 (Note: Not to be used on legal documents)
 Class C3-Commercial
 (Note: This is for tax purposes only. Not to be used for zoning.)
 Zoning CBD
 Tax District Statesboro TAD 1 (District 08)
 Millage Rate 29.333
 Acres 1.17
 Neighborhood 000034 (000034)
 Homestead Exemption No (50)
 Landlot/District N/A
 ACC/DES 0 /
 GMD 1209

[View Map](#)



Owner

NORTHLAND CABLE TELEVISION INC
 101 STEWART ST STE 700
 SEATTLE, WA 98101

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
COM	0034 - REGULAR - 1	Front Feet	0	230	310	0	0

Commercial Improvement Information

Description OFFICE BLDG
 Value \$179,209
 Actual Year Built 1960
 Effective Year Built 1985
 Square Feet 4272
 Wall Height 10
 Wall Frames
 Exterior Wall FRAME
 Roof Cover
 Interior Walls 100
 Floor Construction
 Floor Finish
 Ceiling Finish
 Lighting
 Heating HEAT HEAT PUMP / AC CENTRAL

Description OFFICE BLDG
 Value \$60,408
 Actual Year Built 1999
 Effective Year Built
 Square Feet 2640
 Wall Height 10
 Wall Frames
 Exterior Wall FRAME
 Roof Cover
 Interior Walls 100
 Floor Construction
 Floor Finish
 Ceiling Finish
 Lighting
 Heating HEAT HEAT PUMP / AC CENTRAL

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Utility Shed, Frame	2011	12x32 / 0	1	\$0
Canopy	1998	10x18 / 0	0	\$0
Fence - Chain Link	1998	6x1100 / 0	1	\$0
Garage, Frame, CB	1998	18x40 / 0	1	\$0
Paving Asphalt Parking	1960	1x4200 / 0	1	\$0

<https://qpublic.schneidercorp.com/Application.aspx?AppID=637&LayerID=11293&PageTypeID=4&PageID=4628&Q=189308326&Key=Value=S29+000019+000>

EXHIBIT C: BULLOCH COUNTY TAX ASSESSOR PARCEL INFORMATION CARD (CONT)

3/28/2018

qPublic.net - Bulloch County, GA

Permits

Permit Date	Permit Number	Type	Description
06/28/2017	PD1715	ADDITION	24X50 ADDITION TO LEFT SIDE OF IMP 2
07/06/2011	8646	ADDITION	20X24 ADDITION TO OFFICE BUILDING ON THE RIGHT SIDE OF PROPERTY ENTRANCE
10/01/1998	0000	STORAGE BLDG	
01/11/1998	4838	OFFICE	

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
4/1/1995	0076600394	0004900099	\$0	NM		NORTHLAND CABLE TELEVISION INC

Valuation

	2017	2016
Previous Value	\$307,500	\$307,500
Land Value	\$72,400	\$72,400
+ Improvement Value	\$239,617	\$235,100
+ Accessory Value	\$0	\$0
= Current Value	\$312,017	\$307,500
* Assessed Value	\$124,807	\$123,000

Photos



Sketches

<https://qpublic.schneidercorp.com/Application.aspx?AppID=637&LayerID=11293&PageTypeID=4&PageID=4628&Q=189308326&Key Value=S29+000019+000>

EXHIBIT D: LIST OF PARCELS INCLUDED IN THE TAX (PAGE 49)

City of Statesboro Tax Allocation District #1: South Main Redevelopment Plan

2014

GEOPIN	PARCEL_NO	Legal Description	DIG CLASS	TAXD ISTRIC	Appraised Vaue	Assessed Value	Tax Value
7879-43-7200	S27 000021 000	10 N/SIDE DR E/PCL 1B/STRIP	C	1	43,000	17,200	17,200
7879-43-7476	S27 000017 001	OAK ST	C	1	98,958	39,583	39,583
7879-43-7506	S27 000009 000	OAK STREET	C	1	57,000	22,800	22,800
7879-50-0120	S29 000027 001	LT 13/0.11 AC/EAST CHERRY	E	1	30,200	12,080	0
7879-50-0231	S29 000020 001	LT 14/CHERRY ST	E	1	4,100	1,640	0
7879-50-0327	S29 000020 000	WAREHOUSE/VINE ST	C	1	92,432	36,973	36,973
7879-50-1065	S29 000029 000	LOT A/ 0.0.43	C	1	298,220	119,288	119,288
7879-50-1200	S29 000019 001	LT15/CHERRY ST	E	1	14,600	5,840	0
7879-50-1336	S29 000019 000	NORTHLAND CABLE/VINE ST	C	1	307,500	123,000	123,000
7879-50-2351	S29 000018 000	E VINE ST	E	1	32,200	12,880	0
7879-50-3286	S29 000015 000	2 LTS/S MULBERRY ST	C	1	158,682	63,473	63,473
7879-50-4044	S29 000063 000	102 S MULBERRY STREET	R	1	70,579	28,232	28,232
7879-50-4316	S29 000016 000	LT 3/S MULBERRY ST	C	1	160,253	64,101	64,101
7879-50-4435	S29 000017 000	11 S MULBERRY ST	C	1	251,238	100,495	100,495
7879-50-5063	S29 000070 000	101 BROAD ST	R	1	15,400	6,160	6,160
7879-50-5106	S29 000064 000	0.225 AC/15 S MULBERRY ST	C	1	183,874	73,550	73,550
7879-50-5236	S29 000065 000	ZETT/S MULBERRY/LANIER	C	1	70,328	28,131	28,131
7879-50-6123	S29 000069 000	13 BROAD STREET	R	1	69,741	27,896	27,896
7879-50-6149	S29 000068 000	R PARKER/11 BROAD	R	1	73,751	29,500	29,500
7879-50-6276	S29 000067 000	9 BROAD ST	R	1	84,217	33,687	33,687
7879-50-6335	S28 000072 000	5 BROAD ST	C	1	276,352	110,541	110,541
7879-50-6407	S28 000073 001	S MULBERRY ST	C	1	334,667	133,867	133,867
7879-50-6454	S28 000073 000	S MULBERRY ST	C	1	76,000	30,400	30,400
7879-50-6576	S28 000078 000	112 SAVANNAH AVE	C	1	154,470	61,788	61,788
7879-50-6600	S28 000075 000	110 SAVANNAH AVE	C	1	189,525	75,810	75,810
7879-50-6926	S28 000097 000	109 & 111 E MAIN/ANDERSON	C	1	106,880	42,752	42,752
7879-50-7560	S28 000079 000	116 SAVANNAH AVE	C	1	237,533	95,013	95,013
7879-50-7955	S28 000090 000	115 E MAIN ST	R	1	8,000	3,200	3,200
7879-50-8945	S28 000089 000	117-119 E MAIN ST	R	1	74,470	29,788	29,788
7879-50-9947	S39 000012 000	123 E MAIN ST	C	1	68,190	27,276	27,276
7879-51-0343	S28 000111 000	46 OAK ST	C	1	25,200	10,080	10,080
7879-51-0529	S28 000116 000	AKINS BAIL BONDING	C	1	100,755	40,302	40,302
7879-51-0830	S28 000115 000	OAK STREET/LOT A	C	1	294,458	117,783	117,783
7879-51-1239	S28 000108A000	COURTLAND/RAILROAD ST	C	1	800	320	320
7879-51-1508	S28 000117 000	29 HILL ST/ LT C2	R	1	50,127	20,051	20,051
7879-51-1538	S28 000117 002	31 HILL STREET	R	1	41,072	16,429	16,429
7879-51-1810	S28 000120 000	RAILROAD ST	C	1	12,100	4,840	4,840
7879-51-2202	S28 000108 000	RAILROAD ST	C	1	26,100	10,440	10,440
7879-51-2517	S28 000118 000	HILL & R R ST	C	1	61,740	24,696	24,696
7879-51-2711	S28 000119 000	RAILROAD ST LOT D	C	1	47,550	19,020	19,020
7879-51-2825	S28 000117 001	LTS A,D/0.30 AC/OLD LIONS CLUB	R	1	48,105	19,242	19,242

Appendices

49

EXHIBIT E: CITY OF STATESBORO 2014 FUTURE DEVELOPMENT MAP

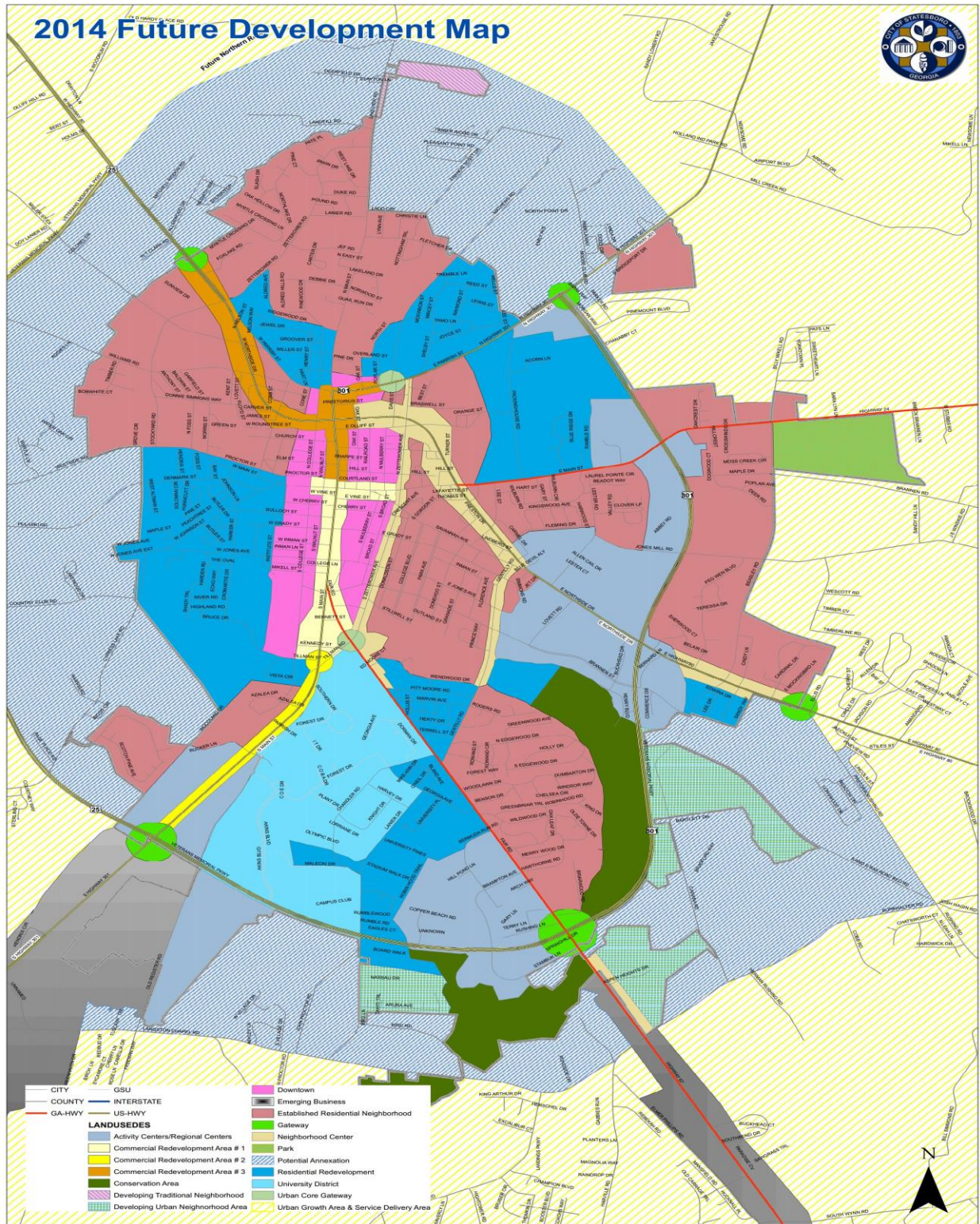
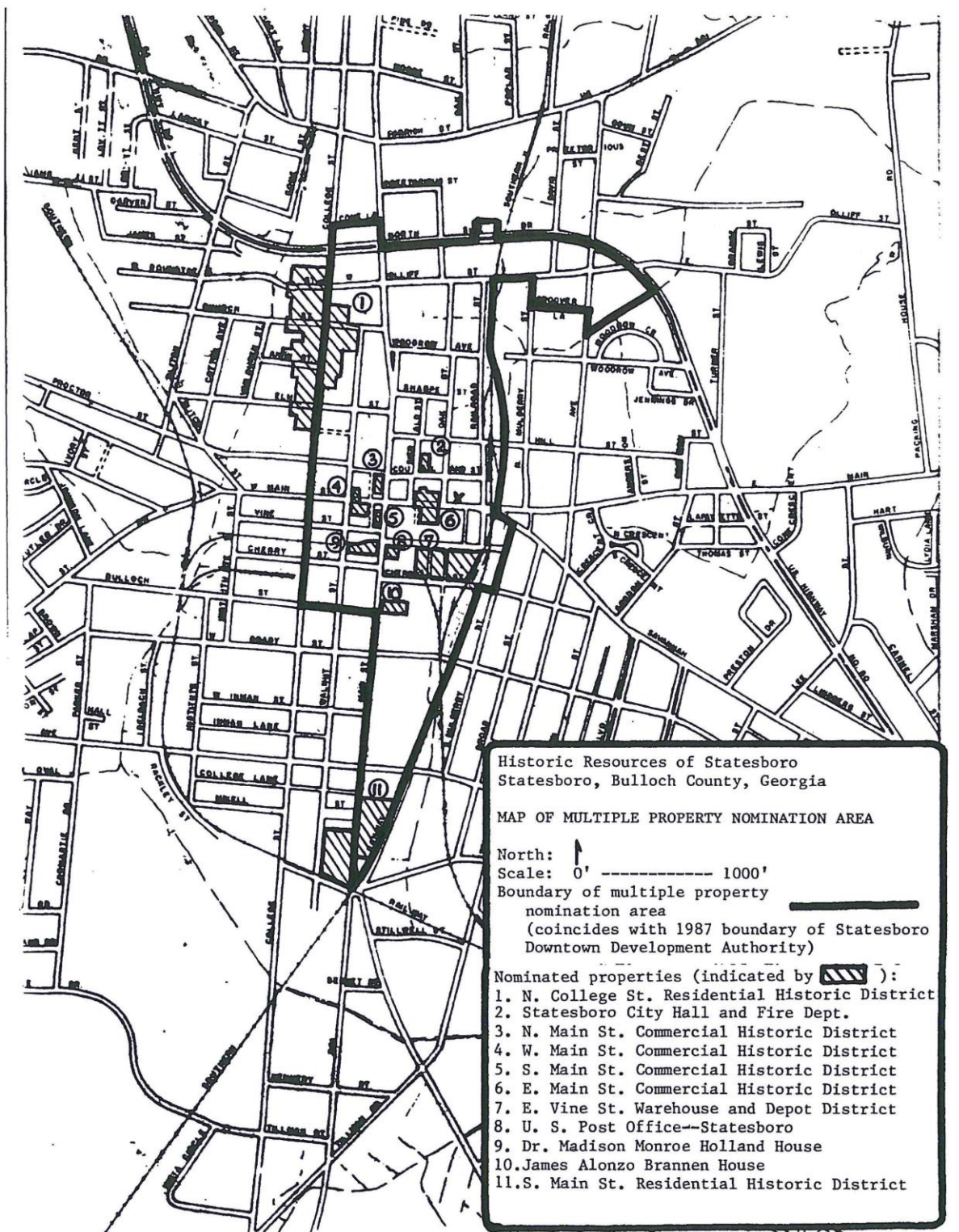


EXHIBIT F: HISTORIC RESOURCES OF STATESBORO MAP



CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs



Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: City Manager Randy Wetmore

From: City Clerk Sue Starling

Date: 04/10/2018

RE: Alcohol License Application

Policy Issue: Mayor and Council shall approve application in accordance with City of Statesboro Alcohol Ordinance Chapter 6 Sec 6-13(a)

(a) No new alcoholic beverage license to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer, or malt beverages within the corporate limits of the City of Statesboro shall be issued to a new owner or new location until the application has been approved by the mayor and city council after a public hearing.

Recommendation: Planning and Development, Fire, Police, Legal, Building and Engineering recommended approval.

Background: Applicants Vrundaben Patel

Budget Impact: None

Council Person and District: Jeff Yawn (District 3)

Attachments: Application and Department Approvals

PLEASE BE ADVISED THAT KNOWINGLY PROVIDING FALSE OR MISLEADING INFORMATION ON THIS DOCUMENT IS A FELONY PURSUANT TO O.C.G.A. §16-10-20 WHICH STATES:

A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES
CITY OF STATESBORO, GEORGIA

The undersigned applicant hereby applies to the City of Statesboro, Georgia for a license to sell alcoholic beverages within the corporate limits of the City of Statesboro. A non-refundable TWO HUNDRED dollar (\$200.00) application fee must be tendered with the application. (cash, credit card, certified check, or money order, checks should be made payable to the City of Statesboro.)

1. BUSINESS TRADE NAME: JAY SHREE AMBE 2018 INC
D/B/A Name

2. APPLICANT'S NAME: JAY SHREE AMBE 2018 INC
(Name of partnership, llc, corporation, or individual)

3. BUSINESS LOCATION ADDRESS: 118 LANIER DR STATESBORO STE# _____

4. BUSINESS MAIL ADDRESS: 12 CLUB HOUSE DR

CITY: SAVANNAH STATE: GA ZIP CODE: 31419

5. LOCAL BUSINESS TELEPHONE NUMBER: (912) 871 - 6709

CORPORATE OFFICE TELEPHONE NUMBER: (912) 871 - 6709

6. CONTACT NAME FOR BUSINESS: VRUNDABEN PATEL

TELEPHONE NUMBER FOR CONTACT PERSON: 912 - 601 - 1597

7. NAME OF MANAGER: VRUNDABEN PATEL

8. PURPOSE OF APPLICATION IS: (CHECK ALL THAT APPLY)

NEW MANAGER _____ NEW BUSINESS: _____ NEW OWNER:

PREVIOUS OWNER'S NAME: MARROUK HAWAT

BUSINESS NAME CHANGE: PREVIOUS BUSINESS NAME: FAST & EASY

ADDRESS CHANGE: _____ PREVIOUS ADDRESS: 118 Lanier Dr, Statesboro - GA 30458

LICENSE CLASS CHANGE: BEER WINE LIQUOR _____ OTHER _____

9. INDICATE WHERE BUSINESS WILL BE LOCATED:

Above Ground Street or Ground Floor Level

SEC. 6-10(D) ANY PERSON WITHIN THE CITY OF STATESBORO WHO WORKS AS A BOUNCER, EITHER AS AN EMPLOYEE, AGENT, OR SUBCONTRACTOR WHOSE RESPONSIBILITIES IN AN ESTABLISHMENT THAT IS LICENSED TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION SHALL HAVE THEIR ALCOHOLIC BEVERAGE SECURITY PERMIT ON THEIR PERSON AT ALL TIMES WHILE ACTING AS AN EMPLOYEE, AGENT OR SUBCONTRACTOR OF THE LICENSEE. AN ALCOHOLIC BEVERAGE SECURITY PERMIT SHALL BE READILY AVAILABLE FOR INSPECTION UPON THE REQUEST OF ANY STATESBORO POLICE DEPARTMENT OFFICER, CITY CODE ENFORCEMENT OFFICER, OR THE CITY MANAGER OR HIS DESIGNEE.

DOES ANY EMPLOYEE DESCRIBED IN THE ABOVE PARAGRAPH HAVE AN ALCOHOLIC BEVERAGE SECURITY PERMIT? YES NO (PERMIT SHALL BE OBTAINED FROM THE STATESBORO POLICE DEPARTMENT)

CALCULATION OF BASIC LICENSE FEE: FOR CALENDAR YEAR 2018

<u>CLASSIFICATION</u>	(Mark All That Apply)	<u>LICENSE FEE</u>
Class B, Retail Beer Package	<input checked="" type="checkbox"/>	875.00
Class C, Retail Wine Package	<input checked="" type="checkbox"/>	875.00
Class D, Retail Liquor by the Drink	<input type="checkbox"/>	1,425.00
Class E, Retail Beer by the Drink	<input type="checkbox"/>	1,425.00
Class F, Retail Wine by the Drink	<input type="checkbox"/>	1,425.00
Class G, Wholesale Liquor	<input type="checkbox"/>	1,500.00
Class H, Wholesale Beer	<input type="checkbox"/>	1,500.00
Class I, Wholesale Wine	<input type="checkbox"/>	1,500.00
Class J, Licensed Alcoholic Beverage Caterer	<input type="checkbox"/>	200.00
Class K, Brewer, Manufacturer of Malt Beverages Only	<input type="checkbox"/>	1,750.00
Class L, Broker	<input type="checkbox"/>	1,750.00
Class M, Importer	<input type="checkbox"/>	1,750.00
Class O, Manufacture on Wine Only	<input type="checkbox"/>	1,750.00
Sunday Sales Permit	<input checked="" type="checkbox"/>	300.00
In Room Service Permit	<input type="checkbox"/>	150.00

Georgia Law (O.C.G.A. Section 3-3-7) states: "The sale of alcoholic beverages is lawful for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging."

Sunday sales permit holders are subject to audit for compliance with State Law. Each establishment is required to maintain Financial Records on food sales and alcohol sales by separate business location to demonstrate compliance with State and Local Law.

TOTAL ANNUAL LICENSE FEE: \$ 2050

PARTIAL YEAR CALCULATION IF APPLICABLE: \$ _____

Special Event Permit 50.00
Distance Waiver Application Fee 150.00
Alcohol Beverage Control Security Permit(Permit Shall Be Obtained From The Statesboro Police Department) 50.00

10. TYPE OF BUSINESS: (CHECK ONE) Individual Corporation Partnership L L C

(COMPLETE EITHER NUMBERS 11, 12 AND 13, AND/OR 14, 15 AND 16 IN THE SECTION BELOW)

11. IF APPLICANT IS AN INDIVIDUAL: Attach copy of trade name affidavit.

FULL LEGAL NAME: VRUNDABEN PATEL PHONE# _____

12. IF APPLICANT IS A PARTNERSHIP, L.L.C. or L.L.P.: Attach trade name affidavit, if an LLC or LLP, attach a copy of certificate of LLC or LLP as filed with the Clerk of Superior Court and trade name affidavit, a copy of your operating agreement and/or partnership agreement as well as other documents listed below that establish ownership rights of members or partners.

NAME AND ADDRESS OF PARTNERSHIP, LLC, or LLP: _____

DO YOU HAVE AN OPERATING AGREEMENT OR PARTNERSHIP AGREEMENT FOR THE LLC, LLP OR PARTNERSHIP? _____

IF NOT, WHAT DOCUMENTS ESTABLISH THE OWNERSHIP RIGHTS OF THE MEMBERS OR PARTNERS? _____

13. MEMBERS OF L.L.C. and/or PARTNERS:

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NUMBER _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

HAS EACH MEMBER OR PARTNER COMPLETED A FINANCIAL AFFIDAVIT TO ATTACH TO THIS APPLICATION? _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

CORPORATION-STOCKHOLDERS: All corporate applicants who are corporations shall list the names and address of all stockholders and the percentage of stock owned by each. If a named stockholder therein is another corporation, the same information shall be given for the Stockholding Corporation. If, during the life of the license, the identity of the stockholders or their percentage of ownership should change, that information shall be sent to the Finance Department.

14. IF APPLICANT IS A CORPORATION: Attach a copy of the articles of incorporation, trade name affidavit, current annual corporation registration with the Georgia Secretary of State, as well as the bylaws, the shareholders agreement, and other documents listed below that identify ownership rights.

NAME OF CORPORATION: JAY SHREE AMBE 2018 LLC
(Name shown exactly as in Articles of Incorporation or Charter)

HOME OFFICE: 12 CLUB HOUSE DR SAVANNAH GA 31419

MAIL ADDRESS IF DIFFERENT: _____

DATE AND PLACE OF INCORPORATION: OCT 12 2017 SAVANNAH GA

DO YOU HAVE A SHAREHOLDERS AGREEMENT? YES

IF NOT, WHAT DOCUMENTS ESTABLISH THE OWNERSHIP RIGHTS OF THE SHAREHOLDERS? _____

15. OFFICERS:

FULL LEGAL NAME: VRUN.DABEN PATEL PHONE# _____

FULL LEGAL NAME: VERENKUMAR PATEL PHONE# _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

16. STOCKHOLDERS (If Different from Officer Names)

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

HAS EACH OFFICER AND SHAREHOLDER COMPLETED THE FINANCIAL AFFIDAVIT ATTACHED TO THIS APPLICATION?

_____ (ATTACH ADDITIONAL PAGES IF NECESSARY)

17. If there is any individual or officer, who has resided at his current address less than five (5) years, complete information below.

NAME: _____ PHONE# _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

FULL NAME: _____ PHONE# _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

18. State name and address of owner of the property (Land and Building) where the business will be located.

BROOK HALLAT

19. Is the commercial space where the business is to be located rented or leased?

Answer: YES NO _____ If yes, state name of lessor or landlord and address, and provide a copy of the lease with this application.

BROOK HALLAT

20. Does any person or firm have any interest in the proposed business as a silent, undisclosed partner or joint venture; or has anyone agreed to split the profits or receipts from the proposed business with any persons, firm, company, corporation, or other entity.

Answer: YES _____ NO If yes, give name of person or firm and address and amount of percentage of profits or receipts to be split.

21. Is there anyone connected with this business that is not a legal resident of the United States and at least twenty-one (21) years of age?

Answer: YES _____ NO If yes, give full details on separate sheet.

If anyone connected with this business is not a U.S. Citizen, can they legally be employed in the United States.

Answer: YES _____ NO N/A _____ If yes, explain on a separate sheet and submit copies of eligibility.

22. Is there anyone connected with this business that has applied for a beer, wine, and/or liquor license from the City of Statesboro or other City or County in the State of Georgia, or other state or political subdivision and been denied such?

Answer: YES _____ NO If yes, give full details on separate sheet.

23. Is there anyone connected with this business who holds another alcohol license in any retail category or any license under any wholesale category?

Answer: YES _____ NO If yes, give full details on separate sheet

24. Is there anyone connected with this business that has been convicted within fifteen years immediately prior to the filing of this application with any felony or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred?

Answer: YES _____ NO If yes, give full details on separate sheet, including dates, charges and disposition.

25. Is there anyone connected with this business that has been convicted within five years immediately prior to the filing of this application of the violation (i) of any state, federal or local ordinance pertaining to the manufacture, possession, transportation or sale of malt beverages, wine, or intoxicating liquors, or the taxability thereof; (ii) of a crime involving moral turpitude; or (iii) of a crime involving soliciting for prostitution, pandering, gambling, letting premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or leaving the scene of an accident, or any misdemeanor serious traffic offense?

Answer: YES _____ NO If yes, give full details on separate sheet, including dates, charges and disposition.

26. Is there anyone connected with this business that has been convicted for selling alcohol to an under-age person within the last three (3) year period?

Answer: YES _____ NO If yes, give full details on separate sheet.

27. Is there anyone connected with this business that is an official or public employee of the City of Statesboro, any State or Federal Agency, or whose duties include the regulation or policing of alcoholic beverages or licenses, or any tax collecting activity ?

Answer: YES _____ NO If yes, give full details on separate sheet.

28. Have you or the applicant had any vehicles, trailers, or property belonging to you or the company in which you or any of such persons have or had an interest in ever been seized, condemned or forfeited as contraband by the State of Georgia or United States for the reason the same was being used or intended for use in criminal activities.

Answer: YES _____ NO If yes, give full details on separate sheet.

29. Will live nude performances or adult entertainment be a part of this business' operations?

Answer: YES _____ NO If yes, the City of Statesboro Ordinance 6-164 prohibits alcohol in an establishment having adult entertainment.

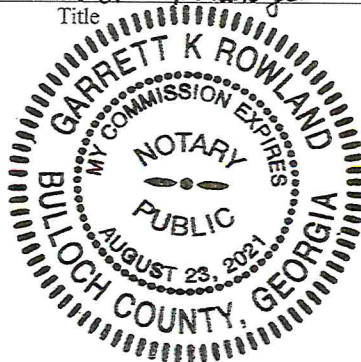
I, VRONDABEN N. PATEL, solemnly swear, subject to the penalties O.C.G.A. §16-10-20 as provided above which I have read and understood, that all information required in this APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES and supporting documents is true and correct to the best of my knowledge and I fully understand that any false information will cause the denial or revocation of any alcohol license issued by the City of Statesboro license. I also fully understand that knowingly providing false information under oath in this affidavit will subject me to criminal prosecution and possible imprisonment.

VRONDABEN N. PATEL
Print Full Name As Signed Below

V. N. Patel
Signature of Applicant

OWNER & Manager
Title

01/30/18
Date



SWORN TO AND SUBSCRIBED BEFORE ME THIS

30th DAY OF January 20 18

Garrett K Rowland

NOTARY PUBLIC (SEAL)
My Commission Expires: 8-23-2021



City of Statesboro
Department of Planning & Development Memorandum

50 East Main Street P.O. Box 348 » (912) 764-0630
Statesboro, Georgia 30458 Statesboro, Georgia 30459 » (912) 764-0664 (Fax)

DATE: March 5, 2018
TO: Teresa Skinner, Tax Clerk
SUBJECT: **ALCOHOLIC BEVERAGE APPLICATION (118 Lanier Drive—Jay Shree Ambe 2018, Inc.)**

The Department of Planning & Development has reviewed the alcoholic beverage application submitted by Jay Shree Ambe 2018, Inc. for 118 Lanier Drive (Tax Parcel MS62 000056 000). The applicant is proposing the sale of alcohol at the location. The proposed use and sale of alcohol is permitted at the location and the application may be **approved**. Staff's recommendation is based on the following:

1) Zoning District: 118 Lanier Drive is located in the R4 (High Density Residential District) zoning district.

2) General Regulations Pertaining to all Licenses: Per Chapter 6 Section 6-7(c)(2) of the *Statesboro Code of Ordinances*, Class B and C alcoholic beverage licenses are **not** authorized for issuance in the R4 (High Density Residential District) zoning district. Despite this, the applicant has indicated this is a change in ownership. Therefore, pursuant to Chapter 6 Section 6-7(g), licenses valid and in existence as of July 1, 2016 may continue to be licensed as long as the premises was used for the sale of alcohol, even though not under the same owner.

3) Alcoholic Beverages Proximity Restrictions: The proximity requirements of class B and C licenses are governed by O.C.G.A. § 3-3-21. The location is within one-hundred (100) yards of a college campus.

Department of Planning and Development **approval** is based on the information provided within the alcoholic beverage application submitted for our review and the understanding that the proposed use is a legal non-conforming use. This approval does not confer rights to open or operate the proposed business until all dimensional requirements of the *Statesboro Zoning Ordinance*, or applicable requirements of any other chapter of City Code have been met.

The Department of Planning & Development encourages all applicants to access the *Statesboro Zoning Ordinance* online at <http://www.statesboroga.gov/>. **The applicant is also encouraged to consult directly with representatives of the Engineering, Fire and other permitting departments if any work on the building or site is occurring to determine whether or not building or site plans associated with the proposed use are necessary.**

Respectfully,

Candra E. Teshome
Planning and Development Specialist



Statesboro Fire Department

*Proudly serving the City of Statesboro and
surrounding communities since 1905*



*Jonathan M. McCallan
Mayor*

Print Date: 3/1/2018

INSPECTION SUMMARY REPORT

Page 1 of 1

Name: Tokyo Japanese Restaurant 100 Brampton AVE, STATESBORO		
Date: 3/1/2018	Contact: Ling Lin	
Inspector Name:	Prevention Officer Tracy NeSmith	Date notice sent:
Type of Inspection:	Alcohol License Inspection	
Property Notes:	Business Owner Ling Lin E-Mail Address : jennylin441@yahoo.com	
Fire Code Reference	Discrepancy / Remarks	Date Resolved
Special Notes	Alcohol License: No Violations Noted After the completion of an Alcohol License Fire and Life Safety Inspection at this location, no issues were noted. The Statesboro Fire Department has no objection to the issuance of and/or renewal of an Alcohol License pending approval by additional departments as necessary.	

Inspector Signature

Site Signature

CITY OF STATESBORO

COUNCIL
Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs



Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: City Manager Randy Wetmore

From: City Clerk Sue Starling

Date: 04/10/2018

RE: Alcohol License Application

Policy Issue: Mayor and Council shall approve application in accordance with City of Statesboro Alcohol Ordinance Chapter 6 Sec 6-13(a)

(a) No new alcoholic beverage license to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer, or malt beverages within the corporate limits of the City of Statesboro shall be issued to a new owner or new location until the application has been approved by the mayor and city council after a public hearing.

Recommendation: Planning and Development, Fire, Police, Legal, Building and Engineering recommended approval.

Background: Applicants Yan Zhu

Budget Impact: None

Council Person and District: District 5

Attachments: Application and Department Approvals

PLEASE BE ADVISED THAT KNOWINGLY PROVIDING FALSE OR MISLEADING INFORMATION ON THIS DOCUMENT IS A FELONY PURSUANT TO O.C.G.A. §16-10-20 WHICH STATES:

A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES
CITY OF STATESBORO, GEORGIA

The undersigned applicant hereby applies to the City of Statesboro, Georgia for a license to sell alcoholic beverages within the corporate limits of the City of Statesboro. A non-refundable TWO HUNDRED dollar (\$200.00) application fee must be tendered with the application. (cash, credit card, certified check, or money order, checks should be made payable to the City of Statesboro.)

1. BUSINESS TRADE NAME: New Tokyo ETA Inc.
D/B/A Name

2. APPLICANT'S NAME: ZHU, YAN
(Name of partnership, llc, corporation, or individual)

3. BUSINESS LOCATION ADDRESS: 100 Brampton Ave STE# 1A

4. BUSINESS MAIL ADDRESS: 100 Brampton Ave # 1A

CITY: statesboro STATE: GA ZIP CODE: 30458

5. LOCAL BUSINESS TELEPHONE NUMBER: (912) 871-8888

CORPORATE OFFICE TELEPHONE NUMBER: ()

6. CONTACT NAME FOR BUSINESS: ZHU, YAN

TELEPHONE NUMBER FOR CONTACT PERSON: 646-921-7979

7. NAME OF MANAGER: ZHU, YAN

8. PURPOSE OF APPLICATION IS: (CHECK ALL THAT APPLY)

NEW MANAGER _____ NEW BUSINESS: NEW OWNER:

PREVIOUS OWNER'S NAME: LING LIN

BUSINESS NAME CHANGE: PREVIOUS BUSINESS NAME: TKYO

ADDRESS CHANGE: _____ PREVIOUS ADDRESS: _____

LICENSE CLASS CHANGE: BEER _____ WINE _____ LIQUOR _____ OTHER _____

Revised 2/26/2015

9. INDICATE WHERE BUSINESS WILL BE LOCATED:

 Above Ground Street or Ground Floor Level

SEC. 6-10(D) ANY PERSON WITHIN THE CITY OF STATESBORO WHO WORKS AS A BOUNCER, EITHER AS AN EMPLOYEE, AGENT, OR SUBCONTRACTOR WHOSE RESPONSIBILITIES IN AN ESTABLISHMENT THAT IS LICENSED TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION SHALL HAVE THEIR ALCOHOLIC BEVERAGE SECURITY PERMIT ON THEIR PERSON AT ALL TIMES WHILE ACTING AS AN EMPLOYEE, AGENT OR SUBCONTRACTOR OF THE LICENSEE. AN ALCOHOLIC BEVERAGE SECURITY PERMIT SHALL BE READILY AVAILABLE FOR INSPECTION UPON THE REQUEST OF ANY STATESBORO POLICE DEPARTMENT OFFICER, CITY CODE ENFORCEMENT OFFICER, OR THE CITY MANAGER OR HIS DESIGNEE.

DOES ANY EMPLOYEE DESCRIBED IN THE ABOVE PARAGRAPH HAVE AN ALCOHOLIC BEVERAGE SECURITY PERMIT? YES NO (PERMIT SHALL BE OBTAINED FROM THE STATESBORO POLICE DEPARTMENT)

CALCULATION OF BASIC LICENSE FEE: FOR CALENDAR YEAR 2018

<u>CLASSIFICATION</u>	(Mark All That Apply)	<u>LICENSE FEE</u>
Class B, Retail Beer Package	<u> </u>	875.00
Class C, Retail Wine Package	<u> </u>	875.00
Class D, Retail Liquor by the Drink	<u> </u>	1,425.00
Class E, Retail Beer by the Drink	<input checked="" type="checkbox"/>	1,425.00
Class F, Retail Wine by the Drink	<input checked="" type="checkbox"/>	1,425.00
Class G, Wholesale Liquor	<u> </u>	1,500.00
Class H, Wholesale Beer	<u> </u>	1,500.00
Class I, Wholesale Wine	<u> </u>	1,500.00
Class J, Licensed Alcoholic Beverage Caterer	<u> </u>	200.00
Class K, Brewer, Manufacturer of Malt Beverages Only	<u> </u>	1,750.00
Class L, Broker	<u> </u>	1,750.00
Class M, Importer	<u> </u>	1,750.00
Class O, Manufacture on Wine Only	<u> </u>	1,750.00
Sunday Sales Permit	<input checked="" type="checkbox"/>	300.00
In Room Service Permit	<u> </u>	150.00

Georgia Law (O.C.G.A. Section 3-3-7) states: "The sale of alcoholic beverages is lawful for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging."

Sunday sales permit holders are subject to audit for compliance with State Law. Each establishment is required to maintain Financial Records on food sales and alcohol sales by separate business location to demonstrate compliance with State and Local Law.

TOTAL ANNUAL LICENSE FEE: \$ 3150.00

PARTIAL YEAR CALCULATION IF APPLICABLE: \$ _____

Special Event Permit 50.00
Distance Waiver Application Fee 150.00
Alcohol Beverage Control Security Permit(Permit Shall Be Obtained From The Statesboro Police Department) 50.00

10. TYPE OF BUSINESS: (CHECK ONE) Individual Corporation Partnership LLC

(COMPLETE EITHER NUMBERS 11, 12 AND 13, AND/OR 14, 15 AND 16 IN THE SECTION BELOW)

11. IF APPLICANT IS AN INDIVIDUAL: Attach copy of trade name affidavit.

FULL LEGAL NAME: NEW TOKYO GA Inc. PHONE# 912-871-8888

HAVE YOU COMPLETED THE FINANCIAL AFFIDAVIT ATTACHED TO THIS APPLICATION? _____

12. IF APPLICANT IS A PARTNERSHIP, L.L.C. or L.L.P.: Attach trade name affidavit, if an LLC or LLP, attach a copy of certificate of LLC or LLP as filed with the Clerk of Superior Court and trade name affidavit, a copy of your operating agreement and/or partnership agreement as well as other documents listed below that establish ownership rights of members or partners.

NAME AND ADDRESS OF PARTNERSHIP, LLC, or LLP: _____

DO YOU HAVE AN OPERATING AGREEMENT OR PARTNERSHIP AGREEMENT FOR THE LLC, LLP OR PARTNERSHIP? NO

IF NOT, WHAT DOCUMENTS ESTABLISH THE OWNERSHIP RIGHTS OF THE MEMBERS OR PARTNERS? _____

13. MEMBERS OF L.L.C. and/or PARTNERS:

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NUMBER _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

HAS EACH MEMBER OR PARTNER COMPLETED A FINANCIAL AFFIDAVIT TO ATTACH TO THIS APPLICATION? _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

CORPORATION-STOCKHOLDERS: All corporate applicants who are corporations shall list the names and address of all stockholders and the percentage of stock owned by each. If a named stockholder therein is another corporation, the same information shall be given for the Stockholding Corporation. If, during the life of the license, the identity of the stockholders or their percentage of ownership should change, that information shall be sent to the Finance Department.

14. IF APPLICANT IS A CORPORATION: Attach a copy of the articles of incorporation, trade name affidavit, current annual corporation registration with the Georgia Secretary of State, as well as the bylaws, the shareholders agreement, and other documents listed below that identify ownership rights.

NAME OF CORPORATION: NEW TOKYO GA INC
(Name shown exactly as in Articles of Incorporation or Charter)

HOME OFFICE: 100 Brampton Ave #1A Statesboro GA 30458

MAIL ADDRESS IF DIFFERENT: _____

DATE AND PLACE OF INCORPORATION: _____ Statesboro GA

DO YOU HAVE A SHAREHOLDERS AGREEMENT? NOT

IF NOT, WHAT DOCUMENTS ESTABLISH THE OWNERSHIP RIGHTS OF THE SHAREHOLDERS? _____

15. OFFICERS:

FULL LEGAL NAME: Yan Zhu PHONE# 646-421-7979

% STOCK OWNED: 100% OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

16. STOCKHOLDERS (If Different from Officer Names)

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

HAS EACH OFFICER AND SHAREHOLDER COMPLETED THE FINANCIAL AFFIDAVIT ATTACHED TO THIS APPLICATION?

(ATTACH ADDITIONAL PAGES IF NECESSARY)

17. If there is any individual or officer, who has resided at his current address less than five (5) years, complete information below.

NAME: _____ PHONE# _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

FULL NAME: _____ PHONE# _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

18. State name and address of owner of the property (Land and Building) where the business will be located.

100 Brampton Ave # 1A Statesboro GA 30458
Andy Burn

19. Is the commercial space where the business is to be located rented or leased?

Answer: YES NO If yes, state name of lessor or landlord and address, and provide a copy of the lease with this application.

20. Does any person or firm have any interest in the proposed business as a silent, undisclosed partner or joint venture; or has anyone agreed to split the profits or receipts from the proposed business with any persons, firm, company, corporation, or other entity.

Answer: YES NO If yes, give name of person or firm and address and amount of percentage of profits or receipts to be split.

21. Is there anyone connected with this business that is not a legal resident of the United States and at least twenty-one (21) years of age?

Answer: YES NO If yes, give full details on separate sheet.

If anyone connected with this business is not a U.S. Citizen, can they legally be employed in the United States.

Answer: YES NO N/A If yes, explain on a separate sheet and submit copies of eligibility.

22. Is there anyone connected with this business that has applied for a beer, wine, and/or liquor license from the City of Statesboro or other City or County in the State of Georgia, or other state or political subdivision and been denied such?

Answer: YES NO If yes, give full details on separate sheet.

23. Is there anyone connected with this business who holds another alcohol license in any retail category or any license under any wholesale category?
 Answer: YES _____ NO If yes, give full details on separate sheet
24. Is there anyone connected with this business that has been convicted within fifteen years immediately prior to the filing of this application with any felony or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred?
 Answer: YES _____ NO If yes, give full details on separate sheet, including dates, charges and disposition.
25. Is there anyone connected with this business that has been convicted within five years immediately prior to the filing of this application of the violation (i) of any state, federal or local ordinance pertaining to the manufacture, possession, transportation or sale of malt beverages, wine, or intoxicating liquors, or the taxability thereof; (ii) of a crime involving moral turpitude; or (iii) of a crime involving soliciting for prostitution, pandering, gambling, letting premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or leaving the scene of an accident, or any misdemeanor serious traffic offense?
 Answer: YES _____ NO If yes, give full details on separate sheet, including dates, charges and disposition.
26. Is there anyone connected with this business that has been convicted for selling alcohol to an under-age person within the last three (3) year period?
 Answer: YES _____ NO If yes, give full details on separate sheet.
27. Is there anyone connected with this business that is an official or public employee of the City of Statesboro, any State or Federal Agency, or whose duties include the regulation or policing of alcoholic beverages or licenses, or any tax collecting activity ?
 Answer: YES _____ NO If yes, give full details on separate sheet.
28. Have you or the applicant had any vehicles, trailers, or property belonging to you or the company in which you or any of such persons have or had an interest in ever been seized, condemned or forfeited as contraband by the State of Georgia or United States for the reason the same was being used or intended for use in criminal activities.
 Answer: YES _____ NO If yes, give full details on separate sheet.
29. Will live nude performances or adult entertainment be a part of this business' operations?
 Answer: YES _____ NO If yes, the City of Statesboro Ordinance 6-164 prohibits alcohol in an establishment having adult entertainment.

I, Yan 2H4, solemnly swear, subject to the penalties O.C.G.A. §16-10-20 as provided above which I have read and understood, that all information required in this APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES and supporting documents is true and correct to the best of my knowledge and I fully understand that any false information will cause the denial or revocation of any alcohol license issued by the City of Statesboro license. I also fully understand that knowingly providing false information under oath in this affidavit will subject me to criminal prosecution and possible imprisonment.

Yan 2H4

 Print Full Name As Signed Below

Yan 2H4 _____
 Signature of Applicant Title Date 1/24/18

SWORN TO AND SUBSCRIBED BEFORE ME THIS

24 DAY OF January 20 18

Phyllis A. Harrison
 NOTARY PUBLIC (SEAL)
 My Commission Expires: 8/27/21





STATESBORO POLICE DEPARTMENT

Ph 912-764-9911

25 West Grady Street, Statesboro, Georgia 30458

Fx 912-489-5050

Date: 03/30/2018

To: Teresa Skinner, Tax Clerk

Reference: Alcohol Beverage Application, New Tokyo Ga Inc.

The Statesboro Police Department has reviewed the alcohol application submitted by New Tokyo Ga Inc. The applicant is proposing the consumption of alcohol on premises and would be governed under 6-9 of the Alcohol Ordinance.

A review of the proposed operation of New Tokyo Ga Inc. was conducted by the Alcohol Beverage Control Officer and it has been determined that the operation of the business should be governed under **section 6-9 (a)**.

During the review of the proposed operation of the business, we **DID NOT** discover any of the procedures present that would require the designation and additional prohibitions of 6-9 (b) in the operating of the business.

Respectfully,

James L. Winskey, Captain Operations Bureau

Statesboro Police Department

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs



Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: City Manager Randy Wetmore

From: City Clerk Sue Starling

Date: 04/10/2018

RE: Alcohol License Application

Policy Issue: Mayor and Council shall approve application in accordance with City of Statesboro Alcohol Ordinance Chapter 6 Sec 6-13(a)

(a) No new alcoholic beverage license to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer, or malt beverages within the corporate limits of the City of Statesboro shall be issued to a new owner or new location until the application has been approved by the mayor and city council after a public hearing.

Recommendation: Planning and Development, Fire, Police, Legal, Building and Engineering recommended approval.

Background: Applicants Mohanlal Babarbhair Patel

Budget Impact: None

Council Person and District: Phil Boyum (District 1)

Attachments: Application and Department Approvals

PLEASE BE ADVISED THAT KNOWINGLY PROVIDING FALSE OR MISLEADING INFORMATION ON THIS DOCUMENT IS A FELONY PURSUANT TO O.C.G.A. §16-10-20 WHICH STATES:

A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES
CITY OF STATESBORO, GEORGIA

The undersigned applicant hereby applies to the City of Statesboro, Georgia for a license to sell alcoholic beverages within the corporate limits of the City of Statesboro. A non-refundable TWO HUNDRED dollar (\$200.00) application fee must be tendered with the application. (cash, credit card, certified check, or money order, checks should be made payable to the City of Statesboro.)

1. BUSINESS TRADE NAME: Shriji Food
D/B/A Name

2. APPLICANT'S NAME: Crajanan Corporation
(Name of partnership, llc, corporation, or individual)

3. BUSINESS LOCATION ADDRESS: 218 N Main St. STE# 20248877063
Statesboro, GA 30458

4. BUSINESS MAIL ADDRESS: (as above) 218 N Main St

CITY: Statesboro STATE: GA ZIP CODE: 30458

5. LOCAL BUSINESS TELEPHONE NUMBER: (912) 433 5791

CORPORATE OFFICE TELEPHONE NUMBER: (912) 764 4346

6. CONTACT NAME FOR BUSINESS: Mohantal Babarbhui Patel

TELEPHONE NUMBER FOR CONTACT PERSON: 912 - 433 - 5791

7. NAME OF MANAGER: Mohantal Babarbhui Patel
(Person responsible for Alcohol Licensing issues)

8. PURPOSE OF APPLICATION IS: (CHECK ALL THAT APPLY)

NEW MANAGER _____ NEW BUSINESS: _____ NEW OWNER:

PREVIOUS OWNER'S NAME: _____

BUSINESS NAME CHANGE: _____ PREVIOUS BUSINESS NAME: _____

ADDRESS CHANGE: _____ PREVIOUS ADDRESS: _____

LICENSE CLASS CHANGE: BEER _____ WINE _____ LIQUOR _____ OTHER _____

Revised 2/26/2015

9. INDICATE WHERE BUSINESS WILL BE LOCATED:

Above Ground Street or Ground Floor Level

SEC. 6-10(D) ANY PERSON WITHIN THE CITY OF STATESBORO WHO WORKS AS A BOUNCER, EITHER AS AN EMPLOYEE, AGENT, OR SUBCONTRACTOR WHOSE RESPONSIBILITIES IN AN ESTABLISHMENT THAT IS LICENSED TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION SHALL HAVE THEIR ALCOHOLIC BEVERAGE SECURITY PERMIT ON THEIR PERSON AT ALL TIMES WHILE ACTING AS AN EMPLOYEE, AGENT OR SUBCONTRACTOR OF THE LICENSEE. AN ALCOHOLIC BEVERAGE SECURITY PERMIT SHALL BE READILY AVAILABLE FOR INSPECTION UPON THE REQUEST OF ANY STATESBORO POLICE DEPARTMENT OFFICER, CITY CODE ENFORCEMENT OFFICER, OR THE CITY MANAGER OR HIS DESIGNEE.

DOES ANY EMPLOYEE DESCRIBED IN THE ABOVE PARAGRAPH HAVE AN ALCOHOLIC BEVERAGE SECURITY PERMIT? YES NO (PERMIT SHALL BE OBTAINED FROM THE STATESBORO POLICE DEPARTMENT)

CALCULATION OF BASIC LICENSE FEE: **FOR CALENDAR YEAR** 2018

<u>CLASSIFICATION</u>	(Mark All That Apply)	<u>LICENSE FEE</u>
Class B, Retail Beer Package	<input checked="" type="checkbox"/>	875.00
Class C, Retail Wine Package	<input checked="" type="checkbox"/>	875.00
Class D, Retail Liquor by the Drink	<input type="checkbox"/>	1,425.00
Class E, Retail Beer by the Drink	<input type="checkbox"/>	1,425.00
Class F, Retail Wine by the Drink	<input type="checkbox"/>	1,425.00
Class G, Wholesale Liquor	<input type="checkbox"/>	1,500.00
Class H, Wholesale Beer	<input type="checkbox"/>	1,500.00
Class I, Wholesale Wine	<input type="checkbox"/>	1,500.00
Class J, Licensed Alcoholic Beverage Caterer	<input type="checkbox"/>	200.00
Class K, Brewer, Manufacturer of Malt Beverages Only	<input type="checkbox"/>	1,750.00
Class L, Broker	<input type="checkbox"/>	1,750.00
Class M, Importer	<input type="checkbox"/>	1,750.00
Class O, Manufacture on Wine Only	<input type="checkbox"/>	1,750.00
Sunday Sales Permit	<input checked="" type="checkbox"/>	300.00
In Room Service Permit	<input type="checkbox"/>	150.00

Georgia Law (O.C.G.A. Section 3-3-7) states: "The sale of alcoholic beverages is lawful for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging."

Sunday sales permit holders are subject to audit for compliance with State Law. Each establishment is required to maintain Financial Records on food sales and alcohol sales by separate business location to demonstrate compliance with State and Local Law.

TOTAL ANNUAL LICENSE FEE: \$ _____

PARTIAL YEAR CALCULATION IF APPLICABLE: \$ _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

HAS EACH MEMBER OR PARTNER COMPLETED A FINANCIAL AFFIDAVIT TO ATTACH TO THIS APPLICATION? _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

CORPORATION-STOCKHOLDERS: All corporate applicants who are corporations shall list the names and address of all stockholders and the percentage of stock owned by each. If a named stockholder therein is another corporation, the same information shall be given for the Stockholding Corporation. If, during the life of the license, the identity of the stockholders or their percentage of ownership should change, that information shall be sent to the Finance Department.

14. IF APPLICANT IS A CORPORATION: Attach a copy of the articles of incorporation, trade name affidavit, current annual corporation registration with the Georgia Secretary of State, as well as the bylaws, the shareholders agreement, and other documents listed below that identify ownership rights.

NAME OF CORPORATION: Kujanjan Corporation
(Name shown exactly as in Articles of Incorporation or Charter)

HOME OFFICE: 218 N Main St, Statesboro, GA 30458

MAIL ADDRESS IF DIFFERENT: _____

DATE AND PLACE OF INCORPORATION: 11/13/2017, GA

DO YOU HAVE A SHAREHOLDERS AGREEMENT? _____

IF NOT, WHAT DOCUMENTS ESTABLISH THE OWNERSHIP RIGHTS OF THE SHAREHOLDERS? _____

Corporation Documents

15. OFFICERS:

FULL LEGAL NAME: Mohamud Baburbhai Patel PHONE# 912-433-5791

% STOCK OWNED: 100 % OFFICE HELD: Officer

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

16. STOCKHOLDERS (If Different from Officer Names)

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

HAS EACH OFFICER AND SHAREHOLDER COMPLETED THE FINANCIAL AFFIDAVIT ATTACHED TO THIS APPLICATION?

(ATTACH ADDITIONAL PAGES IF NECESSARY)

17. If there is any individual or officer, who has resided at his current address less than five (5) years, complete information below.

NAME: _____ PHONE# _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

FULL NAME: _____ PHONE# _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

18. State name and address of owner of the property (Land and Building) where the business will be located.

Shrini Food, 218 N Main St, Jeanne M Brunnen
Statesboro, GA 30458

19. Is the commercial space where the business is to be located rented or leased?

Answer: YES NO _____ If yes, state name of lessor or landlord and address, and provide a copy of the lease with this application.

20. Does any person or firm have any interest in the proposed business as a silent, undisclosed partner or joint venture; or has anyone agreed to split the profits or receipts from the proposed business with any persons, firm, company, corporation, or other entity.

Answer: YES _____ NO If yes, give name of person or firm and address and amount of percentage of profits or receipts to be split.

21. Is there anyone connected with this business that is not a legal resident of the United States and at least twenty-one (21) years of age?

Answer: YES _____ NO If yes, give full details on separate sheet.

If anyone connected with this business is not a U.S. Citizen, can they legally be employed in the United States.

Answer: YES NO _____ N/A _____ If yes, explain on a separate sheet and submit copies of eligibility.

22. Is there anyone connected with this business that has applied for a beer, wine, and/or liquor license from the City of Statesboro or other City or County in the State of Georgia, or other state or political subdivision and been denied such?

Answer: YES _____ NO If yes, give full details on separate sheet.

23. Is there anyone connected with this business who holds another alcohol license in any retail category or any license under any wholesale category?
 Answer: YES _____ NO If yes, give full details on separate sheet
24. Is there anyone connected with this business that has been convicted within fifteen years immediately prior to the filing of this application with any felony or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred?
 Answer: YES _____ NO If yes, give full details on separate sheet, including dates, charges and disposition.
25. Is there anyone connected with this business that has been convicted within five years immediately prior to the filing of this application of the violation (i) of any state, federal or local ordinance pertaining to the manufacture, possession, transportation or sale of malt beverages, wine, or intoxicating liquors, or the taxability thereof; (ii) of a crime involving moral turpitude; or (iii) of a crime involving soliciting for prostitution, pandering, gambling, letting premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or leaving the scene of an accident, or any misdemeanor serious traffic offense?
 Answer: YES _____ NO If yes, give full details on separate sheet, including dates, charges and disposition.
26. Is there anyone connected with this business that has been convicted for selling alcohol to an under-age person within the last three (3) year period?
 Answer: YES _____ NO If yes, give full details on separate sheet.
27. Is there anyone connected with this business that is an official or public employee of the City of Statesboro, any State or Federal Agency, or whose duties include the regulation or policing of alcoholic beverages or licenses, or any tax collecting activity ?
 Answer: YES _____ NO If yes, give full details on separate sheet.
28. Have you or the applicant had any vehicles, trailers, or property belonging to you or the company in which you or any of such persons have or had an interest in ever been seized, condemned or forfeited as contraband by the State of Georgia or United States for the reason the same was being used or intended for use in criminal activities.
 Answer: YES _____ NO If yes, give full details on separate sheet.
29. Will live nude performances or adult entertainment be a part of this business' operations?
 Answer: YES _____ NO If yes, the City of Statesboro Ordinance 6-164 prohibits alcohol in an establishment having adult entertainment.

I, Mohantal Babarbhui Patel, solemnly swear, subject to the penalties O.C.G.A. §16-10-20 as provided above which I have read and understood, that all information required in this APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES and supporting documents is true and correct to the best of my knowledge and I fully understand that any false information will cause the denial or revocation of any alcohol license issued by the City of Statesboro license. I also fully understand that knowingly providing false information under oath in this affidavit will subject me to criminal prosecution and possible imprisonment.

Mohantal Babarbhui Patel
 Print Full Name As Signed Below

Signature of Applicant _____ Title Offiar Date 11/19/17

BHAVNABEN BHARATBHAI PATEL
 NOTARY PUBLIC
 BRYAN COUNTY
 State of Georgia
 My Commission Expires July 23rd, 2018

SWORN TO AND SUBSCRIBED BEFORE ME THIS
19th DAY OF NOV. 20 17
Bhuvanben Bharatbhui Patel
 NOTARY PUBLIC (SEAL)
 My Commission Expires: 07/23/2018



Statesboro Fire Department

Proudly serving the City of Statesboro and surrounding communities since 1905!



Print Date: 1/5/2018

INSPECTION SUMMARY REPORT

Page 1 of 1

Name: Shriji Food Store 218 N Main ST, Statesboro		
Date: 1/5/2018	Contact: Jyoti Patel	
Inspector Name:	Prevention Officer Tracy NeSmith	Date notice sent:
Type of Inspection:	Occupational Tax Certificate Inspection	
Property Notes:		
Fire Code Reference	Discrepancy / Remarks	Date Resolved
Special Notes	OTC/Business License: No Violations Noted After the completion of a Fire and Life Safety Inspection at this location, no violations were noted. The Statesboro Fire Department has no objections to the issuance of an OTC pending approval by additional departments as necessary.	
Special Notes	Alcohol License: No Violations Noted After the completion of an Alcohol License Fire and Life Safety Inspection at this location, no issues were noted. The Statesboro Fire Department has no objection to the issuance of and/or renewal of an Alcohol License pending approval by additional departments as necessary.	

Inspector Signature

Site Signature

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City of Statesboro
Department of Planning & Development Memorandum

50 East Main Street P.O. Box 348 » (912) 764-0630
Statesboro, Georgia 30458 Statesboro, Georgia 30459 » (912) 764-0664 (Fax)

DATE: January 8, 2018
TO: Teresa Skinner, Tax Clerk
SUBJECT: **ALCOHOLIC BEVERAGE APPLICATION (218 North Main Street—Shriji Food).**

The Department of Planning & Development has reviewed the alcoholic beverage application submitted by Crajanan Corporation for 218 North Main Street (Tax Parcel # S27 000018 000). The applicant is proposing the sale of package beer and wine at the location. The proposed sale of alcohol is permitted at the location and the application may be **approved**. Staff's recommendation is based on the following:

- 1) **Zoning District:** 218 North Main Street is located in the HOC (Highway Oriented Commercial) zoning district.
- 2) **General Regulations Pertaining to all Licenses:** Per Chapter 6 Section 6-7(c)(3) of the *Statesboro Code of Ordinances*, Class B and C alcoholic beverage licenses may be issued in the HOC (Highway Oriented Commercial) zoning district.
- 3) **Alcoholic Beverages Proximity Restrictions:** The Department of Planning & Development has reviewed the subject property for consistency with the proximity restrictions of Chapter 6 Section 6-7(d) of the *Statesboro Code of Ordinances*. The proposed location is required to adhere to the regulations set forth by O.C.G.A. § 3-3-21. In addition, per Chapter 6 Section 6-7(d)(3), the subject property conforms to the proximity restrictions because the sale of wine and beer was lawful during the past twelve (12) months. Planning and Development review does not serve as an approval or denial to serve alcoholic beverages at this location; but, is a recommendation to the City Clerk's Office.

Department of Planning and Development **approval** is based on the information provided within the alcoholic beverage application submitted for our review. This approval does not confer rights to open or operate the proposed business until all dimensional requirements of the *Statesboro Zoning Ordinance*, or applicable requirements of any other chapter of City Code have been met.

The Department of Planning & Development encourages all applicants to access the *Statesboro Zoning Ordinance* online at <http://www.statesboroga.gov/>. **The applicant is also encouraged to consult directly with representatives of the Engineering, Fire and other permitting departments if any work on the building or site is occurring to determine whether or not building or site plans associated with the proposed use are necessary.**

Respectfully,

Candra E. Teshome
Planning and Development Specialist

CITY OF STATESBORO

COUNCIL

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Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Cain Smith, City Attorney

Date: April 9, 2018

RE: April 17, 2018 City Council Agenda Items

Policy Issue: *Statesboro Code of Ordinances: Chapter 6 (Alcoholic Beverages)*
Amendment to Section 6-5 adding insurance requirements for alcoholic
beverage licensees.

Recommendation: Alcohol Advisory Board approved 5-0 on March 12, 2018

Background: First Reading Ordinance 2018-02. General discussions were had regarding liability relating to sale of alcoholic beverages and the need to ensure licensees have adequate insurance to cover potential on-premises incidents, Research showed liquor liability insurance is required in many states, despite such requirement measure failing to pass the Georgia legislature, and the presence of insurance requirements for licensees in the City of Savannah.

Budget Impact: None

Council Person and District: N/A

Attachments: New subsections of 6-5 and 6-19

Ordinance 2018-02

Sec 6-5 Application procedure; contents of application; contents to be furnished under oath

(d) Additional Data

(4) Proof of Insurance

(a) Proof of dram shop insurance. Applicants seeking a Class D, E, or F alcoholic beverage license shall file with their application a certificate of liquor liability insurance (dram shop), in effect for the license period and issued by an insurer required to be licensed pursuant to state law, providing an annual aggregate policy limit for dram shop insurance of not less than \$1,000,000.00 per policy year. A 30-day notice of cancellation in favor of the City of Statesboro must be endorsed to the policy and attached to the certificate. **Ensure there is no exception (or at least some acceptable sublimit for A&B claims under the policy**

(b) Proof of general liability insurance. Applicants seeking a Class B, C, D, E, or F alcoholic beverage license shall file with their application a certificate of liability insurance, in effect for the license period and issued by an insurer required to be licensed pursuant to state law, providing at least \$1,000,000.00 in commercial general liability insurance coverage. A 30-day notice of cancellation in favor of the City of Statesboro must be endorsed to the policy and attached to the certificate.

Sec 6-19 Compliance, violations, penalties.

(e) Suspension for failure to maintain insurance. Upon notice of insurance cancellation received pursuant to Sec 6-9(d)(4), the City Clerk shall suspend any license(s) acquired under said policy. License shall be reinstated upon receipt of proof that required insurance has been renewed in compliance with aforementioned sub section. **Possibly revoke upon two notices of cancellation within a calendar year????**

CITY OF STATESBORO

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I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Cain Smith, City Attorney

Date: April 9, 2018

RE: April 17, 2018 City Council Agenda Items

Policy Issue: *Statesboro Code of Ordinances: Chapter 6 (Alcoholic Beverages)* Amendment modifying policy relating to admission of patrons under 21 years of age to establishments licensed to sell alcoholic beverages pursuant to Sec 6-9 in compliance with Georgia state law

Recommendation: Alcohol Advisory Board approved 5-0 on February 12, 2018

Background: First Reading Ordinance 2018-03. Concerns were expressed by licensees as to difficulty of conforming to current ordinance. Research showed state law (Michael's Law) addressing under 21 admissions to licensed premises being enacted after passage of City ordinance, the thoroughness of current state law on the subject, and inconsistencies between state and local law.

Budget Impact: None

Council Person and District: N/A

Attachments: Amended and existing subsection, relevant Georgia law

§ 3-3-24.1. "Bouncer" defined; admission of under 21 year olds into bar

(a) As used in this Code section, the term "bouncer" means an individual primarily performing duties related to verifying age for admittance, security, maintaining order, or safety, or a combination thereof.

(b) No person shall allow or require an individual under the age of 21 to serve as a bouncer on a premises or in an establishment where alcoholic beverages are dispensed, served, or sold pursuant to a license issued under this title.

(c) No individual under the age of 21 shall enter or be allowed to enter a bar unless he or she is accompanied by his or her parent, guardian, or spouse who is 21 years of age or older. This subsection shall not apply to an individual while he or she is attending a live musical concert or live presentation of the performing arts for which he or she has paid an admission charge.

Sec. 6-9.-Minors and Persons under 21 years of age

Section 6-9 Age Requirements for Entry or Employment at a Bar or as Bouncer

(a) For purposes of this Section:

(i) "Bar" means any premises at which a retailer licensed to sell alcoholic beverages pursuant to this Chapter derives 75% or more total annual gross revenue from the sale of alcoholic beverages for on-premises consumption.

(ii) "Bouncer" means an individual primarily performing duties related to verifying age for admittance, security, maintaining order or safety, or any combination thereof.

(b) All individuals must be at least 21 years of age to enter or remain in a Bar unless he or she is accompanied by a parent, legal guardian, or spouse who is 21 years of age or older. This restriction shall not apply if a minor over 18 years of age enters the Bar in order to attend a bona fide live musical concert or live performing arts presentation for which the minor has paid an admission charge and is visibly and conspicuously marked as a minor for purposes of alcohol consumption and service.

(c) All employees of the Bar, whether part or full time and regardless of employment capacity, must also be at least 21 years of age.

(d) The restriction in Section 6-9(c) shall not apply to 3rd party outside vendors or other non-staff employees who are on premises for a limited duration, are being compensated to perform a specific task, are not regularly on the premises, and are not on premises for purposes of patronizing the Bar.

(e) No person shall allow or require an individual under the age of 21 to serve as a Bouncer on any premises where alcoholic beverages are dispensed, served or sold pursuant to an alcoholic beverage license.

Sec. 6-9. - Minors and persons under 21 years of age.

- (a) In addition to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1, 3-3-24, and 3-3-24.1 as amended, which are hereby incorporated by reference herein, a licensee shall not allow a patron under the age of 18 years old to enter or remain upon the premises of an establishment licensed to sell alcoholic beverages for consumption on the premises beyond 11:00 p.m. unless accompanied by a parent or legal guardian, and either the licensed establishment is a restaurant where at least 50 percent of the establishment's annual gross revenue is derived from the service of prepared meals and such establishment offers its full, unlimited menu until and after 11:00 p.m., or the licensed establishment derives no more than 10 percent of its annual gross revenue from the sale of alcoholic beverages.
- (b) In addition to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1, 3-3-24, and 3-3-24.1 as amended, which are hereby incorporated by reference herein, a licensee shall not allow a patron under the age of 21 years old to enter or remain upon the premises or part of a premises of an establishment licensed to sell alcoholic beverages for consumption on the premises where by name, common usage, knowledge and/or understanding the establishment or part of the establishment constitutes or operates as a bar, night club, lounge or similar business. Indicia of such use include, but are not limited to, some or all of the following:
 - (1) A limited menu or no food service, particularly after 12:00 a.m.;
 - (2) More than 50 percent of the premises is standing room only;
 - (3) The establishment derives more than 40 percent of its annual gross revenue from the sale of alcoholic beverages;
 - (4) Where a cover charge is imposed and collected by the licensee as a condition of gaining entry to the establishment and such a fee does not entitle the patron to a seat, whether by general admission or a particular designation;
 - (5) The establishment utilizes the services of security forces and/or door personnel;
 - (6) The establishment is open after midnight;
 - (7) The establishment provides a full service bar which is the primary location from which patrons directly obtain alcoholic beverages.
- (c) The entry and remaining on premises prohibitions contained in Section 6-9(b) shall apply to patrons of the licensed establishment, and not to employees of the establishment who are over the age of 18 years old, and employed by the licensed establishment to dispense, serve, sell or take orders of alcoholic beverages as allowed by O.C.G.A. § 3-3-24(a).
- (d) The chief of police, or his designee, shall upon review of the license application, the renewal application, and/or review of the operation of the licensed establishment determine whether the licensed establishment is governed by subsection (a) or (b) of section 6-9. The chief of police, or his designee, shall have the authority to proscribe that a licensed establishment be governed by subsection 6-9(a) on certain days and at certain times, and by section 6-9(b) on certain days and at certain times. The chief of police, or his designee, shall have the authority to proscribe that certain rooms or sections of the licensed establishment shall be governed by subsection 6-9(a) on certain days and at certain times, and by subsection 6-9(b) on certain days and at certain times. The chief of police shall furnish the licensee in writing the reasons for the designation, and inform the licensee of the right of appeal provided for below.
- (e) The licensee shall have five days from receipt of the written finding of the police chief to file a notice of appeal with the city clerk. Failure to file a timely notice of appeal shall render the decision of the chief of police final. Upon filing of a notice of appeal the city clerk shall schedule a hearing before the city manager no later than ten days from the filing of the notice of appeal. The city manager may reverse the police chief's decision only upon showing by clear and convincing evidence that the police chief's decision was clearly erroneous. The city manager shall furnish the licensee and the police chief in writing the reason for the decision. The licensee and the police chief shall have five

days from the receipt of the written decision of the city manager to file a notice of appeal with the city clerk. Failure to file a timely notice of appeal shall render the decision of the city manager final. Upon filing of a timely notice of appeal the city clerk shall schedule a hearing before the Mayor and City Council of Statesboro as soon as reasonably possible, but not later than 30 days from the date of the filing of the notice of appeal. The mayor and city council may reverse the city manager's decision only upon showing by clear and convincing evidence that the decision of the city manager was clearly erroneous. the decision of the mayor and city council shall be the final decision of the city. Appeal of the mayor and city council's final decision shall be by petition for certiorari to the Superior Court of Bulloch County.

- (f) *Posting of notice regarding age restrictions:* All establishments licensed to sell alcoholic beverages for consumption on the premises shall, when governed by subsection (b) of section 6-9, conspicuously post outside of every public entry point to the establishment, or, if applicable, every public entry point into the room or section to the establishment governed by subsection (b) of section 6-9, a notice which states that no patron under the age of 21 years of age may either enter or remain upon the premises governed by subsection (b) of section 6-9, or, if applicable, enter or remain in the room or section of a premises governed by subsection (b) of section 6-9.
- (g) It shall be unlawful for any patron under the age of 21 years of age to either enter or remain upon the premises governed by subsection (b) of section 6-9, or enter or remain in a room or section of a premises governed by subsection (b) of section 6-9.

(Ord. No. 2016-03, § 1, 3-15-16)

CITY OF STATESBORO

COUNCIL

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50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Cain Smith, City Attorney

Date: April 9, 2018

RE: April 17, 2018 City Council Agenda Items

Policy Issue: *Statesboro Code of Ordinances: Chapter 6 (Alcoholic Beverages)* Amendment adding Low Volume Licensees to Section 6-3 Definitions and consideration by Mayor and Council of whether a discount for license fees should be available for such licensees and in what amount.

Recommendation: Alcohol Advisory Board approved 5-0 on February 12, 2018

Background: First Reading-Ordinance 2018-04. Low Volume: Request to examine possibility of offering a low volume alcohol license classification for premises that do not sell often enough or in volumes necessary to offset or justify the cost of City alcoholic beverage license

RECOMMENDATION: add "Staff review suggested that City shall incur application costs equal to those of regular licensees with higher compliance costs due to enforcement and review of delivery and sales records"

Budget Impact: None

Council Person and District: N/A

Attachments: Low Volume Licensee definition

Section 6-3 Definitions

Low Volume Licensee: A Licensee that holds Class B, C, D, E, and/or F license(s) under this chapter that receives or will receive wholesale deliveries of alcoholic beverages in an average amount of not more than \$1,000 per month over the course of a year.

CALCULATION OF BASIC LICENSE FEE: FOR CALENDAR YEAR

<u>CLASSIFICATION</u>	(Mark All That Apply)	<u>LICENSE FEE</u>
Class B, Retail Beer Package	_____	875.00
Class C, Retail Wine Package	_____	875.00
Class D, Retail Liquor by the Drink	_____	1,425.00
Class E, Retail Beer by the Drink	_____	1,425.00
Class F, Retail Wine by the Drink	_____	1,425.00
Class G, Wholesale Liquor	_____	1,500.00
Class H, Wholesale Beer	_____	1,500.00
Class I, Wholesale Wine	_____	1,500.00
Class J, Licensed Alcoholic Beverage Caterer	_____	200.00
Class K, Brewer, Manufacturer of Malt Beverages Only	_____	1,750.00
Class L, Broker	_____	1,750.00
Class M, Importer	_____	1,750.00
Class O, Manufacture on Wine Only	_____	1,750.00
Sunday Sales Permit	_____	300.00
In Room Service Permit	_____	150.00

Georgia Law (O.C.G.A. Section 3-3-7) states: "The sale of alcoholic beverages is lawful for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging."

Sunday sales permit holders are subject to audit for compliance with State Law. Each establishment is required to maintain Financial Records on food sales and alcohol sales by separate business location to demonstrate compliance with State and Local Law.

TOTAL ANNUAL LICENSE FEE: \$ _____

PARTIAL YEAR CALCULATION IF APPLICABLE: \$ _____

Special Event Permit	50.00
Distance Waiver Application Fee	150.00
Alcohol Beverage Control Security Permit(Permit Shall Be Obtained From The Statesboro Police Department)	50.00

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs



Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Cain Smith, City Attorney

Date: April 10, 2018

RE: April 17, 2018 City Council Agenda Items

Policy Issue: *Statesboro Code of Ordinances: Chapter 6 (Alcoholic Beverages)* Amendment adding Special Events provision to Section 6-8 "Regulations pertaining to certain classes of licenses generally" as Section 6-8 9(d)(3)

Recommendation: Alcohol Advisory Board approved 6-0 on April 9, 2018

Background: First Reading-Ordinance 2018-05. Conversations spurred research into how City could host large festivals and allow for alcoholic beverage sales during such. Research showed local inability beyond granting open container exemptions, the presence of state law and Department of Revenue memos addressing state requirements, and numerous ordinances governing such events in other municipalities in the state.

Budget Impact: None

Council Person and District: N/A

Attachments: Proposed Section 6-8(d)(3)

Sec. 6-8 Regulations pertaining to certain classes of licenses only.

(d) (3) Temporary special event license

a. A temporary license may be issued to any licensee holding a valid City issued catered event alcoholic beverage license for a period not to exceed three (3) days for an approved special event. The licensed caterer must make complete application and pay all required application fees to the City Clerk or his/her designee at least 45 days prior to the start date of the proposed event and shall be required to comply with all the general ordinances and regulations for on-premises consumption. The applicant seeking a temporary license must also obtain a state-issued temporary special event permit.

b. The special event must meet the following criterion prior to the issuance of a license to sell alcoholic beverages:

(1) The special event must receive approval from the Chief of SPD or his/her designee regarding crowd control, traffic control, and security measures.

(2) The location at which the special event is to take place must be properly zoned and approved by the code enforcement officer.

(3) The application must be presented to Mayor and Council and approved at a regularly scheduled meeting of the Statesboro City Council.

c. Every employee or volunteer of the special event licensee working the special event in any position dispensing, selling, serving, taking orders for, or mixing alcoholic beverages shall be required to possess valid server certification pursuant to Section 6-10.

d. The code enforcement officer or the Chief of SPD or his/her designee may immediately revoke any temporary license for a special event if it is determined continued alcohol sales may endanger the health, welfare, or safety of the public.

e. As a condition on the issuance of a temporary special event license, the licensee shall indemnify and hold the City harmless from any and all claims, demands, or causes of action which may arise from activities associated with the special event.

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs



Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Cain Smith, City Attorney

Date: April 9, 2018

RE: April 17, 2018 City Council Agenda Items

Policy Issue: Consideration of First Amendment to lease agreement with Verizon Wireless regarding City water tower access lease at 289 A.J. Riggs Road

Recommendation: Approval of lease

Background: Verizon Wireless has leased tower space on this site since 2016. Our third party contractor Local Government Services, LLC, negotiated and approved proposed lease amendment which allows replacement/installation of new equipment and rent increase of \$100/ month

Budget Impact: \$1200 in additional annual income

Council Person and District: John Riggs, District 3

Attachments: Proposed executed Lease Amendment and Copy

FIRST AMENDMENT TO WATER TOWER LEASE AGREEMENT

THIS FIRST AMENDMENT TO WATER TOWER LEASE AGREEMENT ("**Amendment**"), dated the latter of the dates reflected in the signature blocks to this Amendment, is between the CITY OF STATESBORO, GEORGIA ("**Lessor**") and VERIZON WIRELESS OF THE EAST LP d/b/a Verizon Wireless ("**Lessee**").

A. Lessor and Lessee entered into a Water Tower Lease Agreement dated March 7, 2016 (the "**Agreement**"), pursuant to which Lessor leases space on Lessor's Tower and at the Premises located at 289 A.J. Riggs Road, Statesboro, Georgia 30458 (the "**Agreement**").

B. Lessor and Lessee desire to amend the Agreement to modify the equipment Lessee may have installed on the Tower at the Premises, as described in this Amendment.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Lessor and Lessee agree as follows:

1. **Equipment Modifications.** At its sole cost and expense, Lessee may modify its equipment installed on the Tower as described on Exhibit B-1 attached to this Amendment. Exhibit "B" to the Agreement is deleted from the Agreement in its entirety and is replaced and superseded by Exhibit B-1 attached to this Amendment. Exhibit B-1 is made a part of this Amendment and the Agreement by reference.

2. **Rent.** Commencing on the earlier of the first day of the month after Lessee commences installation of the modified equipment at the Premises or June 1, 2018 (either, "**Commencement Date**"), the rent payable under the Agreement shall increase One Hundred and 00/100 Dollars (\$100.00) per month.

3. **Other Terms and Conditions Remain.** Capitalized words and terms used but not defined in this Amendment have the definitions the Agreement assigns to such words and terms. In the event of any inconsistencies between the Agreement and this Amendment, the terms of this Amendment shall govern and control. Except as expressly set forth in this Amendment, the Agreement is unchanged, remains in full force and effect, and, as amended by this Amendment, is ratified and confirmed. Each reference in the Agreement to itself shall be deemed also to refer to this Amendment.

[Remainder of page left blank intentionally. Signatures follow on next page.]

IN WITNESS OF THIS AMENDMENT, the parties have caused their properly authorized representatives to execute this Amendment on the dates following their signatures.

Lessor:

Lessee:

CITY OF STATESBORO, GEORGIA

**VERIZON WIRELESS OF THE EAST LP
d/b/a VERIZON WIRELESS**

**By: Cellco Partnership
Its: General Partner**

By: _____

By: _____

Name: _____

Name: Jim Blake

Title: _____

Title: Director - Network Field Engineering

Date: _____

Date: _____

Attested By:

Attested By:

Name: _____

Name: _____

Print Name: _____

Print Name: _____

Exhibit B-1

Equipment

In addition to Lessee's ground based and other equipment at the Premises, Lessee is authorized to install, maintain, and operate the following antennas, equipment, and appurtenances on the Tower:

- (6) Quintel QS4658-3 antennas
- (3) Raycap RVZDC-6627-PF-48 OVPs
- (6) Ericsson 2212 – B13 RRUs
- (6) Ericsson 2212 – B4 RRUs
- (4) 1-5/8" coax lines
- (3) 1-5/8" hybrid fiber cables

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs



Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Cain Smith, City Attorney

Date: April 9, 2018

RE: April 17, 2018 City Council Agenda Items

Policy Issue: Consideration of Fifth Amendment to lease agreement with AT&T regarding City water tower access lease at 201 Lanier Drive

Recommendation: Approval of lease

Background: AT&T has leased tower space on this site since 2002. Our third party contractor Local Government Solution, LLC, negotiated and approved proposed lease amendment which allows replacement/installation of new equipment and rent increase of \$100/ month

Budget Impact: \$1200 in additional annual income

Council Person and District: John Riggs, District 3

Attachments: Proposed executed Lease Amendment and Copy



2/12/18

RE: Partially Executed Lease

Please find enclosed partially executed AT&T lease for the following site(s): 410-285

Please see fully executed amendment to the address below and retain one copy for your records:

AT&T
ATTN: **Rhonda Thompson**
660 Hembree Parkway
Suite 120
Roswell, GA 30076

If you should have any questions, please feel free to contact me at 770-708-0485.

Regards,

Rhonda Thompson
Project Manager
ATO – Construction & Engineering
NSB Lease/Providence
770-708-0485 | rt645k@att.com

Market: Georgia
Cell Site Number: 410-285
Cell Site Name: Paulson Stadium
Fixed Asset Number: 10031174

FIFTH AMENDMENT TO LEASE AGREEMENT

THIS FIFTH AMENDMENT TO LEASE AGREEMENT ("**Fifth Amendment**"), dated as of the latter of the signature dates below, is by and between the Mayor and City Council of Statesboro, a Georgia municipality, having a mailing address of 50 E Main St, Statesboro, GA 30458 ("**Lessor**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 575 Morosgo Drive, Atlanta, GA 30324 ("**Lessee**").

WHEREAS, Lessor and Lessee entered into a Lease Agreement dated June 24, 2002, as amended by the First Amendment to Lease Agreement dated November 1, 2005, as further amended by Second Amendment to Lease Agreement dated October 31, 2012, as further amended by Third Amendment to Lease Agreement dated May 6, 2014, as further amended by the Fourth Amendment to Lease Agreement dated July 7, 2016, whereby Lessor leased to Lessee certain Premises, therein described, that are a portion of the Property located at 201 Lanier Drive, Statesboro, GA 30458 ("**Agreement**"); and

WHEREAS, Lessor and Lessee desire to reflect that Lessee shall be authorized to add, remove, modify, or replace certain equipment on the Premises as listed below and set forth in **Exhibit A-3**, attached hereto and incorporated by reference; and

WHEREAS, Lessor and Lessee, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee agree as follows:

1. **Equipment.** Exhibit 1-A shall be deleted in its entirety and replaced with **Exhibit A-3** attached hereto and incorporated into the Agreement as if fully set out therein.
2. **Rent.** Commencing on the date Lessee commences installation of the equipment listed on Exhibit A-3 on the Premises or by June 1, 2018 whichever is earliest ("**Commencement Date**"), the current rent payable under the Agreement shall be Fifty - Two Thousand and No/100 Dollars (\$52,000.00) per year (the "**Rent**"), prorated for any partial lease years, and shall continue during the Term.
3. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this Fifth Amendment, the terms of this Fifth Amendment shall control. Except as expressly set forth in this Fifth Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Fifth Amendment.

4. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Fifth Amendment on the dates set forth below.

“LESSOR”

Signed, sealed and delivered
in the presence of:

The Mayor and City Council of Statesboro,
a Georgia municipality

Name: _____
Unofficial Witness
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Name: _____
Notary Public

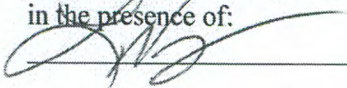
My Commission Expires: _____

[NOTARIAL SEAL]


“LESSEE”

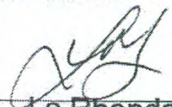
Signed, sealed and delivered
in the presence of:

New Cingular Wireless PCS, LLC,
a Delaware limited liability company
By: AT&T Mobility Corporation



Name: Lorinda Warren-Wineburg
Unofficial Witness

Its: Manager
By: 
Name: Michael Danbom
Title: Area Manager of Construction and Engineering
Date: 3-21-18



Name: La Rhonda Thompson
Notary Public

My Commission Expires: 1-16-21

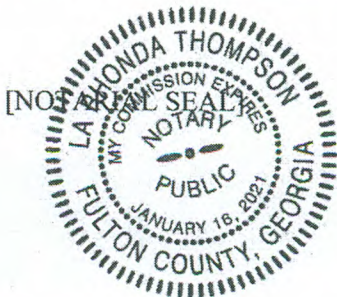


EXHIBIT A-3
(Page 1 of 3)

Tower Equipment to be located at the 132' RAD.

- (6) Kathrein 80010865 panel antennas**
- (3) Commscope NNH4-65B-R6 panel antennas**
- (3) Kathrein 742264 panel antennas**
- (3) Ericsson RRUS-11 radios**
- (3) Ericsson RRUS-12 radios**
- (3) Ericsson RRUS-A2 modules**
- (3) Ericsson RRUS-32 radios**
- (3) Ericsson B14 4478 radios**
- (3) Ericsson 4415 B25 radios**
- (3) Ericsson 4478 B5 radios**
- (6) Andrew ETD819G-12UB TMAs**
- (6) Andrew E15Z01P06 TMAs**
- (3) Raycap DC6-48-60-18-8F surge suppressors**
- (6) Raycap DC2-48-60-0-9E surge suppressors**
- (12) 1 5/8" coax**
- (6) 7/8" power cables**
- (3) 3/8" fiber cables**
- (6) 3/8" RET cables**

EXHIBIT A-3
(Page 2 of 3)

See attached exhibit comprised of 2 pages, dated 3-12-2018, prepared by Foresite Group.

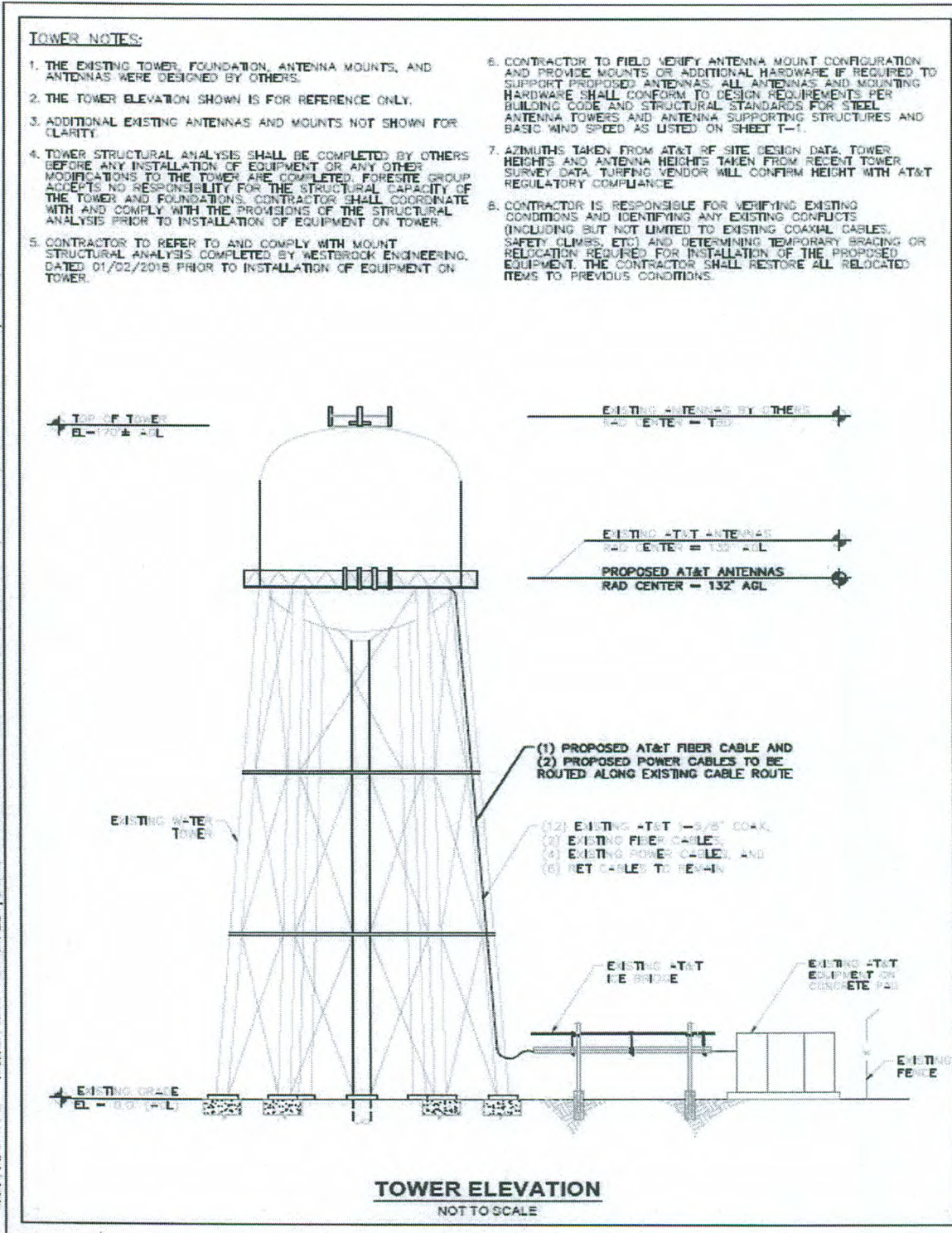
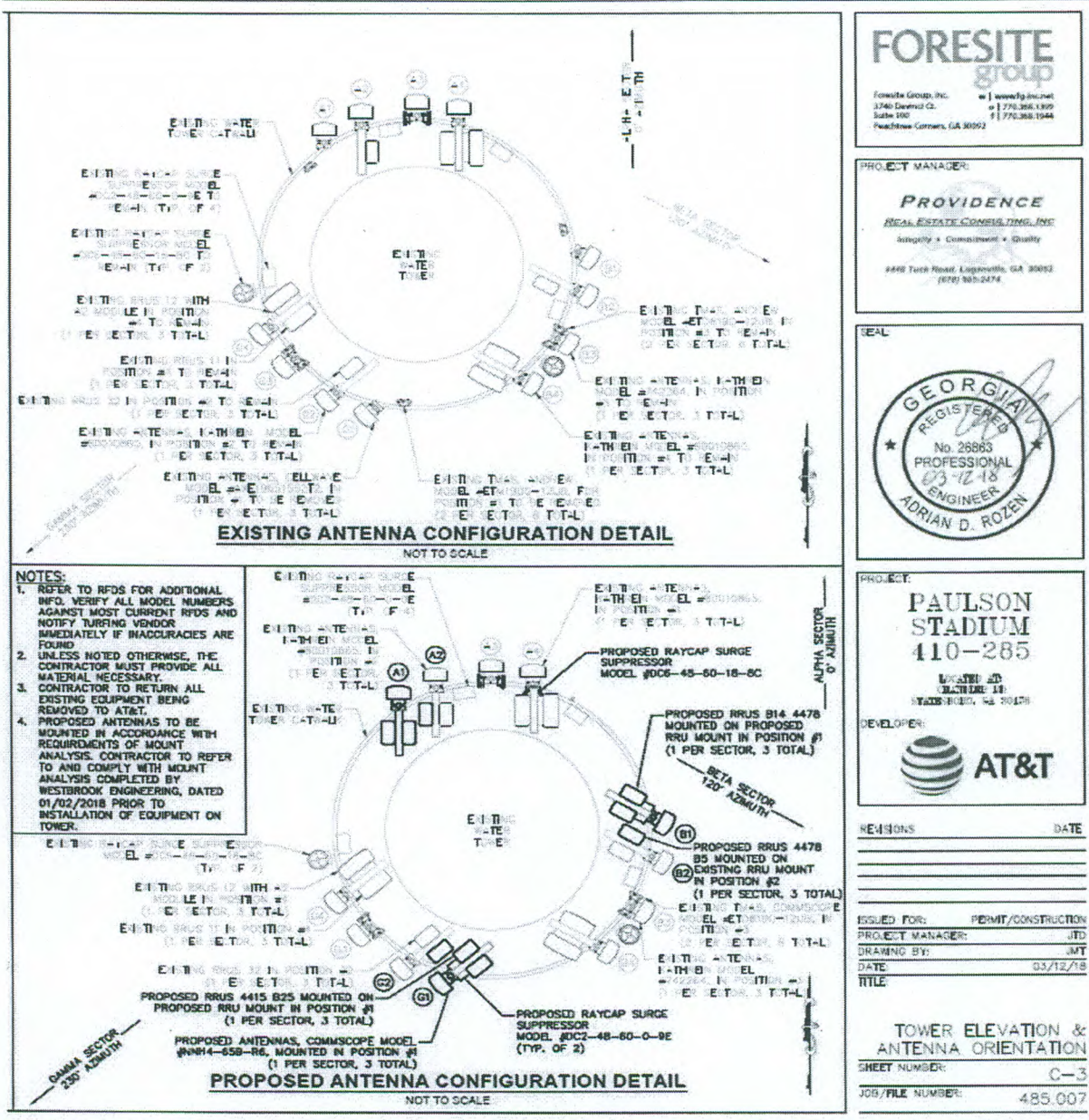


EXHIBIT A-3
(Page 3 of 3)

See attached exhibit comprised of 2 pages, dated 3-12-2018, prepared by Foresite Group.



Notes:

1. THIS EXHIBIT MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED BY LESSEE.
2. ANY SETBACK OF THE PREMISES FROM THE PROPERTY'S BOUNDARIES SHALL BE THE DISTANCE REQUIRED BY THE APPLICABLE GOVERNMENTAL AUTHORITIES.
3. WIDTH OF ACCESS ROAD SHALL BE THE WIDTH REQUIRED BY THE APPLICABLE GOVERNMENTAL AUTHORITIES, INCLUDING POLICE AND FIRE DEPARTMENTS.
4. THE TYPE, NUMBER AND MOUNTING POSITIONS AND LOCATIONS OF ANTENNAS AND TRANSMISSION LINES ARE ILLUSTRATIVE ONLY. ACTUAL TYPES, NUMBERS AND MOUNTING POSITIONS MAY VARY FROM WHAT IS SHOWN ABOVE.

Market: Georgia
Cell Site Number: 410-285
Cell Site Name: Paulson Stadium
Fixed Asset Number: 10031174

FIFTH AMENDMENT TO LEASE AGREEMENT

THIS FIFTH AMENDMENT TO LEASE AGREEMENT ("**Fifth Amendment**"), dated as of the latter of the signature dates below, is by and between the Mayor and City Council of Statesboro, a Georgia municipality, having a mailing address of 50 E Main St, Statesboro, GA 30458 ("**Lessor**") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 575 Morosgo Drive, Atlanta, GA 30324 ("**Lessee**").

WHEREAS, Lessor and Lessee entered into a Lease Agreement dated June 24, 2002, as amended by the First Amendment to Lease Agreement dated November 1, 2005, as further amended by Second Amendment to Lease Agreement dated October 31, 2012, as further amended by Third Amendment to Lease Agreement dated May 6, 2014, as further amended by the Fourth Amendment to Lease Agreement dated July 7, 2016, whereby Lessor leased to Lessee certain Premises, therein described, that are a portion of the Property located at 201 Lanier Drive, Statesboro, GA 30458 ("**Agreement**"); and

WHEREAS, Lessor and Lessee desire to reflect that Lessee shall be authorized to add, remove, modify, or replace certain equipment on the Premises as listed below and set forth in **Exhibit A-3**, attached hereto and incorporated by reference; and

WHEREAS, Lessor and Lessee, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee agree as follows:

1. **Equipment.** Exhibit 1-A shall be deleted in its entirety and replaced with **Exhibit A-3** attached hereto and incorporated into the Agreement as if fully set out therein.
2. **Rent.** Commencing on the date Lessee commences installation of the equipment listed on Exhibit A-3 on the Premises or by June 1, 2018 whichever is earliest ("**Commencement Date**"), the current rent payable under the Agreement shall be Fifty - Two Thousand and No/100 Dollars (\$52,000.00) per year (the "**Rent**"), prorated for any partial lease years, and shall continue during the Term.
3. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this Fifth Amendment, the terms of this Fifth Amendment shall control. Except as expressly set forth in this Fifth Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Fifth Amendment.

4. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Fifth Amendment on the dates set forth below.

“LESSOR”

Signed, sealed and delivered
in the presence of:

The Mayor and City Council of Statesboro,
a Georgia municipality

Name: _____
Unofficial Witness
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Name: _____
Notary Public

My Commission Expires: _____

[NOTARIAL SEAL]

“LESSEE”

Signed, sealed and delivered
in the presence of:

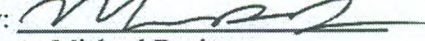
New Cingular Wireless PCS, LLC,
a Delaware limited liability company



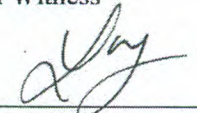
Name: Lorinda Warren-Wineburg

By: AT&T Mobility Corporation
Its: Manager

Name: _____
Unofficial Witness

By: 
Name: Michael Danbom

Title: Area Manager of Construction and Engineering
Date: 3-21-18



Name: La Rhonda Thompson
Notary Public

My Commission Expires: 1-16-21



EXHIBIT A-3
(Page 1 of 3)

Tower Equipment to be located at the 132' RAD.

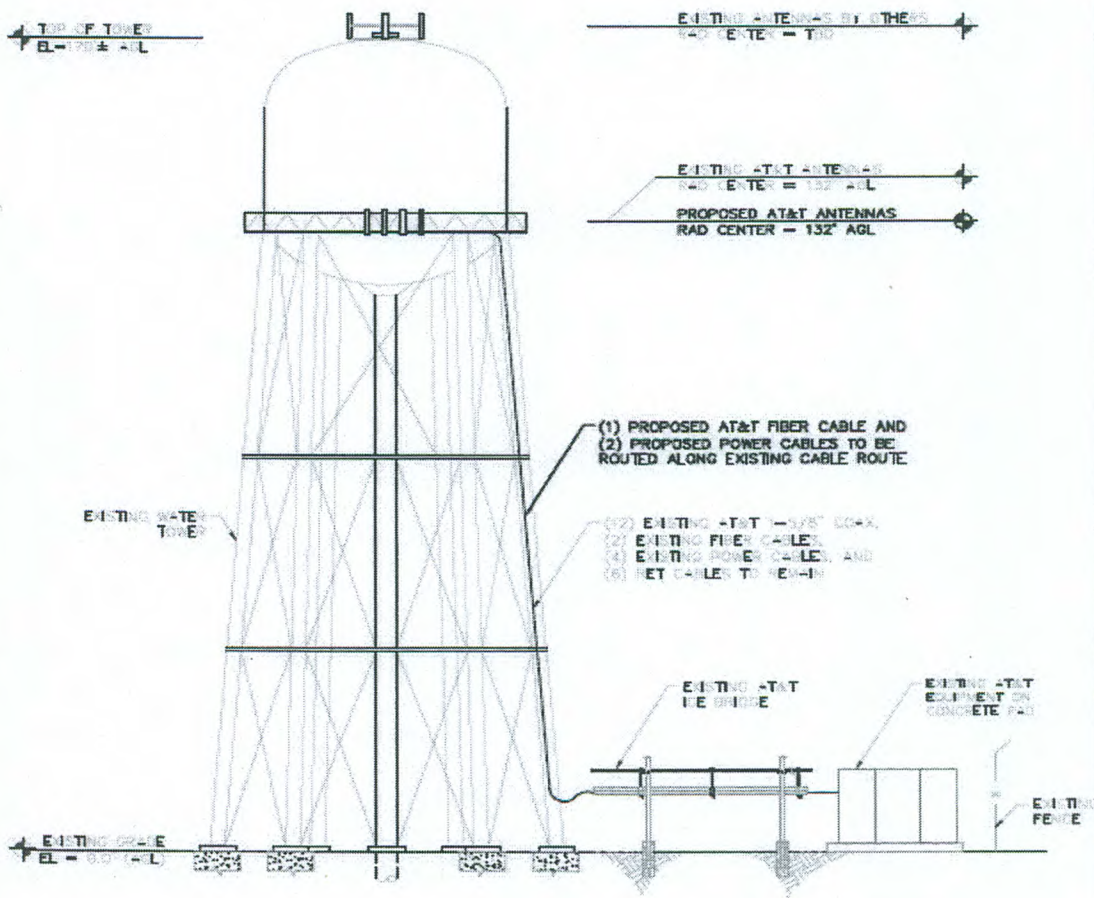
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- (3) Kathrein 742264 panel antennas**
- (3) Ericsson RRUS-11 radios**
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- (3) Ericsson RRUS-32 radios**
- (3) Ericsson B14 4478 radios**
- (3) Ericsson 4415 B25 radios**
- (3) Ericsson 4478 B5 radios**
- (6) Andrew ETD819G-12UB TMAs**
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- (3) Raycap DC6-48-60-18-8F surge suppressors**
- (6) Raycap DC2-48-60-0-9E surge suppressors**
- (12) 1 5/8" coax**
- (6) 7/8" power cables**
- (3) 3/8" fiber cables**
- (6) 3/8" RET cables**

EXHIBIT A-3
(Page 2 of 3)

See attached exhibit comprised of 2 pages, dated 3-12-2018, prepared by Foresite Group.

TOWER NOTES:

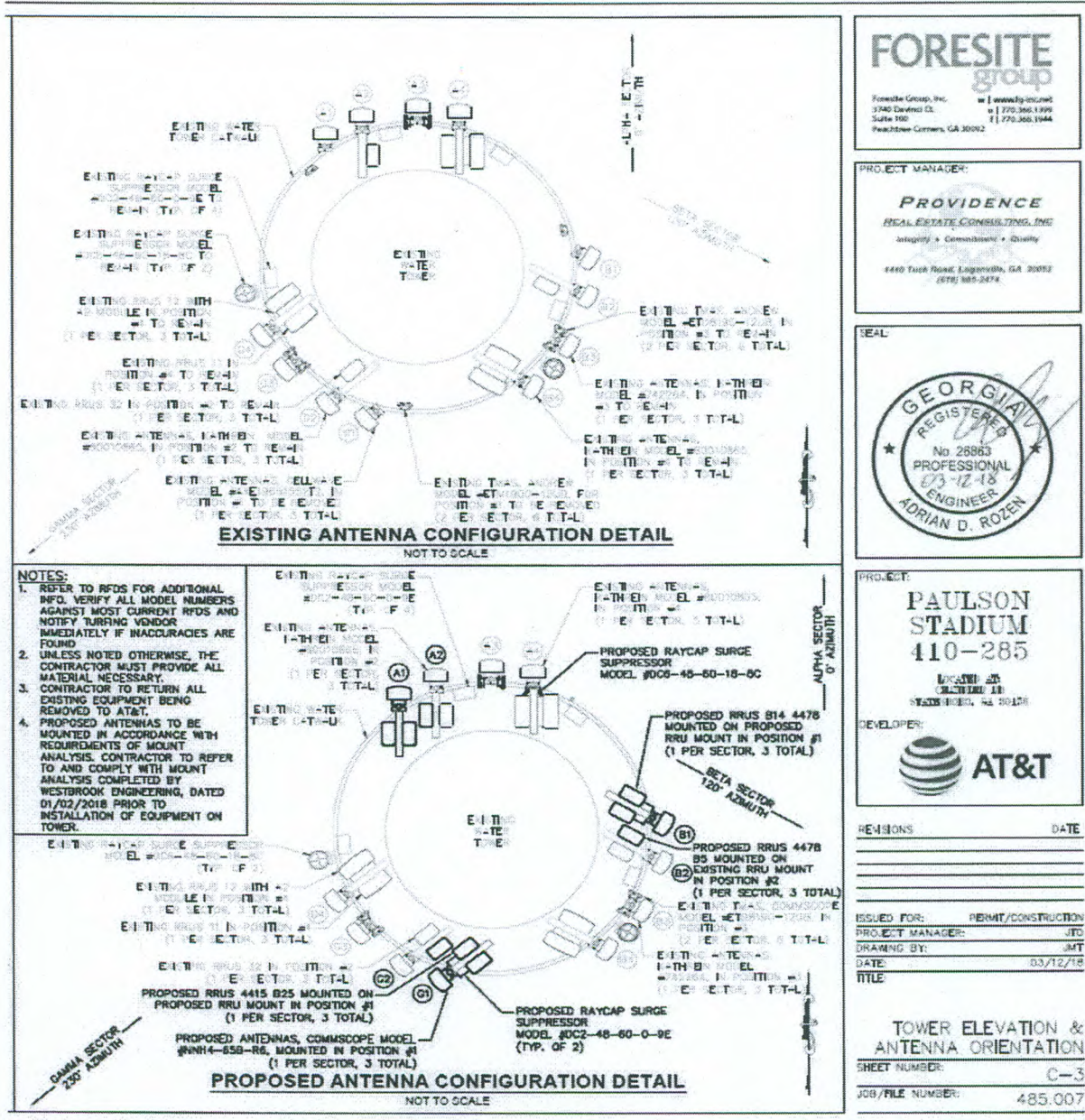
1. THE EXISTING TOWER, FOUNDATION, ANTENNA MOUNTS, AND ANTENNAS WERE DESIGNED BY OTHERS.
2. THE TOWER ELEVATION SHOWN IS FOR REFERENCE ONLY.
3. ADDITIONAL EXISTING ANTENNAS AND MOUNTS NOT SHOWN FOR CLARITY.
4. TOWER STRUCTURAL ANALYSIS SHALL BE COMPLETED BY OTHERS BEFORE ANY INSTALLATION OF EQUIPMENT OR ANY OTHER MODIFICATIONS TO THE TOWER ARE COMPLETED. FORESITE GROUP ACCEPTS NO RESPONSIBILITY FOR THE STRUCTURAL CAPACITY OF THE TOWER AND FOUNDATIONS. CONTRACTOR SHALL COORDINATE WITH AND COMPLY WITH THE PROVISIONS OF THE STRUCTURAL ANALYSIS PRIOR TO INSTALLATION OF EQUIPMENT ON TOWER.
5. CONTRACTOR TO REFER TO AND COMPLY WITH MOUNT STRUCTURAL ANALYSIS COMPLETED BY WESTBROOK ENGINEERING, DATED 01/02/2018 PRIOR TO INSTALLATION OF EQUIPMENT ON TOWER.
6. CONTRACTOR TO FIELD VERIFY ANTENNA MOUNT CONFIGURATION AND PROVIDE MOUNTS OR ADDITIONAL HARDWARE IF REQUIRED TO SUPPORT PROPOSED ANTENNAS. ALL ANTENNAS AND MOUNTING HARDWARE SHALL CONFORM TO DESIGN REQUIREMENTS PER BUILDING CODE AND STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES AND BASIC WIND SPEED AS LISTED ON SHEET T-5.
7. AZIMUTHS TAKEN FROM AT&T RF SITE DESIGN DATA. TOWER HEIGHTS AND ANTENNA HEIGHTS TAKEN FROM RECENT TOWER SURVEY DATA. TOWERING VENDOR WILL CONFIRM HEIGHT WITH AT&T REGULATORY COMPLIANCE.
8. CONTRACTOR IS RESPONSIBLE FOR VERIFYING EXISTING CONDITIONS AND IDENTIFYING ANY EXISTING CONFLICTS (INCLUDING BUT NOT LIMITED TO EXISTING COAXIAL CABLES, SAFETY CLIMBS, ETC) AND DETERMINING TEMPORARY BRACING OR RELOCATION REQUIRED FOR INSTALLATION OF THE PROPOSED EQUIPMENT. THE CONTRACTOR SHALL RESTORE ALL RELOCATED ITEMS TO PREVIOUS CONDITIONS.



TOWER ELEVATION
NOT TO SCALE

EXHIBIT A-3
(Page 3 of 3)

See attached exhibit comprised of 2 pages, dated 3-12-2018, prepared by Foresite Group.



NOTES:

1. REFER TO RFDS FOR ADDITIONAL INFO. VERIFY ALL MODEL NUMBERS AGAINST MOST CURRENT RFDS AND NOTIFY TUBING VENDOR IMMEDIATELY IF INACCURACIES ARE FOUND.
2. UNLESS NOTED OTHERWISE, THE CONTRACTOR MUST PROVIDE ALL MATERIAL NECESSARY.
3. CONTRACTOR TO RETURN ALL EXISTING EQUIPMENT BEING REMOVED TO AT&T.
4. PROPOSED ANTENNAS TO BE MOUNTED IN ACCORDANCE WITH REQUIREMENTS OF MOUNT ANALYSIS. CONTRACTOR TO REFER TO AND COMPLY WITH MOUNT ANALYSIS COMPLETED BY WESTBROOK ENGINEERING, DATED 01/02/2018 PRIOR TO INSTALLATION OF EQUIPMENT ON TOWER.

FORESITE group
Foresite Group, Inc. | 5740 Davinci Ct. | Suite 100 | Peachtree Corners, GA 30092
Tel: 770.366.1999 | Fax: 770.366.1944

PROJECT MANAGER:
PROVIDENCE
REAL ESTATE CONSULTING, INC.
Integrity • Commitment • Quality
4440 Tucker Road, Loganville, GA 30052
(678) 885-2474

SEAL:

REGISTERED PROFESSIONAL ENGINEER
No. 26863
03-12-18
ADRIAN D. ROZEN

PROJECT:
PAULSON STADIUM
410-285
10000 W. CHATEAU BLVD
STAYLEBORN, GA 30178

DEVELOPER:

REVISIONS	DATE

ISSUED FOR: PERMIT/CONSTRUCTION
PROJECT MANAGER: JTC
DRAWING BY: JMT
DATE: 03/12/18
TITLE: TOWER ELEVATION & ANTENNA ORIENTATION
SHEET NUMBER: C-3
JOB/FILE NUMBER: 485.007

- Notes:**
1. THIS EXHIBIT MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED BY LESSEE.
 2. ANY SETBACK OF THE PREMISES FROM THE PROPERTY'S BOUNDARIES SHALL BE THE DISTANCE REQUIRED BY THE APPLICABLE GOVERNMENTAL AUTHORITIES.
 3. WIDTH OF ACCESS ROAD SHALL BE THE WIDTH REQUIRED BY THE APPLICABLE GOVERNMENTAL AUTHORITIES, INCLUDING POLICE AND FIRE DEPARTMENTS.
 4. THE TYPE, NUMBER AND MOUNTING POSITIONS AND LOCATIONS OF ANTENNAS AND TRANSMISSION LINES ARE ILLUSTRATIVE ONLY. ACTUAL TYPES, NUMBERS AND MOUNTING POSITIONS MAY VARY FROM WHAT IS SHOWN ABOVE.

CITY OF STATESBORO



50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

To: Randy Wetmore, City Manager
From: Jason Boyles, Director of Public Works and Engineering
Marcos Trejo, Jr., Stormwater Manager
Date: 4/10/2018
RE: Recommendation to Approve Bid for "South College Street Headwall"

Policy Issue: Purchasing

Recommendation:

Staff recommends awarding the South College Street Headwall contract to the low bidder, Southeastern Civil, Inc., in the amount of \$104,135.00 for the construction of one (1) headwall (base bid). This project will be funded by Stormwater Utility revenues.

Background:

The City of Statesboro received sealed bids on March 27, 2018 for the construction of two headwalls on the Little Lott's Creek Tributary at South College Street to correct on-going erosion compromising the pipe and road shoulder. As you may recall this project was bid previously but was over-budget. Despite a reduction in the scope of work the second bids received were still over-budget. Therefore staff is only recommending to construct one headwall, on the inlet side, per the base bid criteria. This project was properly advertised and the low bidder meets all requirements of the City.

Bids received:

Southeastern Civil	\$104,135.00
Y-Delta	\$128,859.16

Budget Impact: Funding for this project, STM-25, is provided by Stormwater operating revenues and approved in the FY2018 budget.

Council Person and District: Sam Jones, District 2

Attachments: none

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs



Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

50 EAST MAIN STREET • P.O. BOX 348
STATESBORO, GEORGIA 30459-0348

**To: Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager**

From: Darren Prather, Central Services Director

Date: 4-10-2018

RE: Policy Issue: Recommendation—Broker for General Liability
and Workers Compensation Insurance.

Recommendation:

The evaluation team's consensus is a recommendation to award this contract to provide brokerage services for general liability and workers compensation insurance to Glenn Davis and Associates. While all brokers offered high-quality submittals and presentations, it was felt Glenn Davis best met the evaluation criteria and offered the best overall product to the City of Statesboro.

Background:

The City of Statesboro issued a request for qualifications (RFQ) to provide insurance brokerage services for general liability and workers compensation insurance. This brokerage method was selected to make sure the City had access to all insurance carriers in the market. The opportunity was advertised per our policy and directly sent to all known interested local insurance agencies. This contract, if approved, will be for one (1) year with the option to renew for two (2) additional one (1) year terms if agreed on by both parties. The RFQ submittals were evaluated by a five (5) member team comprised of City employees with experience in various areas of insurance. This team individually evaluated each submittal of participating brokers. After this initial stage, each firm was invited for an in-person presentation to the evaluation team. During both evaluation stages, each broker was evaluated by such criteria as; experience, consulting ability, technologies available, service model, implementation ability, compliance resources, responsiveness to RFQ and references. After the submittals were reviewed and the presentations were

Georgia Municipal Association City of Excellence

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CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs



Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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STATESBORO, GEORGIA 30459-0348

viewed, a consensus for recommendation was reached by the evaluation team. Each broker was asked to submit a cost to provide services, but in a separate envelope since the evaluation was to be based on qualifications alone. After the evaluation was completed the cost envelopes were opened, the average percentage cost for workers compensation ranged between 3% - 5% while the general liability areas ranged between 5% - 15%. The cost paid to the broker will be derived from these percentages of our paid premium paid back from the insurance carrier.

Council Person and District: All

Attachments: None

CITY OF STATESBORO

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**To: Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager**

From: Darren Prather, Central Services Director

Date: 4-5-2018

RE: Policy Issue: Purchase of IT Software Upgrade

This is a request for approval to enter into a contract to purchase a software system upgrade off the National Joint Powers Alliance (NJPA) contract. This item is not budgeted in the current fiscal year and was requested in the fiscal year 2019 budget. If approved, payment will not be made until after July 1, 2018.

Recommendation:

I recommend the purchase of this software system upgrade from CDW off the NJPA contract in the amount of \$45,054.50.

Background:

Ongoing software upgrades are a constant requirement, the IT Department has researched several software products to provide enhancements to our existing software that is currently in use. This product is available on the NJPA contract through the company of CDW. We have purchased several items off this contract as it fulfills our requirement of having been vetted through a competitive bidding process by the NJPA process. This software will enhance and provide a more efficient operation of IT services for the City of Statesboro.

Budget Impact:

If approved, this purchase will be paid by utilizing a BB&T loan at loan through GMA at approximately 3.75% interest over four (4) years.

Council Person and District: All

Attachments: None

CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Travis L. Chance, District 5

Jonathan M. McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Sharon Anton, City Planner

Date: April 10, 2018

RE: April 17, 2018 City Council Agenda Items

Background: This resolution would amend the Classification and Compensation Plan as follows, that the Planning and Development Specialist in the Planning and Development Department is hereby reclassified to City Planner I, with the additional requirement of a Bachelor's Degree, and that the current City Planner position is, accordingly, reclassified to City Planner II.

The current Planning and Development staff consists of one non-exempt employee, currently titled "Planning and Development Specialist" and one exempt employee, currently titled "City Planner." Neither position would undergo a change in status or compensation, only in title, so as to accurately reflect job duties and industry standard nomenclature.

Budget Impact: None

Council Person and District: N/A

Attachments: Resolution, proposed job description and requirements for City Planner I, proposed job description and requirements for City Planner II.

**RESOLUTION 2018-16: A RESOLUTION AMENDING THE JOB
POSITION CLASSIFICATION AND COMPENSATION PLAN**

THAT WHEREAS, it is essential to have qualified municipal employees in order to provide reliable services to the citizens of Statesboro; and

WHEREAS, in order to accomplish this the Mayor and City Council previously have adopted a new Job Position Classification and Compensation Plan on April 5, 2017; and

WHEREAS, the City Manager has made a recommendation to reclassify a Planning and Development Specialist in the Planning & Development Department; and

WHEREAS, the City Manager has made a recommendation to reclassify a City Planner in the Planning & Development Department.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia in regular session assembled this 19th day of September, 2017 as follows:

Section 1. That the Job Position Classification and Compensation Plan, which includes a list of job titles and pay grades; a grade and step pay matrix; and written job descriptions for each position with City government, previously adopted on April 5, 2017, and as subsequently amended, is hereby further amended as follows:

- That the Planning and Development Department Planning and Development Specialist position is hereby amended by reclassifying to the position of City Planner I; Pay grade will remain the same; Minimum Requirements will henceforth include a Bachelor's Degree.
- That the Planning and Development Department City Planner position is hereby amended by reclassifying to the position of City Planner II; Pay grade will remain the same;

Section 2. That this Resolution shall be and remain in full force and effect from and after its date of adoption.

Passed and adopted this 17th day of April 2018.

CITY OF STATESBORO, GEORGIA

By: _____
Jonathan M. McCollar, Mayor

Attest: _____
Sue Starling, City Clerk



City of Statesboro, GA

JOB DESCRIPTION

To perform this job successfully, an individual must be able to perform the essential job functions satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty associated with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were actually written out in this job description.

City Planner I

Department: Planning & Development

Pay Grade: 109

FLSA Status: Non-Exempt

JOB SUMMARY

The Planning & Development Specialist is responsible for and performs a variety of administrative, technical, and professional work related to the programs and services of the Department of Planning & Development for the City of Statesboro. Assist with permits, report writing and production, land use applications, public information distribution, and a variety of special projects involving research, writing, organization, and report production and filing.

ESSENTIAL JOB FUNCTIONS:

- Prepares various written reports on behalf of the Department;
- Writes grant request and administrative filings, land use analysis, research recommendations, and others;
- Designs and produces public information materials for department including brochures, posters, newsletters, and other public education and presentation materials;
- Posts department related news and activities on website and other media sources at direction of Director;
- Performs zoning, land use, and planning and development, ordinance research as needed for routine and special projects of the Department;
- Assists with ordinance development and revision;
- Assists the public, builders, staff and others with general ordinance and code questions and assists with processing their applications;
- Provides back up to the Development Project Manager and Administrative Assistant as needed;
- Handles telephone calls and responds to routine informational requests based on ordinances and established policies and procedures;

- Assists Code Compliance officers with ordinance questions and policy development;
- Provides assistance with zoning variances, annexation requests, rezoning reviews, etc.;
- Assists with Planning Commission cases;
- Conducts zoning reviews for occupational tax certificate (business license), building permits, sign permits, zoning certifications, and land use applications;
- Conducts on site reviews and inspections as needed;
- Reviews plans submitted for approval;
- Accepts, receives, and/or collects payments;
- Reads and interprets maps, site plans, building plans, and plats;
- Files and retrieves materials and data from manual filing systems and computerized databases;
- Creates and maintains organizational and filing systems for special projects; and
- Performs other assigned duties.

MINIMUM REQUIREMENTS TO PERFORM WORK:

- Bachelor's degree in planning public administration, engineering or a closely related field;
- One (1) year of experience in a related field;
- Or equivalent training, education, and/or experience; and
- Valid State of Georgia Driver's License.

Knowledge, Skills and Abilities:

- Knowledge of or ability to learn the department's rules, regulations, policies, and procedures;
- Knowledge of or ability to learn and interpret applicable codes and ordinances of the City, especially the zoning ordinance;
- Knowledge of modern office practices, procedures, and equipment;
- Knowledge of brochure or newsletter production;
- Knowledge of website postings;
- Skilled in using computers for data entry;
- Skilled in using computers for word processing and/or accounting purposes;
- Ability to establish effective working relationships with other City employees, City officials, customers, and the general public;
- Ability to independently develop and maintain a schedule of projects;
- Ability to understand and follow complex oral and written instructions;
- Ability to process information, applications and forms requiring accuracy, thoroughness, timeliness, and attention to detail;
- Ability to meet and deal tactfully and courteously with property owners, citizens, developers, builders, City officials, fellow staff, and the public;
- Ability to drive and operate assigned vehicles in a safe and efficient manner;
- Ability to work independently under general supervision;
- ability to prepare professional correspondence, reports, grant filings, and public information releases;
- Ability to produce brochures, newsletters, websites, presentations, and reports that are professional in appearance and include a variety of written materials, pictures, charts, graphs, and maps;
- Skilled in the use small office equipment, including copy machines or multi-line telephone systems;

- Ability to maintain a professional demeanor and an orientation towards customer service;
- Ability to supervise, organize, and communicate effectively;
- Ability to maintain constructive and cooperative working relationships with others; and
- Ability to cooperate with fellow employees as a team member.

PHYSICAL DEMANDS:

The work is typically performed in an office.

WORK ENVIRONMENT:

The work is typically performed while sitting at a desk or table and inside an office.

The City has the right to revise this position description at any time, and does not represent in any way a contract of employment.

Employee Signature

Date

Supervisor (or HR) Signature

Date



City of Statesboro, GA

JOB DESCRIPTION

To perform this job successfully, an individual must be able to perform the essential job functions satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty associated with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were actually written out in this job description.

City Planner II

Department: Planning & Development
Pay Grade: 111
FLSA Status: Exempt

JOB SUMMARY

The City Planner is responsible for administering the building permitting activities for the City of Statesboro. The City Planner serves as the staff project manager and customer liaison for all permitting matters associated with residential and commercial construction projects within the City of Statesboro under the general direction and supervision of the Director of Planning & Development.

ESSENTIAL JOB FUNCTIONS:

- Reviews various development related applications for permits and licenses including building, site, business, signs, zoning, variances, annexations, subdivisions plans, etc;
- Works involves reviewing applications for licenses, permit applications, and subdivision plats for approval, logging information into computer, maintaining records, and providing information and assistance to customers and the public regarding zoning and other activities of the department;
- Coordinates various development processes including the review of applications and plans for permits, inspections, certificates of occupancy with developers, engineers, city staff, other local federal and state agencies, and the general public;
- Accepts and distributes various applications for permits, inspections, etc;
- Verifies that required inspections have been approved;
- Communicates project status and needs to all involved parties;
- Monitors status, timelines, and needs of all projects;
- Ensures projects are ready for occupancy and that all necessary work is complete and approved;

- Conducts zoning reviews for occupational tax certificate (business license), building permits, sign permits, zoning certifications, subdivision plats, etc;
- Conducts on site reviews and inspections as needed;
- Reviews plans submitted for approval;
- reads and interprets maps, site plans, building plans, and plats;
- Reviews submitted construction plans to assure compliance with zoning and subdivision regulations;
- Accepts, receives, and/or collects payments;
- Prepares and/or processes purchase orders;
- Files and retrieves materials and data from manual filing systems and computerized databases;
- Conducts site visits to developments and other field projects to assist in permitting process or resolution of question or problem;
- Assists the public, builders, developers, staff and others with general ordinance and code questions, questions regarding the permit processes, and assist with processing their applications;
- Provides Department back up as needed;
- Handles telephone calls and responds to routine informational requests based on established policies and procedures;
- Assists code compliance officers with ordinance questions and policy development;
- Provides assistance with zoning variances, annexation request, rezoning reviews, etc;
- Performs ordinance research and assistance with ordinance development and revision;
- Assist as needed with request for inspections and scheduling;
- Assists as needed with accepting requests for certificates of occupancy;
- Provides certificates for approval;
- Assists with development and planning related research; and
- Performs other assigned duties;
- Assists in the development and update of relevant plans including but not limited to comp plan, strategic plan etc;
- Complete survey requirements to maintain the City's qualified local government's status;
- Answers zoning and code questions as needed;
- Writes and amends ordinances as needed;
- Assists in grant writing and administration;

MINIMUM REQUIREMENTS TO PERFORM WORK:

- Bachelor's degree in planning public administration, engineering or a closely related field;
- Two (2) years of experience in a related field;
- Or equivalent training, education, and/or experience; and
- Valid State of Georgia Driver's License.

PREFERRED REQUIREMENTS TO PERFORM WORK:

- Master's Degree in planning public administration, engineering or a closely related field;

Knowledge, Skills and Abilities:

- Knowledge of or ability to learn the department's rules, regulations, policies, and procedures;

- Knowledge of or ability to learn and interpret applicable codes and ordinances of the City, especially the development related ordinance;
- Knowledge of modern office practices, procedures, and equipment;
- Skilled in public and interpersonal relations and ability to facilitate and mediate complex situations;
- Skilled in the use small office equipment, including copy machines or multi-line telephone systems;
- Skilled in using computers for data entry;
- Skilled in using computers for word processing and/or accounting purposes;
- Ability to maintain a professional demeanor and an orientation towards customer service;
- Ability to supervise, organize, and communicate effectively;
- Ability to develop and maintain a complex schedule of projects;
- Ability to understand and follow complex oral and written instructions;
- Ability to process information, applications and forms requiring accuracy, thoroughness, timeliness, and attention to detail;
- Ability to meet and deal tactfully, courteously, and professionally with property owners, citizens, developers, builders, City officials, fellow staff, and the public;
- Ability to drive and operate assigned vehicles in a safe and efficient manner;
- Ability to self-motivate and to work independently and with discipline under general supervision;
- Ability to prepare routine correspondence and clear and concise reports;
- Ability to establish strong working relationships with other City employees, City officials, customers, and the general public;
- Ability to read and working knowledge and understanding of plats, maps, building plans, surveys, renderings, etc.; and
- Ability to cooperate with fellow employees as a team member;

PHYSICAL DEMANDS:

The work is typically performed in an office.

WORK ENVIRONMENT:

The work is typically performed while sitting at a desk or table and inside an office.

The City has the right to revise this position description at any time, and does not represent in any way a contract of employment.

Employee Signature

Date

Supervisor (or HR) Signature

Date

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs



Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Robert Cheshire, Deputy City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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STATESBORO, GEORGIA 30459-0348

To: Mayor and City Council and Sue Starling, City Clerk

From: Cain Smith, City Attorney

Date: April 9, 2018

RE: April 17, 2018 City Council Agenda Items

Policy Issue: Revision of existing City Attorney contract to compensate for additional undertaken duties

Recommendation: Consideration of contract

Background: Brad McMahon has resigned as assistant city solicitor. City attorney desires to handle arraignment dates in Municipal Court with adjusted compensation granted. City Attorney expects to cover 36 court dates annually with each session lasting approximately two hours.

Budget Impact: Additional compensation of \$1500 annually (\$125 additional monthly) and four days of additional paid vacation annually

Council Person and District: All

Attachments: Proposed contract revisions: black letter and redlined

EMPLOYMENT AGREEMENT

GEORGIA, BULLOCH COUNTY.

This agreement entered into this 20th day of April, 2018 by and between the **MAYOR AND CITY COUNCIL OF STATESBORO**, a municipal corporation, its assigns and successors, hereinafter known as “City”, and **I. CAIN SMITH**, his heirs, assigns and successors, hereinafter known as “Employee”

WITNESSETH:

WHEREAS, the Charter of the City of Statesboro provides for the appointment of a City Attorney, and the City is in need of a City Attorney, and;

WHEREAS, the City acts in proprietary capacity as employer, and desires to enter into this proprietary employment contract;

WHEREAS, Employee is a practicing attorney and is desirous of fulfilling the duties of the office of the City Attorney;

NOW, THEREFORE, both parties covenant and agree as follows:

SECTION 1. DUTIES

Employee covenants and agrees to act as the City Attorney and shall represent the Mayor and City Council as the governing body of the municipal corporation of the City of Statesboro. In so doing, the City Attorney shall act as the general counsel of the municipal corporation of the City of Statesboro. The City Attorney's fundamental duty is to advance and protect the legal interests of the municipal corporation of the City of Statesboro. Particular duties shall include, but are not limited to, representing the City in litigation; drafting and reviewing legal instruments that concern the rights and obligations of the city; providing legal counsel and legal opinions on matters relevant to the City, and supervising and working with outside counsel who represent the

City. The City Attorney shall be required to attend all City Council meetings and other meetings as requested by the City Council, the Mayor, or the City Manager. City Attorney shall also handle the arraignment calendar at Statesboro Municipal Court.

SECTION 2. TERM

- A. This agreement shall remain in full force and effect from the date of execution of the agreement until terminated by the Employer or Employee as provided in Section 3 of this agreement.
- B. All parties acknowledge that Employee is an appointed official and serves at the pleasure of the Mayor and City Council, and that the Mayor and City Council can terminate that appointment at will, and thereby terminate this agreement at will subject only to the provisions set forth in Section 3, Paragraph A of this agreement.
- C. Nothing in the agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from his position with the City, subject to the provision set forth in Section 3, Paragraphs B and C of this agreement.

SECTION 3. TERMINATION AND SEVERANCE PAY

- A. In the event the Employee is terminated and the Employee is willing and able to perform the duties of the position under this agreement, the Employer agrees to pay the Employee a lump sum cash payment equal to six (6) months gross salary. However, in the event the Employee is terminated because the Employee is no longer an active member in good standing of the State Bar of Georgia; or is convicted of a crime of moral turpitude or a felony, the City shall be entitled to terminate the Employee immediately without any severance pay or indemnification as specified in this agreement. Employee shall, at all times, remain an active member in good standing with the State Bar of Georgia.

Suspension or revocation of the Employee's license to practice law in the State of Georgia shall be grounds for immediate termination of this Agreement without any severance pay or indemnification as specified in this agreement.

- B. If Employer refuses, following a written request to comply with any provision benefitting Employee herein, or if the Employee resigns following an offer to accept resignation whether formal or informal by the Employer, then the Employee may declare a termination and receive severance pay as above provided.
- C. In the event the Employee voluntarily resigns his position with the City then the Employee shall give the City FORTY-FIVE (45) days written notice in advance, unless the parties otherwise agree. The severance pay agreement detailed above shall not apply to voluntary resignation.

SECTION 4. TERMINATION DUE TO DISABILITY

If the Employee is unable to perform his duties because of illness, accident, injury, or mental incapacity, for a period of at least twelve (12) weeks and no reasonable accommodations are available, the City shall have the option to terminate employment. However, the employee shall be entitled to severance pay as provided in Section 3.

SECTION 5. COMPENSATION

- A. As compensation for acting as the City Attorney, Employee shall be paid the annual sum of Eighty Three Thousand Ninety Four and No/100 (\$83,094.76) payable in installments at the same time as other employees of the City are paid. The City agrees that the employee shall receive increases in base salary and benefits due other employees on the anniversary date of this agreement each year in the same percentage as all other employees who receive a favorable evaluation in that year unless the Employer determines in an annual evaluation that the

Employee's performance in the past year does not justify a merit increase. Employee shall also receive the same cost of living adjustments as a percentage of annual salary as other full time City employees receive that year.

B. As further compensation for acting as the City Attorney, the City of Statesboro shall provide an amount equal to four percent (4.00%) of Employee's salary into a deferred compensation account for Employee's benefit. Such deferred compensation account shall be titled in Employee's name. No vesting period shall be required by the City.

SECTION 6. BENEFITS

Employee shall receive all benefits typically provided to employees of the City of Statesboro including, but not limited to, the City's health and dental insurance program; participation in the Defined Benefit Retirement Plan; life insurance equivalent to his annual salary, as well as long term disability. These benefits shall equal those offered to regular employees of the City.

SECTION 7: ADMINISTRATIVE SUPPORT AND FUNDING

The Employer shall provide sufficient funding and administrative support to the City Attorney to carry out the duties of the position. Said funding and administrative support shall be provided through the yearly budgeting process.

SECTION 8. VACATION AND SICK LEAVE

Employee shall accrue sick leave at the same rate as regular full time employees of the City. Leave for vacation or personal matters shall be taken as needed with the approval of the Mayor in consultation the City Manager, nonetheless, the Employee shall have the right to take not less than 24 days of paid vacation time each fiscal year. Unused vacation time shall accumulate as provided for other regular full time employees of the City.

SECTION 9. DUES, SUBSCRIPTIONS, AND PROFESSIONAL DEVELOPMENT

- A. City agrees to pay the Employee's annual membership dues to the State Bar of Georgia, as well as the International Municipal Lawyers Association (IMLA), as well as a subscription fee to a comprehensive legal research data base such as Lexis or Westlaw.
- B. The City agrees to pay for travel and subsistence expenses for the Employee for professional and official travel, meetings and occasions adequate to continue the professional development of the Employee and to adequately pursue necessary official and other functions of the City, not to exceed the budgetary restrictions and subject to prior budgetary approval by the Mayor and City Council. Mileage shall be paid when the employee is required to drive his own vehicle.
- C. The City agrees to pay the dues and meal expenses for Employee's membership in one civic club or professional organization of employee's choosing.

SECTION 10. PRIVATE PRACTICE OF LAW ALLOWED

Employee shall be allowed to practice law privately as long as there are no conflicts of interest, as provided for in the Georgia Rules of Professional Conduct as adopted and enforced by the State Bar Georgia, between his private practice of law and his representation of the City. In balancing his obligations as the City Attorney with his obligations as a private attorney, Employee is governed by Comment 2 of the Georgia Rule of Professional Conduct regarding the diligence required for the practice of law which states that "A lawyer's work load should be controlled so that each matter can be handled competently." Rule 1.3, GA Rules Professional Conduct, Comment 2.

SECTION 11. HOURS OF WORK

Employee shall maximize his availability to the Mayor and City Council, the City Manager, Department Heads as well as staff to fulfill his duties and obligations as the City Attorney and shall be on call during normal business hours for 40 hours per week. Employee shall be required to attend regular and specially called meetings of the Mayor and City Council as well as attend staff meeting or other meeting as requested by the City Council, the Mayor, the City Manager or Deputy City Manager. The City recognizes that the private practice of law will, from time to time, require the City Attorney to be unavailable during normal business work hours. The Employee shall keep the Mayor and City Council as well as the City Manager and Deputy City Manager aware of his schedule. The City also recognizes that Employee must devote substantial time both outside City Hall and normal business hours to the affairs of the City.

SECTION 12. HOLD HARMLESS AND INDEMNIFICATION

The City recognizes that Employee is an agent and an employee of the City of Statesboro and that in the performance of Employee's duties and as an agent of the City, the City shall defend, hold harmless and indemnify Employee from all claims, demands and liabilities arising directly or indirectly from Employee's service as an agent and employee of the City. This status and indemnification shall continue after Employer's term of employment for any and all actions or event which occurred during Employee's employment. Employee shall be covered by the City's general liability insurance and other insurance policies in all areas in which he is acting as an agent and employee of the City of Statesboro and any judgment or claim not covered by

insurance concerning the agency and employment of Employee will be paid by the City of Statesboro.

SECTION 13. CONTINUING DUTY OF COOPERATION

At the termination of the employment relationship between the parties, Employee expressly agrees to cooperate with and assist any newly appointed City Attorney during the period of transition at a rate of pay equivalent to Employee's last salary level.

SECTION 14. SEVERABILITY

If any provision or portion of this Agreement is held to be invalid or unenforceable for any reason, the remainder of this Agreement or portion thereof shall be severable and shall remain in full force and effect.

IN WITNESS WHEREOF, all parties hereto have affixed their hands and seals the day and year above written.

MAYOR AND CITY COUNCIL
OF STATESBORO

I. CAIN SMITH
Employee

By: _____
JAN J. MOORE
Mayor, City of Statesboro

Attest: _____
SUE STARLING
City Clerk, City of Statesboro

Given to me, this 1st day of July, 2017

NOTARY PUBLIC

My commission expires on the _____ day of _____, 20 _____.

EMPLOYMENT AGREEMENT

GEORGIA, BULLOCH COUNTY.

This agreement entered into this 20th day of April, 2018 by and between the **MAYOR AND CITY COUNCIL OF STATESBORO**, a municipal corporation, its assigns and successors, hereinafter known as “City”, and **I. CAIN SMITH**, his heirs, assigns and successors, hereinafter known as “Employee”

WITNESSETH:

WHEREAS, the Charter of the City of Statesboro provides for the appointment of a City Attorney, and the City is in need of a City Attorney, and;

WHEREAS, the City acts in proprietary capacity as employer, and desires to enter into this proprietary employment contract;

WHEREAS, Employee is a practicing attorney and is desirous of fulfilling the duties of the office of the City Attorney;

NOW, THEREFORE, both parties covenant and agree as follows:

SECTION 1. DUTIES

Employee covenants and agrees to act as the City Attorney and shall represent the Mayor and City Council as the governing body of the municipal corporation of the City of Statesboro. In so doing, the City Attorney shall act as the general counsel of the municipal corporation of the City of Statesboro. The City Attorney's fundamental duty is to advance and protect the legal interests of the municipal corporation of the City of Statesboro. Particular duties shall include, but are not limited to, representing the City in litigation; drafting and reviewing legal instruments that concern the rights and obligations of the city; providing legal counsel and legal opinions on matters relevant to the City, and supervising and working with outside counsel who represent the

City. The City Attorney shall be required to attend all City Council meetings and other meetings as requested by the City Council, the Mayor, or the City Manager. **City Attorney shall also handle the arraignment calendar at Statesboro Municipal Court.**

SECTION 2. TERM

- A. This agreement shall remain in full force and effect from the date of execution of the agreement until terminated by the Employer or Employee as provided in Section 3 of this agreement.
- B. All parties acknowledge that Employee is an appointed official and serves at the pleasure of the Mayor and City Council, and that the Mayor and City Council can terminate that appointment at will, and thereby terminate this agreement at will subject only to the provisions set forth in Section 3, Paragraph A of this agreement.
- C. Nothing in the agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from his position with the City, subject to the provision set forth in Section 3, Paragraphs B and C of this agreement.

SECTION 3. TERMINATION AND SEVERANCE PAY

- A. In the event the Employee is terminated and the Employee is willing and able to perform the duties of the position under this agreement, the Employer agrees to pay the Employee a lump sum cash payment equal to six (6) months gross salary. However, in the event the Employee is terminated because the Employee is no longer an active member in good standing of the State Bar of Georgia; or is convicted of a crime of moral turpitude or a felony, the City shall be entitled to terminate the Employee immediately without any severance pay or indemnification as specified in this agreement. Employee shall, at all times, remain an active member in good standing with the State Bar of Georgia.

Suspension or revocation of the Employee's license to practice law in the State of Georgia shall be grounds for immediate termination of this Agreement without any severance pay or indemnification as specified in this agreement.

- B. If Employer refuses, following a written request to comply with any provision benefitting Employee herein, or if the Employee resigns following an offer to accept resignation whether formal or informal by the Employer, then the Employee may declare a termination and receive severance pay as above provided.
- C. In the event the Employee voluntarily resigns his position with the City then the Employee shall give the City FORTY-FIVE (45) days written notice in advance, unless the parties otherwise agree. The severance pay agreement detailed above shall not apply to voluntary resignation.

SECTION 4. TERMINATION DUE TO DISABILITY

If the Employee is unable to perform his duties because of illness, accident, injury, or mental incapacity, for a period of at least twelve (12) weeks and no reasonable accommodations are available, the City shall have the option to terminate employment. However, the employee shall be entitled to severance pay as provided in Section 3.

SECTION 5. COMPENSATION

- A. As compensation for acting as the City Attorney, Employee shall be paid the annual sum of **Eighty Three Thousand Ninety Four and No/100 (\$83,094.76)** payable in installments at the same time as other employees of the City are paid. The City agrees that the employee shall receive increases in base salary and benefits due other employees on the anniversary date of this agreement each year in the same percentage as all other employees who receive a favorable evaluation in that year unless the Employer determines in an annual evaluation that the

Employee's performance in the past year does not justify a merit increase. Employee shall also receive the same cost of living adjustments as a percentage of annual salary as other full time City employees receive that year.

B. As further compensation for acting as the City Attorney, the City of Statesboro shall provide an amount equal to four percent (4.00%) of Employee's salary into a deferred compensation account for Employee's benefit. Such deferred compensation account shall be titled in Employee's name. No vesting period shall be required by the City.

SECTION 6. BENEFITS

Employee shall receive all benefits typically provided to employees of the City of Statesboro including, but not limited to, the City's health and dental insurance program; participation in the Defined Benefit Retirement Plan; life insurance equivalent to his annual salary, as well as long term disability. These benefits shall equal those offered to regular employees of the City.

SECTION 7: ADMINISTRATIVE SUPPORT AND FUNDING

The Employer shall provide sufficient funding and administrative support to the City Attorney to carry out the duties of the position. Said funding and administrative support shall be provided through the yearly budgeting process.

SECTION 8. VACATION AND SICK LEAVE

Employee shall accrue sick leave at the same rate as regular full time employees of the City. Leave for vacation or personal matters shall be taken as needed with the approval of the Mayor in consultation the City Manager, nonetheless, the Employee shall have the right to take not less than **24 days of paid vacation time each fiscal year**. Unused vacation time shall accumulate as provided for other regular full time employees of the City.

SECTION 9. DUES, SUBSCRIPTIONS, AND PROFESSIONAL DEVELOPMENT

- A. City agrees to pay the Employee's annual membership dues to the State Bar of Georgia, as well as the International Municipal Lawyers Association (IMLA), as well as a subscription fee to a comprehensive legal research data base such as Lexis or Westlaw.
- B. The City agrees to pay for travel and subsistence expenses for the Employee for professional and official travel, meetings and occasions adequate to continue the professional development of the Employee and to adequately pursue necessary official and other functions of the City, not to exceed the budgetary restrictions and subject to prior budgetary approval by the Mayor and City Council. Mileage shall be paid when the employee is required to drive his own vehicle.
- C. The City agrees to pay the dues and meal expenses for Employee's membership in one civic club or professional organization of employee's choosing.

SECTION 10. PRIVATE PRACTICE OF LAW ALLOWED

Employee shall be allowed to practice law privately as long as there are no conflicts of interest, as provided for in the Georgia Rules of Professional Conduct as adopted and enforced by the State Bar Georgia, between his private practice of law and his representation of the City. In balancing his obligations as the City Attorney with his obligations as a private attorney, Employee is governed by Comment 2 of the Georgia Rule of Professional Conduct regarding the diligence required for the practice of law which states that "A lawyer's work load should be controlled so that each matter can be handled competently." Rule 1.3, GA Rules Professional Conduct, Comment 2.

SECTION 11. HOURS OF WORK

Employee shall maximize his availability to the Mayor and City Council, the City Manager, Department Heads as well as staff to fulfill his duties and obligations as the City Attorney and shall be on call during normal business hours for 40 hours per week. Employee shall be required to attend regular and specially called meetings of the Mayor and City Council as well as attend staff meeting or other meeting as requested by the City Council, the Mayor, the City Manager or Deputy City Manager. The City recognizes that the private practice of law will, from time to time, require the City Attorney to be unavailable during normal business work hours. The Employee shall keep the Mayor and City Council as well as the City Manager and Deputy City Manager aware of his schedule. The City also recognizes that Employee must devote substantial time both outside City Hall and normal business hours to the affairs of the City.

SECTION 12. HOLD HARMLESS AND INDEMNIFICATION

The City recognizes that Employee is an agent and an employee of the City of Statesboro and that in the performance of Employee's duties and as an agent of the City, the City shall defend, hold harmless and indemnify Employee from all claims, demands and liabilities arising directly or indirectly from Employee's service as an agent and employee of the City. This status and indemnification shall continue after Employer's term of employment for any and all actions or event which occurred during Employee's employment. Employee shall be covered by the City's general liability insurance and other insurance policies in all areas in which he is acting as an agent and employee of the City of Statesboro and any judgment or claim not covered by

insurance concerning the agency and employment of Employee will be paid by the City of Statesboro.

SECTION 13. CONTINUING DUTY OF COOPERATION

At the termination of the employment relationship between the parties, Employee expressly agrees to cooperate with and assist any newly appointed City Attorney during the period of transition at a rate of pay equivalent to Employee's last salary level.

SECTION 14. SEVERABILITY

If any provision or portion of this Agreement is held to be invalid or unenforceable for any reason, the remainder of this Agreement or portion thereof shall be severable and shall remain in full force and effect.

IN WITNESS WHEREOF, all parties hereto have affixed their hands and seals the day and year above written.

MAYOR AND CITY COUNCIL
OF STATESBORO

I. CAIN SMITH
Employee

By: _____
JAN J. MOORE
Mayor, City of Statesboro

Attest: _____
SUE STARLING
City Clerk, City of Statesboro

Given to me, this 1st day of July, 2017

NOTARY PUBLIC

My commission expires on the _____ day of _____, 20 _____.