



**CITY OF STATESBORO
Council Minutes
July 17, 2018**

A regular meeting of the Statesboro City Council was held on July 17, 2018 at 5:30p.m. in the Council Chambers at City Hall. Present were Mayor Jonathan McCollar, Council Members: Phil Boyum, Sam Lee Jones, Jeff Yawn, John Riggs and Derek Duke. Also present were City Manager Randy Wetmore, Deputy City Manager Robert Cheshire, City Clerk Sue Starling and City Attorney Cain Smith.

The Meeting was called to Order by Mayor Jonathan McCollar.

The Invocation and Pledge of Allegiance was led by Councilman Sam Lee Jones

Recognitions/Public Presentations

A)Results and overview of the Statesboro Fire Department's Insurance Services Office (ISO) Public Protection Classification (PPC) evaluation completed in November of 2017."

Fire Chief Tim Grams updated Council on the recent fire and the lives that were saved by the Statesboro Firefighters. The firefighters will be recognized at a later time.

Fire Chief Grams also updated Council on the ISO evaluation. He stated the City went from a Class 3 to a Class 2 and was very close to being a Class 1.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

- A) Approval of Minutes**
 - a) 06-19-2018 Council Minutes**
 - b) 06-27-2018 Called Council Minutes**
 - c) 06-27-2018 Executive Session Minutes**

Councilman Riggs made a motion, seconded by Councilman Yawn to approve the consent agenda in its entirety. Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Discussion for the Old Register Tax Allocation District (TAD) Redevelopment.

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

Attorney Dan McCrae spoke in favor of the TAD. Darin Van Tassel presented a slide show and overview of the proposed parcels and their uses.

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

There was no action taken on this item.

Consideration of a Motion to approve an application for Sec.6-17(d) exemptions to open container prohibition.

A) Eagle Creek Brewing Company

Councilman Riggs made a motion, seconded by Councilman Yawn to approve the exemptions to open container prohibition application for Eagle Creek Brewing Company. Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to Approve: APPLICATION V 18-05-02 : Whitfield Signs requests a variance from Article XV Section 1509(C) Table 3 of the Statesboro Zoning Ordinance regarding the maximum allowed total square feet of building signs in Sign District 1 (Tax Parcel S44 000065 000).

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

Jan Phillips representing Whitfield Signs spoke in favor of the request.

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

Councilman Yawn made a motion, seconded by Councilman Boyum to approve APPLICATION V 18-05-02 : Whitfield Signs requests a variance from Article XV Section 1509(C) Table 3 of the Statesboro Zoning Ordinance regarding the maximum allowed total square feet of building signs in Sign District 1 (Tax Parcel S44 000065 000). Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to Approve: APPLICATION V 18-06- 01: West District Development, LLC requests a variance from Article XXIII Section 2301 regarding the required landscape buffer between non-residential uses abutting a residentially zoned area and multi-family residences adjacent to single-family or two-family residences for a combination of parcels addressed 91 South College St and South College St (Tax Parcels S19 000002 000 & S19 000001 000).

Public Hearing and Consideration of a Motion to Approve: APPLICATION V 18-06- 02: West District Development, LLC requests a variance from Article XXX Section 3010

regarding the requirement to provide sidewalks along the public right-of-way in the Downtown District (Tax Parcels S19 000002 000 & S19 000001 000).

Public Hearing and Consideration of a Motion to Approve: APPLICATION RZ 18-06- 03: West District Development, LLC requests a zoning map amendment in order to revise a previously approved site plan for a combination of parcels addressed 91 South College St and South College St (Tax Parcels S19 000002 000 & S19 000001 000).

Councilman Yawn made a motion, seconded by Councilman Jones to open the public hearing for **Application V-18-06-01, V-18-06-02 and RZ 18-06-03.** Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

The attorney representing West District and Brian Kent spoke in favor of the request.

Councilman Duke made a motion, seconded by Councilman Riggs to close the public hearing for **Application V-18-06-01, V-18-06-02 and RZ 18-06-03.** Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Yawn made a motion, seconded By Councilman Riggs to approve **APPLICATION V 18-06- 01:** West District Development, LLC requests a variance from Article XXIII Section 2301 regarding the required landscape buffer between non-residential uses abutting a residentially zoned area and multi-family residences adjacent to single-family or two-family residences for a combination of parcels addressed 91 South College St and South College St (Tax Parcels S19 000002 000 & S19 000001 000). Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Yawn made a motion, seconded by Councilman Boyum to approve **APPLICATION V 18-06- 02:** West District Development, LLC requests a variance from Article XXX Section 3010 regarding the requirement to provide sidewalks along the public right-of-way in the Downtown District (Tax Parcels S19 000002 000 & S19 000001 000). Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Yawn made a motion, seconded by Councilman Yawn to **APPLICATION RZ 18-06- 03:** West District Development, LLC requests a zoning map amendment in order to revise a previously approved site plan for a combination of parcels addressed 91 South College St and South College St (Tax Parcels S19 000002 000 & S19 000001 000). Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to Approve: APPLICATION V 18-06- 04: Rudolph Payton requests a variance from Article X Section 1003(E) to reduce the required minimum distance between buildings in the CR (Commercial Retail) zone to construct a garage on a parcel located at 204 Elm Street (Tax Parcel S18 000109 000).

Public Hearing and Consideration of a Motion to Approve: APPLICATION V 18-06- 05: Rudolph Payton requests a variance from Article X Section 1003(H) to reduce the required

rear yard setback in order to construct a garage on .31 acres of property located at 204 Elm St (Tax Parcel S18 000109 000).

Public Hearing and Consideration of a Motion to Approve: APPLICATION V 18-06- 06 : Rudolph Payton requests a variance from Article X Section 1003(A) to reduce the required square footage per structure in order to construct a garage on .31 acres of property located at 204 Elm Street (Tax Parcel S18 000109 000).

Councilman Jones made a motion, seconded by Councilman Yawn to open the public hearing for Application V-18-06-04, V-18-06-05 and V-18-06-06. Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Rudolph Payton spoke in favor of the request.

Councilman Jones made a motion, seconded by Councilman Yawn to close the public hearing for Application V-18-06-04, V-18-06-05 and V-18-06-06. Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Jones made a motion, seconded by Councilman Yawn to approve APPLICATION V 18-06- 04: Rudolph Payton requests a variance from Article X Section 1003(E) to reduce the required minimum distance between buildings in the CR (Commercial Retail) zone to construct a garage on a parcel located at 204 Elm Street (Tax Parcel S18 000109 000). Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Jones made a motion, seconded by Councilman Riggs to approve APPLICATION V 18-06- 05: Rudolph Payton requests a variance from Article X Section 1003(H) to reduce the required rear yard setback in order to construct a garage on .31 acres of property located at 204 Elm St (Tax Parcel S18 000109 000). Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Jones made a motion, seconded by Councilman Yawn to approve APPLICATION V 18-06- 06: Rudolph Payton requests a variance from Article X Section 1003(A) to reduce the required square footage per structure in order to construct a garage on .31 acres of property located at 204 Elm Street (Tax Parcel S18 000109 000). Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to Approve: APPLICATION RZ 18-06- 07: Eagle Auto, Inc. requests a zoning map amendment of 2.79 acres of property located at 1168 Martin Luther King Jr Drive from the CR (Commercial Retail) to the HOC (Highway Oriented Commercial) zoning district in order to operate an automotive service station and towing business (Tax Parcel S16 000090 000).

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

Penny Nesmith, owner of Eagle Auto spoke in favor of the request. She stated she was in the process of cleaning up the property.

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

Councilman Yawn made a motion with staff recommendations, seconded by Councilman Jones to approve **APPLICATION RZ 18-06- 07**: Eagle Auto, Inc. requests a zoning map amendment of 2.79 acres of property located at 1168 Martin Luther King Jr Drive from the CR (Commercial Retail) to the HOC (Highway Oriented Commercial) zoning district in order to operate an automotive service station and towing business (Tax Parcel S16 000090 000). Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Second Reading and Consideration of a Motion to Approve Ordinance 2018-03: An Ordinance of the Statesboro Code of Ordinance for Chapter 6 (Alcoholic Beverages) Amendment modifying policy relating to admission of patrons under 21 years to establishments licensed to sell alcoholic beverages.

After much discussion, Councilman Boyum presented his proposal of the categories that he would like to be considered for this ordinance. His list of categories would be restaurants, low volume sales, event venues and pubs. Each business would choose their category and then run the business based on the rules for that particular type

Councilman Riggs made a motion, seconded by Councilman Jones to approve the Approve **Ordinance 2018-03**: An Ordinance of the Statesboro Code of Ordinance for Chapter 6 (Alcoholic Beverages) Amendment modifying policy relating to admission of patrons under 21 years to establishments licensed to sell alcoholic beverages. This Ordinance is referred to as option "A" as included in the packet. The motion failed with a 3-2 vote. Councilman Boyum, Yawn and Duke voted against the motion.

Second Reading and Consideration of a Motion to Approve Ordinance 2018-02: An Ordinance of the Statesboro Code of Ordinances for Chapter 6 (Alcoholic Beverages) Amendment to Section 6-5 adding insurance requirements for alcoholic beverage licensees.

Councilman Yawn made a motion, seconded by Councilman Boyum to approve **Ordinance 2018-02**: An Ordinance of the Statesboro Code of Ordinances for Chapter 6 (Alcoholic Beverages) Amendment to Section 6-5 adding insurance requirements for alcoholic beverage licensees. Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Second Reading and Consideration of a Motion to Approve Ordinance 2018-04: An Ordinance of the Statesboro Code of Ordinances for 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.

Councilman Boyum made a motion, seconded by Councilman Yawn to approve **Ordinance 2018-04**: An Ordinance of the Statesboro Code of Ordinances for 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. Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Second Reading and Consideration of a Motion to Approve 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)

Councilman Boyum made a motion, seconded by Councilman Yawn to approve **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). Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Discussion to finalize the 2019 Special Purpose Local Option Sales Tax (SPLOST) project amounts.

A Special Called Council Meeting will be tentatively set for next week after the final numbers are received from the Bulloch County Commissioners office.

Consideration of a Motion to authorize the City Manager to enter into a contract with Development Associates to conduct the searches to fill the Human Resources Director and City Engineer positions

Councilman Yawn made a motion, seconded by Councilman Riggs, to authorize the City Manager to enter into a contract with Development Associates to conduct the searches to fill the Human Resources Director and City Engineer positions. Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to Approve Resolution 2018-21: A Resolution extending the terms of Alcohol Advisory Board members.

Councilman Yawn made a motion, seconded by Councilman Jones to approve **Resolution 2018-21**: A Resolution extending the terms of Alcohol Advisory Board members. Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to Approve Award of Contract to Y-Delta, Inc. for the 2016 CDBG project in the amount of \$770,452.57 based on unit pricing. Funding is provided by a combination of a Community Development Block Grant in the amount of \$500,000, Water-Sewer Fund Revenues in the amount of \$225,000 and Stormwater Fund Revenues in the amount of \$150,000.

Councilman Jones made a motion, seconded by Councilman Riggs to approve Award of Contract to Y-Delta, Inc. for the 2016 CDBG project in the amount of \$770,452.57 based on unit pricing. Funding is provided by a combination of a Community Development Block Grant in the amount of \$500,000, Water-Sewer Fund Revenues in the amount of \$225,000 and Stormwater Fund Revenues in the amount of \$150,000. Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Motion to award a contract for the purchase of six (6) mobile vehicle lifts to Stertil-Koni in the amount of \$63,854.33 per NJPA/Sourcwell contract # 061015-SKI. This unit will be paid by Fleet Management Fund revenues.

Councilman Yawn made a motion, seconded by Councilman Riggs to award a contract for the purchase of six (6) mobile vehicle lifts to Stertil-Koni in the amount of \$63,854.33 per NJPA/Sourcwell contract # 061015-SKI. This unit will be paid by Fleet Management Fund revenues. Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Other Business from City Council

Councilman Riggs stated he is not for loosening alcohol laws and that he wants to keep them tight. No one person can fix the problem; it takes everyone. The Police needs to have more undercover stings.

Mayor McCollar spoke to the economic growth of Statesboro. We can't continue to go back to archaic laws. It is 2018 and we are still dealing with prohibition. We need to think forward. We need to move into the new millennium. He stated he was very disappointed he was not told of Councilman Boyum's document before the meeting.

Councilman Boyum stated that no one saw the document before tonight.

Mayor McCollar and Councilman Boyum had an outspoken debate on Councilman Boyum's document regarding the changes to the proposed Alcohol Ordinance 2018-03. Councilman Boyum stated he did talk with some business owners about his ideas.

Al Chapman stated he was not aware of Councilman Boyum's proposals.

Councilman Boyum also asked Council to consider the possibility of placing the "Brunch Bill" on the November election ballot.

City Managers Comments

Director of Planning and Zoning Frank Neal updated Council on the Comprehensive Plan as members for the committee were being chosen. He also asked that one Council member be on the committee.

Public Comments (General)

A) John Robinson request to speak regarding a community nuisance.

Mr. Robinson expressed his concerns regarding the property at 207 Church Street. He stated the property was in bad shape and needed to be cleaned up. He also stated he has been trying for years to get it done. He also stated the Scott Brunson was helping him in contacting the property owner.

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)

At 7:55 pm, Councilman Yawn made a motion, seconded by Councilman Riggs to enter into Executive Session. Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

At 8:45 pm, Councilman Riggs made a motion, seconded by Councilman Yawn to exit the Executive Session. Councilman Boyum, Jones, Yawn, Riggs and Duke voted in favor of the motion. The motion carried by a 5-0 vote.

Mayor McCollar called the meeting back to order with no action taken.

Consideration of a Motion to Adjourn

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

The meeting was adjourned at 8:45 pm.