



October 17, 2017 5:30 pm

1. Call to Order by Mayor Jan J. Moore
2. Invocation and Pledge of Allegiance by Councilman Travis Chance
3. Public Comments (Agenda Item):
4. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 10-03-2017 Council Minutes
 - B) Consideration of a motion to adopt **Resolution 2017-36**: A Resolution authorizing the destruction of certain municipal records that have met their retention.
5. Consideration of a Motion for Approval of an Intergovernmental Agreement (IGA) regarding participation of Bulloch County and payment of a portion of its tax increment to City of Statesboro TAD #1: Downtown TAD.
6. Public Hearing and Consideration of a Motion to Approve: **APPLICATION # RZ 17-10-01**: Paul D. Walsh requests a zoning map amendment for .7 acres of property located at Lanier Drive from R4 (High Density Residential District) to CR (Commercial Retail) zoning district to construct a mixed-use retail center (Tax Parcel # MS63 000010 000).
7. Public Hearing and Consideration of a Motion to Approve: **APPLICATION # RZ 17-09-02**: Robert Byrd requests a zoning map amendment for .14 acres of property located at 204 Roundtree Street from R6 (Single-Family Residential) to CR (Commercial Retail) zoning district to construct a parking lot, farmer's market and community area (Tax Parcel # S09 000068 000).
8. Public Hearing and Consideration of a Motion to Approve: **APPLICATION # V 17-10-02**: Whitfield Signs requests a variance from Article XV Section 1509(C) Table 3 of the Statesboro Zoning Ordinance for 8.24 acres of property located at 409 Clairborne Avenue regarding the maximum allowed for freestanding and building signs in Sign District 1 (Tax Parcel # S53 000001 000).
9. Consideration of a Motion to approve **Resolution 2017-35**: A Resolution of the Mayor and City Council of Statesboro to adopt the bylaws and letter of support for the Keep Statesboro-Bulloch Beautiful Commission (KSBBC).
10. Consideration of a motion to reject all bids for the "South College Street Headwall Construction" Project.

11. Discussion of TSPLOST and authorize the City Manager and staff to continue the preliminary negotiations regarding the City's participation.
12. Other Business from City Council
13. City Managers Comments
14. Public Comments (General)
15. Consideration of a Motion to enter into Executive Session to discuss "Real Estate" and "Potential Litigation" in accordance with **O.C.G.A. §50-14-3 (2012)**
16. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
Council Minutes
October 3, 2017**

A regular meeting of the Statesboro City Council was held on October 3rd, 2017 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Jan J. Moore, Council Members: Phil Boyum, Sam Lee Jones, Jeff Yawn, John Riggs and Travis Chance. 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 Jan J. Moore.

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

Recognitions/Public Presentations

A) Presentation by Ecological Planning Group on the completion of Task Order 1 of the Stormwater Master Plan.

Marcos Trejo, Stormwater Manager, Robert Brown, Resource Engineer for EPG and Wesley Parker updated Council on the completion of the task order 1 for stormwater. MLK West and Lake Sal were on top of the list for repairs.

Councilman John Riggs joined the meeting at 9:20 am.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

**A) Approval of Minutes
a) 09-19-2017 Council minutes**

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

Public Hearing and Second Reading of Ordinance 2017-13: An ordinance to revise Article XV (Signs) of the Statesboro Zoning Ordinance regarding the permitted districts in which projecting signs can be installed.

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

No one spoke for or against the request.

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

Councilman Boyum made a motion, seconded by Councilman Yawn to adopt **Ordinance 2017-13**: An ordinance to revise Article XV (Signs) of the Statesboro Zoning Ordinance regarding the permitted districts in which projecting signs can be installed. Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to Approve Alcohol License Application:

A) El Rancho Grande Mexican Restaurant LLC

**Manuel Lopez
3000 Northside Drive West
Statesboro Ga 30458**

B) Holiday Inn Statesboro

**Jack Forstrom
455 Commerce Drive
Statesboro Ga 30458**

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

No one spoke for or against the request.

Councilman Boyum made a motion, seconded by Councilman Yawn to close the public hearing for item A and B. Councilman Boyum, Jones, Yawn, Riggs and Chance 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 the alcohol application for El Rancho Grande Mexican Restaurant LLC. Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Yawn made a motion, seconded by Councilman Jones to approve the alcohol application for Holiday Inn Statesboro. Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a motion for the surplus and disposal of the building located at 125 South College Street (formerly the Municipal Court Office).

Councilman Jones made a motion, seconded by Councilman Boyum to approve the surplus and disposal of the building located at 125 South College Street (formerly the Municipal Court Office). Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to Apply for the Georgia ReLeaf Program grant with the Georgia Urban Forest Council, in partnership with the Georgia Forestry Commission. The maximum grant award is \$5,000 and no local match is required.

Councilman Boyum made a motion, seconded by Councilman Yawn to approve the submission of an application for the Georgia ReLeaf Program grant with the Georgia Urban Forest Council, in partnership with the Georgia Forestry Commission. The maximum grant award is \$5,000 and no local match is required. Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Appeal by Capstone Benefits Consulting and Glenn/ Davis made pursuant to City Ord 5-336 regarding award of city insurance brokerage contract to Shaw Hankins on September 19, 2017.

Mayor Moore presented the guidelines of the appeal process. City Manager Randy Wetmore gave a statement of how the decision was made when choosing the best insurance firm.

Brian Davis of Glen/ Davis and Associates and TBS president John Taylor presented their appeal along with a power point.

Ben Watkins with Capstone Benefits Consulting also presented his appeal.

Scott Hankins representing Shaw/Hankins answered questions on their proposal that was approved at the September 19, 2017 Council meeting.

After much discussion, Councilman Chance made a motion, seconded by Councilman Jones to rescind the vote of approval that was made on September 19, 2017 awarding the insurance contract to Shaw/Hankins. Councilman Jones, Riggs, and Chance voted in favor of the motion. Councilman Boyum and Yawn voted against the motion. The motion carried by a 3-2 vote.

With further discussion of Mayor and Council members, Councilman Chance made a motion, seconded by Councilman Yawn to approve the extension of the current insurance carrier, Glen/Davis & Associates, until March 31, 2018 during that time Councilman Chance and Councilman Yawn would choose an independent party to reevaluate the proposed RFO'S of the three insurance companies. The reevaluated results would then be presented to Council no later than April 1st 2018. Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Other Business from City Council: None

City Managers Comments

Deputy City Manager Robert Cheshire updated Council on the progress on the construction of the City Hall front porch and balcony. Mr. Cheshire stated the project should be complete in about 2 weeks.

Police Chief Mike Broadhead stated that 2 of his officers have completed training and one of them had been named class president.

Public Comments (General): None

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)

There was no Executive Session held.

Mayor Moore reminded everyone that “TAD” would be voted on tonight at the County Commission meeting.

Consideration of a Motion to Adjourn

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

The meeting was adjourned at 11:30 am.

CITY OF STATESBORO

COUNCIL

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



Jan J. Moore, 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: Sue Starling, City Clerk

Date: October 10, 2017

RE: Destruction of Municipal records that have met retention

Policy Issue: OCGA 50-18-90, et. seq., known as the "Georgia Records Act" requires that all public records be retained for a specified period set out in an adopted records retention schedule, with such records only being destroyed if the holding period has been met

Recommendation: the City Clerk is the city official in charge of maintaining said records, and recommending their destruction when the required holding period has been met

Background: Sec. 2-7. - Records retention schedule adopted.

On April 18, 1995, during the regularly scheduled meeting of mayor and council, the State of Georgia Records Retention Schedule was officially adopted as the retention schedule for the city's records management program. (Ord. of 4-18-95)

Budget Impact: None

Council Person and District: All

Attachments: Resolution 2017-36 along with a list of records that have met their retention.

**RESOLUTION #2017-36: A RESOLUTION AUTHORIZING THE
DESTRUCTION OF CERTAIN MUNICIPAL RECORDS**

THAT WHEREAS, OCGA 50-18-90, et. seq., known as the "Georgia Records Act" requires that all public records be retained for a specified period set out in an adopted records retention schedule, with such records only being destroyed if the holding period has been met; and

WHEREAS, the City Clerk is the city official in charge of maintaining said records, and recommending their destruction when the required holding period has been met; and

WHEREAS, the City Clerk has certified public records noted in the attachments to this resolution have been retained and available for the required retention period, and are no longer needed by the City, and therefore has recommended that they be destroyed;

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

Section 1. That the public records listed on the attachments to the Resolution, which said attachments are hereby incorporated into this Resolution as if fully set forth in the Resolution, are hereby authorized for destruction and are required to be destroyed by the City Clerk in a manner consistent with state law.

Section 2. That this Resolution shall be and remain effective from and after its date of adoption.

Adopted this 17th day of October, 2017.

CITY OF STATESBORO, GEORGIA

By: _____
Jan J. Moore, Mayor

Attest: _____
Sue Starling, City Clerk

Box Number	Department	Description	Fiscal Yr	Retention
80	Finance	Daily Balance Sheets/SCM/Sentinel E-Gov	2009	2012/2yrs
93	Finance	E-Gov Workstation Reports	2009-10	2012/5yrs
95	Finance	Affirmative Action/Annual Reports	2006	2010/3yrs
99	Finance	Daily Balance Sheets/SCM/Sentinel E-Gov	2008	2011/2yrs
103	Finance	UB Reports	2007	2013/5yrs
108	Finance	deductions/employee deposits	2007-08	2014/5yrs
109	Finance	workstation reports	2008	2014/5yrs
123	Finance	AP	2008	2014/ 5yrs
124	Finance	AP	2008	2014/5yrs
151	Finance	Daily Balance Sheets/SCM/Sentinel E-Gov	2009	2016/5yrs
155	Finance	Daily Balance Sheets/SCM/Sentinel E-Gov	2009	2016/5yrs
157	Finance	Bank Statements	2008	2014 / 5yrs
158	Finance	Daily Reports	2009	2016/5yrs
161	Finance	Various Documents	1997-06	2014/7yrs
164	Finance	AP G-L	2008	2014/ 5yrs
165	Finance	Daily Balance Sheets/SCM/Sentinel E-Gov	2009	2016/5yrs
171	Finance	J-O	2009	2015/ 5yrs
171	Finance	AP	2004-08	2014/ 5yrs
172	Finance	January - June 2008 Fin. Monthly reports	2008	2014/5yrs
172	Finance	AP	2006-08	2014 / 5yrs
173	Finance	BB&T Procurement Cards7/2008-6/2009	2009	2015/5yrs
173	Finance	Journal entries 7/2008-6/2009	2009	2015 / 5yrs
175	Finance	BB&T Procurement Cards7/2008-6/2009	2009	2015 / 5yrs
176	Finance	BB&T Procurement Cards3/2008-10/2008	2009	2015 / 5yrs
179	Finance	Accounts payabel a-b 2009	2009	2014 / 5yrs
179	Finance	AP	2008	2015 / 5yrs
180	Finance	PPE 3/2010-4/2010	2010	2016/5yrs
181	Finance	PPE 5/2010-6/2010	2010	2016 / 5yrs
182	Finance	Daily Balance Sheets/SCM/Sentinel E-Gov	2010	2016 / 5yrs
183	Finance	AP/Check Stubs 1/2008-6/2009	2009	2016 / 5yrs
184	Finance	AP reports 7/2009-5/2009	2009	2016 / 5yrs
185	Finance	PPE 4/2010-5/2010	2010	2016 / 5yrs
186	Finance	PPE check Stubs 12/2009-5/2010	2010	2016 / 5yrs
187	Finance	BB&T Procurement Cards 7/2008-6/2009	2009	2016 / 5yrs
188	Finance	BB&T Procurement Cards 7/2008-6/2009	2009	2015 / 5yrs
189	Finance	Banking RFP	2009	2015 / 5yrs
189	Finance	Transmittals & Deductions	2008	2014/5yrs
190	Finance	ULDC/RFP Unified Land Dev. Code	2009	2014/11yrs
190	Finance	Verizon Bills 1/2008-6/2009	2009	2015 / 5yrs
192	Finance	AP P-T	2009	2015/ 5yrs
193	Finance	Transaction Edits	2011	2016/5yrs
194	Finance	Transaction Edits	2011	2016/5yrs
195	Finance	AP C-Y	2009	2015/ 5yrs
197	Finance	Journal Entries	2008	2015 / 4yrs
199	Finance	Accounts Payable Misc.	2009	2015/ 5yrs
200	Finance	BB&T Procurement 2/2009-4/2009	2009	2015/ 5yrs

202	Finance	Accounts Payable Misc. 7/2008-6/2009	2009	2015/ 5yrs
202	Finance	Bank Statements	2005	2011/ 5yrs
204	Finance	Daily/Monthly reports	2008	2013 / 4yrs
205	Finance	Accounts Payable	2009	2015/ 5yrs
206	Finance	AP Misc 7/2008-6/2009	2009	2015 / 5yrs
207	Finance	BB&T Procurement 4/2009-6/2009	2009	2015 / 5yrs
208	Finance	AP S-Y	2009	2015 / 5yrs
209	Finance	AP D-G	2010	2015 / 5yrs
210	Finance	AP A-C	2010	2016 /5yrs
211	Finance	Budget Comparison Statements	2009	2016/5yrs
212	Finance	AP Misc.	2010	2016 / 5yrs
213	Finance	BB&T Procurement Cards	2010	2016/5yrs
214	Finance	BB&T Procurement Cards	2010	2016/5yrs
215	Finance	AP B-C	2008	2014/ 5yrs
216	Finance	PPE 2/2011-3/2011	2011	2016/4yrs
216	Finance	AP S-U	2008	2014/ 5yrs
217	Finance	journal entries	2010	2016/5yrs
217	Finance	Return chks/receipts	2006-08	2014/5yrs
218	Finance	AP	2000-10	2016/5yrs
218	Finance	Daily Balance Sheets/SCM/Sentinel E-Gov	2008	2014/5yrs
219	Finance	PPE 6/2010-6/2010	2010	2016/5yrs
220	Finance	Batch Transactons	2008	2016/7yrs
221	Finance	AP	2008	2014/ 5yrs
222	Finance	Journal Entries July-April	2010	2014/5yrs
222	Finance	AP N-R	2008	2015/5yrs
223	Finance	AP R-T	2010	2016/ 5yrs
224	Finance	AP G-Q	2010	2016/5yrs
225	Finance	AP Misc.	2010	2016/5yrs
226	Finance	AP U-Y	2010	2016/5yrs
227	Finance	AP B-C	2008	2014/5yrs
228	Finance	PPE 5/2010-9/2010	2010/11	2016/4yrs
229	Finance	BB&T Procurement Cards	2010	2016/5yrs
230	Finance	Internal Audit	2008	2016/7yrs
231	Finance	Daily Balance Sheets/SCM/Sentinel E-Gov	2010	2014/5yrs
231	Finance	AP G-I	2008	2014/5yrs
232	Finance	AP Check Stubs 7/2008-6/2009	2009	2015/5yrs
232	Finance	AP	2008	2014/5yrs
233	Finance	PPE	2011	2016/4yrs
234	Finance	Budget Comparisons 1/2009-5/2009	2009	2016/6yrs
235	Finance	PPE 6/2009-12/2009	2009/10	2016/5yrs
235	Finance	AP C-F	2008	2014/5yrs
236	Finance	Court Obligations2005-06 UB2010	2005-10	2016/5yrs
237	Finance	AP H-S	2009	2015/5yrs
238	Finance	AP Misc 1590-7450	2011	2016/5yrs
238	Finance	AP F-G	2009	2015/5yrs
239	Finance	PPE 8/2010-9/2010	2011	2016/4yrs
239	Finance	Financial Documents	2003-06	2012/5yrs

240	Finance	PPE 11/2010-12/2010	2011	2016/5yrs
241	Finance	Daily Balance Sheets/SCM/Sentinel E-Gov	2008	2014/5yrs
242	Finance	PPE 12/2010-1/2011	2011	2016/4yrs
243	Finance	Internal Audit	2008	2016/7yrs
244	Finance	PPE 3/2011-4-2011	2011	2016/4yrs
245	Finance	Batch Transactons	2007/08	2016/7yrs
246	Finance	Daily sheets/SMC/Sen./Egov/Tippage	2010	2016/5yrs
249	Finance	reconciliation	2008/11	2016/5yrs
250	Finance	PPE 1/2011-2/2011	2011	2016/4yrs
251	Finance	Daily Sheets/Tippage Fees 9/2010-11/2010	2011	2016/5yrs
251	Finance	AP Misc	2008	2014/5yrs
252	Finance	UB/WR/Pay Batch Edits BB&T pledges	2010	2016/5yrs
252	Finance	BB&T Procurement Card	2008	2014/5yrs
253	Finance	PPE 10/2010-2/2011	2011	2017/ 5yrs
254	Finance	PPE 4/2011-5/2011	2011	2017/ 5yrs
255	Finance	PPE 9/2010-10/2010	2011	2016/ 5yrs
256	Finance	Daily Sheets/Tippage Fees 3/2011-4/2011	2011	2016 / 5yrs
256	Finance	AP	2006-08	2015 / 5yrs
259	Finance	aP Misc	2008	2014/ 5yrs
260	Finance	GL/Trial Balance	2006	2012/5yrs
261	Finance	Check Stubs	2010	2016/5yrs
263	Finance	Bank Statements 7/2008-6/2009	2009	2015/ 5yrs
264	Finance	AP S-U	2009	2015 / 5yrs
267	Finance	Daily Balance Sheets/SCM/Sentinel E-Gov	2010	2015 / 5yrs
267	Finance	AP	2007	2013/5yrs
268	Finance	AP check stubs	2008	2014/5yrs
269	Finance	Daily/Monthly reports	2008	2014/5yrs
271	Finance	Budget Comparisons 1/2007-12/2007	2008	2015/7yrs
275	Finance	BB&T Procurement cards	2008	2014/5yrs
279	Finance	PPE 12/2009-1/2010	2010	2016/ 5yrs
280	Finance	PPE 1/2010-3/2010	2010	2016 / 5yrs
283	Finance	AP C-F	2008	2016 / 5yrs
286	Finance	Various Documents	1998-01	2007/5yrs
101	Purchasing	bids and rfps	2009-10	2017 / 7yrs
104	Purchasing	bids and rfps	2001-2010	2016 / 11yrs
107	Purchasing	Bid/Competitive Selection	2001	2008 / 7yrs
124	Purchasing	bid information / contract documents	1997-98	2010 / 11yrs
139	Purchasing	Bids / Competitive Selection	2008	2016 / 7yrs
161	Purchasing	bids/ap/daily receipt/ck authorizon	1997-2006	2014 / 7yrs
173	Purchasing	Bid / Competitive Selecton	2001	2013 / 11yrs
190	Purchasing	Bid/Competitive Selection	2001-02	2015 / 5yrs
190	Purchasing	ULDC / RFP	2009	2015 / 5yrs
196	Purchasing	Bid/Competitive Selection	2007	2015 / 7yrs
203	Purchasing	Bid/Competitive Selection	2003	2015 / 11yrs
215	Purchasing	Bid/Competitive Selection	2004-08	2016 / 7yrs
221	Purchasing	Bid/Competitive Selection	2007-08	2016 / 7yrs

227	Purchasing	Bid/Competitive Selection	2007-08	2016 / 7yrs
240	Purchasing	Bid/Competitive Selection	2002-04	2016 / 11yrs
271	Purchasing	Bid/Competitive Selection	2007	2015 / 7yrs

Box Number	Department	Description	Fiscal yr	Retention
336	Utility Billing	deposits/refunds/hook ups/off orders	2009	2015 / 5yrs
352	Utility Billing	on orders	2011	2015 / 3yrs
359	Utility Billing	receipt tape	2011	2017 / 5yrs
360	Utility Billing	customer acct records	2011	2017 / 5yrs
368	Utility Billing	on orders	2012	2016 / 3yrs
370	Utility Billing	daily work stations	2011	2014 / 2yrs
372	Utility Billing	customer acct records	2009	2015 / 5yrs
375	Utility Billing	customer acct records	2008	2014 / 5yrs
376	Utility Billing	receipt tapes	2010	2016 / 5yrs
380	Utility Billing	customer acct records	2008	2014 / 5yrs
382	Utility Billing	customer acct records	2008	2014 / 5yrs
386	Utility Billing	daily receipts	2008	2014 / 5yrs
394	Utility Billing	daily work station 11/2011- 12/2011	2012	2014 / 2yrs
395	Utility Billing	on orders	2008	2014 / 3yrs
399	Utility Billing	daily work station 4/1/08- 5/30/08	2008	2011 / 2yrs
401	Utility Billing	daily workstations	2011	2014 / 2 yrs
402	Utility Billing	daily worksheets	2009	2015 / 5 yrs
403	Utility Billing	customer acct records	2009	2015 / 5yrs
404	Utility Billing	daily worksheets	2009	2015 / 5yrs
406	Utility Billing	customer acct records	2008	2014 / 5yrs
409	Utility Billing	on orders	2008	2014 / 3yrs
409	Utility Billing	customer acct records	2010	2016 / 5yrs
410	Utility Billing	customer acct records	2008	2014 / 5yrs
410	Utility Billing	customer acct records	2010	2016 / 5yrs
411	Utility Billing	receipts	2011	2016 / 5yrs
412	Utility Billing	customer acct records	2009	2015 / 5yrs
413	Utility Billing	customer acct records	2011	2017 / 5yrs
414	Utility Billing	customer acct records	2011	2017 / 5yrs
415	Utility Billing	customer acct records	2011	2017 / 5yrs
416	Utility Billing	daily workstations	2011	2014 / 2yrs
417	Utility Billing	on orders	2011	2017 / 3yrs
418	Utility Billing	on orders	2009	2015 / 3yrs
419	Utility Billing	daily worksheets	2010	2015 / 5yrs
419	Utility Billing	daily workstations	2010	2013 / 2yrs
420	Utility Billing	Off orders	2008	2014 / 3yrs
420	Utility Billing	Customer acct records	2003	2015 / 5yrs
421	Utility Billing	customer acct records	2011	2017 / 5yrs
422	Utility Billing	customer acct records	2008	2014 / 5yrs
423	Utility Billing	customer acct records	2011	2017 / 5yrs
424	Utility Billing	Off orders	2011	2017 / 3yrs
425	Utility Billing	Receipt tapes	2010	2016 / 5yrs
426	Utility Billing	daily workstations	2008	2011 / 2yrs
427	Utility Billing	work stations 3/2011	2011	2014 / 2yrs
427	Utility Billing	customer acct records	2009	2015 / 5yrs
428	Utility Billing	customer acct records	2010	2016 / 5yrs
429	Utility Billing	daily work stations	2011	2014 / 2yrs

429	Utility Billing	Off orders	2010	2015 / 3yrs
430	Utility Billing	customer acct records	2011	2017 / 5yrs
431	Utility Billing	customer acct records	2011	2017 / 5yrs
432	Utility Billing	receipts	2011	2017 / 5yrs
433	Utility Billing	on orders	2010	2015 / 3yrs
434	Utility Billing	Off orders	2008	2014 / 3yrs
435	Utility Billing	work stations	2002	2008 / 2yrs
435	Utility Billing	receipt tapes	2010	2015 / 5yrs
436	Utility Billing	customer acct records	2010	2016 / 5yrs
437	Utility Billing	customer acct records	2010	2016 / 5yrs
438	Utility Billing	receipt tapes	2010	2016 / 5yrs
439	Utility Billing	receipt tapes 1/2008 - 12/2008	2009	2014 / 5yrs
439	Utility Billing	UB reports for auditors	2007	2015 / 7yrs
440	Utility Billing	customer acct records	2009	2015 / 5yrs
441	Utility Billing	customer acct records	2010	2016 / 5yrs
442	Utility Billing	daily work stations	2010	2015 / 5yrs
443	Utility Billing	deposits/refunds/hook ups/off orders	2009	2015 / 5yrs
443	Utility Billing	daily work stations	2012	2015 / 2yrs
444	Utility Billing	customer acct records	2009	2015 / 5yrs
444	Utility Billing	customer acct records	2010	2016 / 5yrs
445	Utility Billing	customer acct records	2009	2015 / 5yrs
446	Utility Billing	receipts	2008	2014 / 5yrs
447	Utility Billing	customer acct records	2009	2015 / 5yrs
448	Utility Billing	customer acct records	2009	2015 / 5yrs
449	Utility Billing	on orders	2012	2015 / 3yrs
450	Utility Billing	Off orders	2012	2015 / 3yrs
451	Utility Billing	work stations	2012	2015 / 3yrs
453	Utility Billing	customer acct records	2003	2015 / 5yrs
453	Utility Billing	customer acct records	2011	2016 / 5yrs
454	Utility Billing	Off orders	2011	2015 / 3yrs
455	Utility Billing	customer acct records	2008	2014 / 5yrs
455	Utility Billing	work stations	2010	2015 / 3yrs
456	Utility Billing	customer acct records	2008	2014 / 5yrs
456	Utility Billing	customer acct records	2010	2016 / 5yrs
457	Utility Billing	Off orders	2012	2016 / 3yrs
458	Utility Billing	work stations	2012	2016 / 3yrs
460	Utility Billing	on orders	2012	2015 / 3yrs
462	Utility Billing	on orders	2011	2014 / 3yrs
463	Utility Billing	customer acct records	2010	2016 / 5yrs
464	Utility Billing	customer acct records	2008	2014 / 5yrs
465	Utility Billing	on orders	2010	2014 / 3yrs
467	Utility Billing	customer acct records	2008	2014 / 5yrs
467	Utility Billing	Off orders	2012	2015 / 3yrs
469	Utility Billing	customer acct records	2008	2014 / 5yrs
469	Utility Billing	Off orders	2011	2014 / 3yrs
470	Utility Billing	receipt tapes 3/2006 - 11-2009	2009	2015 / 5yrs
470	Utility Billing	customer acct records	2011	2016 / 5yrs

471	Utility Billing	customer acct records	2010	2015 / 5yrs
472	Utility Billing	customer acct records	2009	2014 / 5yrs
474	Utility Billing	Off orders	2010	2014 / 3yrs
475	Utility Billing	daily work station 1/2009 - 12-2009	2010	2012 / 2yrs
477	Utility Billing	workstation 2/2009 - 3/2009	2009	2012 / 2yrs
477	Utility Billing	on orders	2012	2016 / 3yrs
478	Utility Billing	receipt tapes 2003-3/2008	2008	2014 / 5yrs
478	Utility Billing	Off orders	2012	2016 / 3yrs
479	Utility Billing	customer acct records	2010	2016 / 5yrs
480	Utility Billing	customer acct records	2009	2015 / 5yrs
481	Utility Billing	receipt tapes	2011	2016 / 5yrs
484	Utility Billing	receipt tapes	2011	2016 / 5yrs
488	Utility Billing	customer acct records	2009	2015 / 5yrs
491	Utility Billing	daily workstations	2009	2012 / 2yrs
492	Utility Billing	daily workstations	2008	2011 / 2yrs
499	Utility Billing	work station	2008	2011 / 2yrs
500	Utility Billing	work stations 12/2007-01/2008	2008	2011 / 2yrs
507	Utility Billing	daily work station 8/2008 - 9/2008	2008	2012 / 2yrs
508	Utility Billing	daily workstations	2008	2011 / 2yrs
515	Utility Billing	daily workstations	2009	2012 / 2yrs
516	Utility Billing	work station	2009	2012/ 2yrs
1	Tax	daily workstation 1/10 - 6/10	2010	
3	Tax	2011 Sales Tax Folders	2011	2016 / 5yrs
7	tax	retail excise on premis consumption	2012	
8	Tax	tax requests/adjustments/on-line pymts	2004-2008	2016 / 7yrs
10	tax	Tax digest 1998 / 1999	2008	2014 / 14 yrs
11	Tax	business license closed 2012	2012	2015 / 2yrs
13	Tax	Fi Fa's '02-'07 tax reports '05-'08	2002-2008	2016 / 7yrs
14	Tax	Daily / Monthly tax distribution	2008	2015 / 5yrs
15	Tax	Tax digest 1995 / 1997 / 2000	2000	2015 / 14yrs
17	Tax	temp. vendors . Banks 2007 / insur. 2008	2008	2014 / 5yrs
19	Tax	business license closed 2012	2012	2015 / 2yrs
20	Tax	business license closed 2012 A-Q	2012	2015 / 2yrs
22	Tax	Daily work station 7/2010 - 12/2010	2011	2017 / 5yrs
25	Tax	property tax/occup. Tax	2008	2016 / 7yrs
28	Tax	inactive alcohol folders 2000-2008	2000-2008	2016 / 7yrs
30	Tax	business license closed 2012 R-Z	2012	2015 / 2yrs
34	Tax	tax assessors adjustments 1999-2006	2006	2014 / 7yrs
34	Tax	daily workstations-tax office 7/11 - 12/11	2011	2015 / 3yrs
38	Tax	receipts 1/08 - 4/09	2008-2009	2017 / 7yrs
39	Tax	retail alcohol tax/hotelmotel/insurance	2009	2015 / 5yrs
40	Tax	closed alcohol 2009/'08-'09 tax adjust.	2008-2009	2017 / 7yrs
56	Tax	Tax digest 1997/1998/1999/2000	2000	2014 / 14yrs
59	Tax	property tax edits	2007	2015 / 7yrs
61	Tax	business license closed/temp/misc.	2013	2016 / 2yrs
117	Tax	Closed business M-Z	2014	2017 / 2yrs

119
120

Tax
Tax

Tax sale folders not sold
Tax sale folders not sold

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



Jan J. Moore, Mayor
Randy Wetmore, City Manager
Robert Cheshire, P.E., Deputy City Manager
Sue Starling, City Clerk
Cain Smith, City Attorney

City of Statesboro

50 East Main Street P.O. Box 348
Statesboro, Georgia 30459

To: Mayor and City Council

From: Cain Smith, City Attorney

Date: October 10, 2017

RE: Approval of intergovernmental agreement (IGA) regarding participation of Bulloch County and payment of a portion of its tax increment to City of Statesboro TAD #1: Downtown TAD.

Policy Issue: Council approval is required to enter into IGA with Bulloch County regarding County contributions to TAD #1 and City's obligations. As long as IGA is effective and City millage rate exceeds County millage rate, the County shall match City tax increment contributions to TAD special fund. IGA and TAD shall expire at a date no later than December 31, 2039.

Recommendation: Approval

Background: City created TAD#1 in 2014 with an effective date of December 31, 2014. City tax increment has been allocated to TAD special fund since that time.

Bulloch County passed a resolution on October 3, 2017 approving IGA with City that allows for inclusion of County tax increment in the district and appointment of County nominees to the TAD Advisory Committee. All projects approved by Advisory Committee must be subsequently approved by Council.

IGA has not yet been approved by City, and City approval is necessary for the IGA to be effective.

Budget Impact: N/A

Council Person and District: All

Attachments: Synopsis of TAD and Copy of TAD IGA executed by Bulloch County Board of Commissioners.

1. County is presenting an Intergovernmental Agreement (IGA) for consideration that allows County to materially participate in the community effort to revitalize South Main Street.
2. City has adopted a Tax Allocation District (TAD) for the area commonly known as the Blue Mile, downtown Statesboro, and adjacent areas to the north, south, and east. A Redevelopment Plan for this area was also commissioned by the City, and all TAD expenditures and debt obligations will be for projects within the district and in accordance with the Redevelopment Plan.
3. City created a digest of the taxable values of all property within the TAD that was certified by the State Commissioner of Revenue as of 12/31/14. This value is known as the Tax Increment Base (Base) and is \$38,885,569. The Positive Tax Allocation Increment (Increment) is the difference between the base taxable value and the then current taxable value of real property.
4. City will deposit all property taxes collected on the Increment into a special TAD fund. As long as County has a tax rate higher than the City, County will essentially match City's contribution to the special fund. In no case shall County's TAD contribution exceed City's. These funds shall be allowed to accrue and will only be returned to City and County in the event of termination of the TAD.
5. TAD funds will be used to spur development by paying for improvements and to secure and pay off TAD financing where the City borrows money from financial institutions or issues revenue bonds to be repaid with Increment revenue
6. A TAD Advisory Committee will be appointed with three members appointed by both City and County. Committee will develop TAD policies and procedures (to be presented to City Council for adoption) and evaluate projects.
7. Upon approval by a simple majority of the Committee, projects will be presented to the City Council for consideration. City may not consider or proceed with any project or authorize TAD financing for any project without approval by Committee. Construction of or improvements to government buildings is expressly prohibited.
8. Should no significant projects commence within ten years of adoption of the IGA, the TAD shall terminate. TAD shall terminate by 12/31/39 at the latest, and no debt shall issue that will not be fully repaid by the same date.
9. Inclusion of School Board Increment funds and Committee members is also contemplated and provided for in presented IGA.
10. City shall report on TAD status and progress to County on annual basis. Both City and County shall retain 1% of the Increment for imputed administrative costs.

INTERGOVERNMENTAL AGREEMENT

This INTERGOVERNMENTAL AGREEMENT ("Agreement"), is made and entered into as of this ___th day of _____, 201__ (the "Effective Date") by and between the CITY OF STATESBORO, GEORGIA, a municipal corporation of the State of Georgia (the "City") and BULLOCH COUNTY, GEORGIA, a political subdivision of the State of Georgia, acting by and through its governing authority, the BULLOCH COUNTY BOARD OF COMMISSIONERS (the "County").

W I T N E S S E T H:

WHEREAS, effective as of December 31, 2014, pursuant to the Redevelopment Powers Law (O.C.G.A. § 36-44-1 *et seq.*) the City created and established the City of Statesboro Tax Allocation District No.1: Downtown TAD (the "TAD"); and

WHEREAS, the City requested the County to adopt a resolution pursuant to O.C.G.A. § 36-44-9(b) consenting to the inclusion of county ad valorem property taxes in the computation of tax allocation increments of the TAD; and

WHEREAS, on October 3, 2017, the County adopted a resolution consenting to the inclusion of county ad valorem taxes in the computation of tax allocation increments of the TAD, subject to certain terms and conditions, and approving this Intergovernmental Agreement that includes said terms and conditions; and

WHEREAS, the City and the County desire to enter into this intergovernmental agreement to set forth and agree to be bound by the terms and conditions on which the County has consented to the inclusion of county ad valorem property taxes in the computation of tax allocation increments of the TAD; and

WHEREAS, the City and the County are authorized to enter into this intergovernmental agreement in accordance with the provisions of Article IX, Section III, Paragraph I of the Constitution of the State of Georgia;

NOW THEREFORE, in consideration of the respective representations and agreements hereinafter contained and in furtherance of the mutual public purposes hereby sought to be achieved, the City and the County do hereby agree as follows:

ARTICLE 1

DEFINITIONS

In addition to the words and terms defined elsewhere herein, the following words and terms shall have the meanings specified below, unless the context or use indicates another or different meaning or intent:

1.1 **"Actually Incurred Redevelopment Costs"** means Redevelopment Costs of the particular components of one or more Approved Projects as to which Commencement of Construction of Significant Projects has occurred and for which the City has actually paid or is contractually committed to pay any contractor, developer and/or property owner in consideration for improvements to property within the TAD.

1.2 **"Agreement" or "Intergovernmental Agreement"** means this Intergovernmental Agreement, dated as of the Effective Date, between the City and the County.

1.3 **"Approved Projects"** means, collectively, the Projects within the TAD recommended to the City for funding with Positive Tax Allocation Increments by the City's TAD Advisory Committee, whether through TAD Financing or through direct payment of Project costs with Positive Tax Allocation Increments.

1.4 **"Bond Indenture"** means each and every trust indenture, bond resolution, bond ordinance, loan agreement, financing agreement or other document pursuant to which one or more series of TAD Financing is issued.

1.5 **"City"** means the City of Statesboro, Georgia, a municipal corporation of the State of Georgia.

1.6 **"City Positive Tax Allocation Increment"** means that portion of any Positive Tax Allocation Increment, computed in accordance with O.C.G.A. §36-44-3(14) in each calendar year, attributable to the City's portion of the ad valorem taxes for such calendar year.

1.7 **"City Resolution"** means that specific Resolution adopted by the Statesboro City Council on December 16, 2014 adopting and approving the Redevelopment Plan and the TAD.

1.8 **"Commencement of Construction of Significant Projects"** means entering into one or more binding contracts for design, construction, or some other service or product directly related to an Approved Project.

1.9 **"County"** means Bulloch County, Georgia, a political subdivision of the State of Georgia.

1.10 **"County Resolution"** means that certain resolution adopted by the Board of Commissioners of the County on October 3, 2017, *inter alia*, consenting to the inclusion of certain County ad valorem taxes in computation of the Tax Allocation Increment with respect to the TAD subject to the terms and conditions set forth therein and herein, authorizing the execution, delivery and performance of this Agreement, and other related matters.

1.11 **"County Positive Tax Allocation Increment"** means that portion of any Positive Tax Allocation Increment, computed in accordance with O.C.G.A. §36-44-3(14) in each calendar year, attributable to the County's portion of the ad valorem taxes for such calendar year.

1.12 **"Effective Date"** means the date upon which this Agreement is entered into by and between the parties, which is the date recited in the first paragraph hereof.

1.13 **"Imputed Administrative Costs"** means administrative costs incurred by either the City or the County in connection with the administration of the Redevelopment Plan and the TAD, including reasonable charges for the time spent by public employees in such administration.

1.14 **"Issuance Costs"** means costs incidental to the issuance of TAD Financing, including but not necessarily limited to bond counsel and underwriting fees.

1.15 **"PILOT Payments"** means payments to the County in lieu of taxes pursuant to O.C.G.A. § 36-44-3(8)(G) and as further set forth in this Agreement.

1.16 **"Positive Tax Allocation Increment"** means the Tax Allocation Increment calculated for the TAD in any calendar year in which the Tax Allocation Increment Base is less than that year's taxable value of all taxable real property subject to ad valorem taxation in the TAD.

1.17 **"Projects"** means those capital improvements (including related professional services costs) undertaken to achieve the goals and objectives of the Redevelopment Plan, as may be presented to the TAD Advisory Committee for consideration for approval as required by Section 3.8.

1.18 **"Redevelopment Agency"** means the City Council of Statesboro, Georgia, which is the redevelopment agency for the TAD designated by the City in accordance with the Redevelopment Powers Law.

1.19 **"Redevelopment Area"** means that certain area located within the geographic limits of the City and within the County created and established as a redevelopment area (as defined in O.C.G.A. §36-44-3(7)) by the City in the City Resolution and designated as the City of Statesboro Tax Allocation District No. 1: Downtown TAD, as more fully described in the City Resolution and the Redevelopment Plan.

1.20 **"Redevelopment Costs"** means those costs as defined in O.C.G.A. § 36-44-3(8) for which moneys in the Special Fund may be legally expended.

1.21 **"Redevelopment Plan"** means the written plan of redevelopment for the Redevelopment Area (as defined in O.C.G.A. §36-44-3(9)) approved by the City in the City Resolution and designated as the City of Statesboro Tax Allocation District #1: South Main Redevelopment Plan.

1.22 **"Redevelopment Powers Law"** means Chapter 44 of Title 36 of the Official Code of Georgia Annotated, as amended from time to time.

1.23 **"Special Fund"** means the special fund with respect to the TAD created pursuant to O.C.G.A. §36-44-11(c).

1.24 **"TAD"** means that certain tax allocation district (as defined in O.C.G.A. §36-44-3(13)) created by the City pursuant to the City Resolution, and designated as the City of Statesboro Tax Allocation District No.1: Downtown TAD as more fully identified in the applicable Redevelopment Plan with respect thereto approved by the City.

1.25 **"TAD Advisory Committee"** means a committee designated by the City in accordance with Section 3.8 of this Agreement to review and approve or disapprove all applications and proposed Projects for TAD funding and/or TAD Financing.

1.26 **"TAD Financing"** means tax allocation bonds issued by the City in accordance with O.C.G.A. §36-44-3(12), funds borrowed from financial institutions in accordance with O.C.G.A. §36-44-16, or revenue bonds issued by the City pursuant to O.C.G.A. §36-44-13(3) with respect to the TAD that the City may issue or borrow as necessary to implement the provisions of the Redevelopment Plan, as provided in the City Resolution, which may include one or more series of bonds, notes or other obligations and which may be issued at one or more times, or other types of financing including but not limited to GEFA loans.

1.27 **"Tax Allocation Increment"** means the amount obtained by multiplying the total ad valorem property taxes levied on real property within the TAD in any year by a fraction having a numerator equal to that year's taxable value of all taxable real property subject to ad valorem taxes within the TAD minus the Tax Allocation Increment Base and a denominator equal to that year's taxable value of all taxable real property subject to ad valorem property taxes within the TAD, in accordance with the formula set forth in O.C.G.A. § 36-44-3(14).

1.28 **"Tax Allocation Increment Base"** means the taxable value of all taxable real property subject to ad valorem taxation, as certified by the state revenue commissioner, located within the TAD on December 31, 2014, the effective date of its creation. The parties hereby acknowledge that the Tax Allocation Increment Base for the TAD has been certified by the state revenue commissioner as \$35,885,569.00

1.29 **"Term"** means the term of this Agreement as prescribed in Section 3.1 hereof.

ARTICLE 2

REPRESENTATIONS

2.1 **Representations of the City.** The City makes the following representations as the basis for the undertakings on its part herein contained:

2.1.1 The City created the TAD effective as of December 31, 2014 pursuant to its redevelopment powers as authorized by the Redevelopment Powers Law and the City Resolution. The City duly adopted the Redevelopment Plan pursuant to the Redevelopment Powers Law and the City Resolution.

2.1.2 The City has made certain findings with respect to the Redevelopment Plan in accordance with the Redevelopment Powers Law, including, without limitation, that: (i) the Redevelopment Area has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of the Redevelopment Plan, and (ii) the improvement of the Redevelopment Area is likely to enhance the value of a substantial portion of the real property in the TAD.

2.1.3 The City reserves the right to issue TAD Financing as may be necessary to implement provisions of the Redevelopment Plan in accordance with the conditions, limitations, and approval procedure set forth herein at Sections 3.4 and 3.8.

2.1.4 The City shall ensure that no property owner who is delinquent in paying any City or County ad valorem taxes, occupational taxes, or other contractual financial obligations due will receive any TAD-related benefits until such delinquencies are paid with applicable penalties and interests.

2.1.5 The City is permitted by ARTICLE IX, SECTION III, PARAGRAPH I of the Georgia Constitution to contract for any period not exceeding fifty (50) years with the County for joint services, for the provision of services, or for the joint or separate use of facilities or equipment, provided such contracts deal with activities, services or facilities the contracting parties are authorized by law to undertake or provide.

2.1.6 The City has the power to enter into this Agreement and perform all obligations contained herein, and by proper action has duly authorized the execution, delivery and performance of this Agreement. This Agreement is a valid and binding legal obligation of the City, enforceable against the City in accordance with its terms.

2.2 **Representations of the County.** The County makes the following representations as the basis for the undertakings on its part herein contained:

2.2.1 The County is permitted by ARTICLE IX, SECTION III, PARAGRAPH I of the Georgia Constitution to contract for any period not exceeding fifty (50) years with the City for joint services, for the provision of services, or for the joint or separate use of facilities or equipment, provided such contracts deal with activities, services or facilities the contracting parties are authorized by law to undertake or provide.

2.2.2 The County has the power to enter into this Agreement and perform all obligations contained in this Agreement, and by proper action has duly authorized the execution, delivery and performance of this Agreement, including the County's consent to the inclusion of ad valorem property taxes levied by the County on taxable real property within the TAD in the computation of the Tax Allocation Increments for the purposes set forth in the Redevelopment Plan, pursuant to O.C.G.A. §36-44-9(b).

2.2.3 The County shall ensure that no property owner who is delinquent in paying any City or County ad valorem taxes, occupational taxes, or other contractual financial obligations due will receive any TAD-related benefits until such delinquencies are paid with applicable penalties and interests.

2.2.4 This Agreement is a valid and binding legal obligation of the County, enforceable against the County in accordance with its terms.

ARTICLE 3

COUNTY TAX ALLOCATION INCREMENT

3.1 **Term of the Agreement.** The term of this Agreement shall commence on the Effective Date hereof and shall remain in full force and effect until the City terminates the TAD. The City shall be obligated to terminate the TAD no later than December 31, 2039, and shall not under any circumstances incur any obligations for TAD Financing or other Redevelopment Costs to be paid for from the Special Fund that extend beyond that date; provided, however, that the City may terminate the TAD prior to December 31, 2039 if all TAD Financing and other Redevelopment Costs have been paid. Should there not be Commencement of Construction of Significant Projects within ten (10) years from the Effective Date of this Agreement, the City shall terminate the TAD upon the expiration of ten (10) years from the Effective Date of this Agreement.

3.2 **Inclusion of Ad Valorem Property Taxes in Computation of Tax Allocation Increment.** Pursuant to the County Resolution, commencing with ad valorem property taxes levied in calendar year 2018 the County hereby consents and agrees to the inclusion of County ad valorem taxes on real property within the TAD in the computation of the Tax Allocation Increment for the TAD in accordance with the Redevelopment Powers Law, subject to and in accordance with the conditions and limitations set forth in the County Resolution and this Agreement.

3.3 **County Limitations on the Issuance of TAD Financing.**

3.3.1 Only that portion of County Positive Tax Allocation Increments remaining after PILOT Payments to the County required by Section 3.4 shall be pledged for TAD Financing.

3.3.2 Nothing in this Agreement shall obviate or diminish the pledge of the County Positive Tax Allocation Increments toward the repayment of any TAD Financing or other contractual commitments then outstanding.

3.3.3 Any applicant for TAD assistance for an Approved Project that, to the extent permitted under this Agreement, includes the use of Positive Tax Allocation Increments or the proceeds of TAD Financings to fund capital improvements to private property, shall only be eligible to receive funding up to a certain percentage of the total project cost from the proceeds of TAD Financing or the Special Fund. This funding percentage shall be proportional to the amount of additional Positive Tax Allocation Increments that the completed Approved Project is expected to generate. The TAD Advisory Committee shall establish and recommend to the Statesboro City Council for approval a schedule of percentages of TAD funding eligibility based on an Approved Project's expected generation of additional Positive Tax Allocation Increments, and said schedule shall be incorporated into the TAD policies and procedures developed pursuant to Section 3.7 of this Agreement.

3.4 **PILOT Payments to the County.**

3.4.1 For each calendar year that this Agreement remains in effect, the County shall be entitled to the following PILOT Payments:

3.4.1.1 For each year in which the County Positive Tax Allocation Increment is greater than the City Positive Tax Allocation Increment, the County shall be entitled to a PILOT payment in an amount equal to the difference between

the County Positive Tax Allocation Increment and the City Positive Tax Allocation Increment.

3.4.2 Notwithstanding the provisions of O.C.G.A. § 36-44-11(b)(1), the City hereby gives its consent for the Bulloch County Tax Commissioner (“Tax Commissioner”) to pay any County Positive Tax Allocation Increments to the County each year along with all ad valorem property taxes collected on behalf of the County.

3.4.2.1 Within sixty (60) days of the receipt of ad valorem property taxes from the Tax Commissioner and subject to the provisions of Section 3.5.7, the County will deduct any PILOT Payments due under this Section 3.4 and any Imputed Administrative Costs due to the County under Section 3.12 and pay the remaining balance of any County Positive Tax Allocation Increment to the City for deposit into the Special Fund. If in a particular year there is a PILOT Payment due to the County for Excess Funds pursuant to Section 3.4.1.2, and the County Positive Tax Allocation Increment is less than the total amount of PILOT Payments due to the County for that particular year, the City shall pay to the County from the Special Fund the balance of the PILOT Payments due the County no later than forty-five (45) days after January 1st of the succeeding calendar year. If the City fails to make such payment, the County may, without limiting any other remedy available to the County, withhold the balance of PILOT Payments due from the next County Positive Tax Allocation Increment.

3.4.2.2 In the event any ad valorem property taxes for taxable real property located within the TAD are delinquent, the County shall only be obligated to pay an amount equal to the County Positive Tax Allocation Increment multiplied by the collection rate for ad valorem property taxes for taxable real property located within the TAD. As such delinquent ad valorem taxes are collected, the County shall pay to the City within sixty (60) days of receiving the delinquent ad valorem taxes an amount equal to the County Positive Tax Allocation Increment multiplied by the new collection rate less previous payment(s) of the applicable County Positive Tax Allocation Increment.

3.4.2.3 The City acknowledges that the conditions in Section 3.4.2 of this Agreement and its subsections are, *inter alia*, a material inducement for the County to enter into this Agreement, and that the County would not have entered into this Agreement without these conditions. Further, the City hereby releases and indemnifies the Tax Commissioner, the County, and their officials, employees and agents (collectively, the “Indemnitees”) from any and all liability for payment of County Positive Tax Increments to the County and the County’s subsequent deduction of PILOT Payments and delinquent taxes due the County in accordance with Section 3.4.2 of this Agreement and its subsections, and the City hereby covenants not to sue any of the Indemnitees or make any claim, whether at law or in equity, against any of the Indemnitees related to any of the conditions in Section 3.4.2 of this Agreement or its subsections. The City and the County further acknowledge

that the Tax Commissioner shall be considered a third-party beneficiary of this Agreement for purposes of Section 3.4.2 of this Agreement and its subsections.

3.5 Reporting.

3.5.1 The City shall in good faith develop an implementation plan for the proposed Projects in the TAD (as contemplated in the Redevelopment Plan, or otherwise refined) for a ten (10) year forward period presenting: (i) an opinion of probable or targeted Projects including estimated costs and sources of funds; (ii) a competitive market analysis with a statement of opportunities and challenges; (iii) development assumptions; (iv) strategies for managing projects and risks; (v) strategies for attracting private sector investment in the TAD; and (vi) specific benchmarks and measures used as best practices for evaluating and monitoring the performance of the TAD. The parties hereby acknowledge and agree that the City will present the initial plan to the County for review not later than July 1, 2018. Nothing in this subsection shall be construed that County disapproval of said plan shall render this Agreement null and void.

3.5.2 Commencing with fiscal year 2018 and each fiscal year thereafter, the City will provide to the County, within ninety (90) days after the end of each such fiscal year, a comprehensive annual report regarding the cumulative amount of City Positive Tax Allocation Increments deposited in the Special Fund and uses of same, the cumulative amount of County Positive Tax Allocation Increments deposited in the Special Fund and uses of same, and the status of all development undertaken within the TAD. Upon the County providing thirty (30) days' written notice to the City, the County's auditor may audit the Special Fund at the County's expense.

3.5.3 Without limiting any other remedy available to the County, in the event that the City fails to timely provide to the County any of the reports required by Sections 3.5.1 or 3.5.2, the County may withhold any future payments to the City of County Positive Tax Allocation Increments until the City provides the County with the required report(s).

3.5.4 Upon five years from the Effective Date of this Agreement, and continuing every five years thereafter, the City, the County, and the Board of Education if applicable shall conduct a public meeting to determine if the goals and incremental milestones contemplated by this Agreement have been achieved and whether sufficient funds have been generated and deposited to pay all debt service payments as they become due, to satisfy any other terms of Bond Indenture, and to meet other obligations related to TAD financing. Also at five-year intervals, the parties shall examine whether there are any excess funds in the Special Fund, and if it is determined that there are excess funds, and that such excess funds or a portion thereof are not needed for future TAD financing or other Redevelopment Costs, the parties shall authorize payment of the excess funds or a portion thereof in the form of PILOT payments to the City, the County, and the Board of Education if applicable in the same proportion as each party's contributions to the Special Fund.

3.6 **Restrictions On Use of County Positive Tax Allocation Increments.** County Positive Tax Allocation Increments may only be used for the following purpose:

3.6.1 To pay Redevelopment Costs for Projects approved by both the TAD Advisory Committee and the Statesboro City Council; provided, however, that County Positive Tax Allocation Increments shall not be used for the construction or improvement of governmental buildings such as, but not limited to, those used for office or maintenance functions, courts, police, and fire stations.

3.7 **Development of TAD Policies and Procedures.** Within ninety (90) days of the appointment of its members, the TAD Advisory Committee shall prepare and recommend for approval by the Statesboro City Council a written document setting forth policies and application procedures for any applicant seeking to develop a private project within the TAD requiring the City's issuance or approval of TAD Financing for assistance. The TAD Policies and Procedures must be approved by a simple majority vote of the TAD Advisory Committee before they may be considered for adoption by the Statesboro City Council, and they shall not take effect until adopted by the Statesboro City Council.

3.8 **TAD Project Approval Process.**

3.8.1 The City agrees to designate a TAD Advisory Committee, which body will review all Projects prior to their consideration for approval by the Statesboro City Council. Members of the TAD Advisory Committee shall include six (6) members. Three (3) of the members shall be appointed by the Mayor and City Council of Statesboro, and three (3) of the members shall be appointed by the Bulloch County Board of Commissioners. All appointments shall be made within ninety (90) days of the Effective Date of this Agreement, and members of the TAD Advisory Committee shall serve until their successors are appointed. The governing authority that appointed a member may remove the member from the TAD Advisory Committee at any time, with or without cause. If a seat on the TAD Advisory Committee becomes vacant, whether through removal, resignation, disability, death or some other reason, the applicable governing authority shall make an appointment to fill the vacancy no later than sixty (60) calendar days after the vacancy occurs. A majority of the members of the TAD Advisory Committee shall constitute a quorum at any meeting. No official action may be taken by the TAD Advisory Committee unless a quorum is present at the time the action is taken.

3.8.2 Prior to the commencement of or formal commitment to any Project, in whole or in part, such Project will be reviewed by the TAD Advisory Committee for feasibility and consistency with the objectives of the Redevelopment Plan, and with adopted TAD policies and procedures. Information to be evaluated by the TAD Advisory Committee for each proposed Project shall include, but is not limited to, experience of the development team, proposed capital improvements to the site, analysis of non-TAD financing commitments or equity in the Project, Project pro formas, and Positive Tax Allocation Increments projected to be generated by such Project. Any Project must receive a favorable vote by a simple majority of the TAD Advisory Committee, at which time it will become an Approved Project, prior to its consideration by the Statesboro City Council. The Statesboro City Council shall not

be authorized to proceed with any Project, or authorize TAD Financing or other funding for any Project from the Special Fund, unless and until it is an Approved Project in accordance with the provisions of this Section.

3.8.3 The City agrees to engage the services of independent, professional consultants as needed to review each proposed TAD Project during its evaluation by the TAD Advisory Committee and prior to consideration by the Statesboro City Council for approval of TAD Financing. The TAD consultants shall be retained by the City and shall be responsible solely to the City (and not the applicants) for reporting to the TAD Advisory Committee and the Statesboro City Council on the technical, economic, market and financial considerations of proposed uses of TAD Financing and projected sources of future Positive Tax Allocation Increments necessary to meet any debt obligations related to TAD Financing.

3.8.4 Any proposed amendments to the Redevelopment Plan to materially increase Redevelopment Costs or materially amend the nature and scope of redevelopment for the TAD must be approved by majority vote of the TAD Advisory Committee and by a resolution of the Bulloch County Board of Commissioners prior to any approval by the Statesboro City Council. Any proposed amendments to the Redevelopment Plan to expand the boundaries of the Redevelopment Area for which the County Tax Allocation Increment is requested to be pledged must be approved by a resolution of both the Statesboro City Council and the Bulloch County Board of Commissioners.

3.9 **Future Request to Include School Increment.** The parties specifically acknowledge that the City intends to request the consent of the Bulloch County Board of Education for the inclusion of certain ad valorem taxes levied for educational purposes on real property within the boundaries of the TAD in the computation of the Tax Allocation Increment for the purposes of paying Redevelopment Costs. Should the Board of Education be included in this manner, the County and the City agree to modify Section 3.8.1 in order to include Board of Education appointee(s) on the TAD Advisory Committee in the same proportion as the City and the County.

3.10 **Special Conditions, Stipulations or Requirements.** The City shall promptly notify the County in writing of any special conditions, stipulations or requirements imposed at any time or from time to time hereafter by any other taxing authority with respect to the Tax Allocation Increment and the TAD. If so elected by the County, the County shall be entitled to the benefit of any special conditions, stipulations or requirements imposed with respect to the Tax Allocation Increment and the TAD. The parties hereto hereby agree that this Agreement shall be amended or supplemented to provide for such special conditions, stipulations or requirements imposed hereafter if so elected by the County, and the City hereby agrees to enter into any such amendment or supplement to this Agreement required as aforesaid.

3.11 **Limitation of Obligations.** The County shall have no financial obligation as a result of the redevelopment and improvement of the TAD or the Redevelopment Area other than the inclusion of certain County ad valorem taxes in the computation of the Tax Allocation Increment of the TAD as provided herein. TAD Financing shall not constitute an indebtedness of or a charge against the general taxing power of the County.

3.12 **Payment of Imputed Administrative Costs.** The City and the County hereby agree that each will be entitled to a payment in an amount equal to one percent (1%) of the City Positive

Tax Allocation Increment each year for their Imputed Administrative Costs and that this amount is a reasonable reimbursement for their respective Imputed Administrative Costs. The City and County shall be entitled to payment of their respective Imputed Administrative Costs from the Special Fund no later than forty-five (45) days after January 1st each year.

ARTICLE 4

MISCELLANEOUS PROVISIONS

4.1 Default or Breach; Dispute Resolution; Remedies.

4.1.1 In the event that either party to this Agreement alleges that the other party is in default or breach of any of the terms, conditions or covenants of this Agreement, the party alleging default or breach may give the other party written notice that specifies the alleged default or breach. The party allegedly in default or breach shall have thirty (30) days to cure the alleged default or breach before the other party may pursue dispute resolution as set forth herein.

4.1.2 In the event the party allegedly in default or breach of this Agreement fails to cure the alleged default or breach within thirty (30) days after receiving written notice of same, the other party may send a written demand for mediation to the party allegedly in default or breach. The parties hereto agree that in the event a written demand for mediation is made upon either party in accordance with the provisions of this Agreement, both parties shall participate in good faith in such mediation in an attempt to resolve their dispute or disputes. The parties further agree to share equally the cost of such mediation. Participation in such mediation shall be a condition precedent to the initiation of litigation pursuant to Section 4.1.3.

4.1.3 In the event the parties cannot resolve their dispute or disputes through mediation, either party alleging a default or breach of this Agreement by the other party may pursue litigation against the other party. The parties agree that jurisdiction and venue for any litigation initiated pursuant to this Agreement shall exclusively be in the Superior Court of Bulloch County, Georgia. The parties further agree that, in addition to any other legal or equitable remedies, the prevailing party may recover its attorneys' fees and court costs from the non-prevailing party.

4.1.4 The rights and remedies provided in this Agreement are cumulative and not exclusive and are in addition to any other rights and remedies the parties may have at law or otherwise.

4.2 Millage Rates. Pursuant to O.C.G.A. § 36-44-15, nothing in the Redevelopment Powers Law shall be construed to freeze the ad valorem tax millage rate of the City or the County, and either the City or the County may increase or decrease its millage rate at any time in the same manner and under the same authority that its millage rate has been fixed prior to creation of the TAD. The parties hereto therefore understand and acknowledge that either party may decrease its millage

rate at any time in the future subject to consideration of Section 3.3.2, notwithstanding that such decrease may result in a lower Tax Allocation Increment.

4.3 **Governing Law.** This Agreement and the rights and obligations of the parties hereto shall be governed, construed, and interpreted according to the laws of the State of Georgia.

4.4 **Entire Agreement.** This Agreement expresses the entire understanding and all agreements between the parties hereto with respect to the matters set forth herein, and any prior understandings, promises or agreements pertaining to the subject matter hereof, whether written or oral, shall be of no effect and shall not be binding on either party hereto.

4.5 **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

4.6 **Amendments in Writing.** This Agreement may be amended, supplemented or otherwise modified solely by a document in writing duly executed and delivered with the same formality as this Agreement by the County and the City. No waiver, release, or similar modification of this Agreement shall be established by conduct, custom, or course of dealing, but solely by a document in writing duly executed and delivered with the same formality as this Agreement by the County and the City.

4.7 **Notices.** Except as otherwise specifically provided herein, any notices, demands, approvals, consents, requests, and other communications hereunder shall be in writing and shall be deemed given when the writing is delivered in person, or one business day after being sent by reputable overnight registered delivery service, charges prepaid, or three business days after being mailed, if mailed, by certified mail, return receipt requested, postage prepaid, to the City and the County at the addresses shown below or at such other addresses as may be furnished by the City and the County in writing from time to time:

CITY: Jan J. Moore, Mayor,
or the then current Mayor.
50 East Main Street
P.O. Box 348
Statesboro, GA 30459
(912) 764-0643

Randy Wetmore, City Manager,
or the then current City Manager
50 East Main Street
P.O. Box 348
Statesboro, GA 30459
(912)764-0683

With A Copy to:

Cain Smith, City Attorney
or the then current City Attorney

50 East Main Street
P.O. Box 348
Statesboro, GA 30459
(912) 764-0643

COUNTY:

Roy Thompson, Chairman of the Board of Commissioners,
or the then current Chairman of the Board of Commissioners.
115 North Main Street
Statesboro, GA 30458
(912)764-6245

Thomas Couch, County Manager,
or the then current County Manager.
115 North Main Street
Statesboro, GA 30458
(912)764-6245

With A Copy to:

Jeff S. Akins, County Attorney,
or the then current County Attorney.
115 North Main Street
Statesboro, GA 30458
(912)764-6245

4.8 **Severability.** If any provision of this Agreement shall be held or deemed to be inoperative or unenforceable by a court of competent jurisdiction under any particular circumstances, because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatsoever. The invalidity of any one or more phrases, sentences, clauses, or sections contained in this Agreement shall not affect the remaining portions of this Agreement or any part thereof.

4.9 **Limitation of Rights.** With the exception of the Tax Commissioner's rights as a third-party beneficiary under this Agreement pursuant to Section 3.4.2, nothing in this Agreement, express or implied, shall give to any person, other than the parties hereto and their successors and assigns hereunder, any benefit or any legal or equitable right, remedy, or claim under this Agreement.

4.10 **Time is of the Essence.** Time is of the essence of this Agreement. Whenever this Agreement requires or permits a notice, communication, report or any other item to be provided within a certain number of days, the word "days", unless otherwise qualified, shall mean calendar days.

IN WITNESS WHEREOF, the City and the County have caused this Intergovernmental Agreement to be executed in their respective official names and have caused their respective official seals to be hereunto affixed and attested by their duly authorized officers, all as of the Effective Date set forth hereinabove.

MAYOR AND CITY COUNCIL OF STATESBORO

By: _____
JAN J. MOORE, Mayor

Attest: _____
SUE STARLING, City Clerk
[SEAL]

Approved as to Form:

CAIN SMITH, City Attorney

BULLOCH COUNTY BOARD OF COMMISSIONERS

By: *Roy Thompson*
ROY THOMPSON, Chairman

Attest: *Olympia Gaines*
OLYMPIA GAINES, Clerk to the Commission
[SEAL]

Approved as to Form:

Jeff S. Akins
JEFF S. AKINS, County Attorney



CITY OF STATESBORO

COUNCIL

Phil Boyum
Sam Lee Jones
Jeff Yawn
John C. Riggs
Travis L. Chance



Jan J. Moore, Mayor
Randy Wetmore, City Manager
Robert Cheshire, P.E.,
Deputy City Manager
Sue Starling, City Clerk
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: Candra Teshome, Planning & Development Specialist

Date: October 6, 2017

RE: October 17, 2017 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 17-10-01 with one condition. The Planning Commission voted to approve the request with staff's condition.

Background: Paul D. Walsh requests a zoning map amendment for .7 acres of property located at Lanier Drive from R4 (High Density Residential District) to CR (Commercial Retail) zoning district to construct a mixed-use retail center (Tax Parcel # MS63 000010 000).

Budget Impact: None

Council Person and District: Jeff Yawn (District 3)

Attachments: Development Services Report RZ 17-10-01



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)

**RZ 17-10-01
 ZONING MAP AMENDMENT REQUEST
 LANIER DRIVE**

LOCATION: Lanier Drive

REQUEST: Rezone from R4 (High Density Residential) to CR (Commercial Retail)

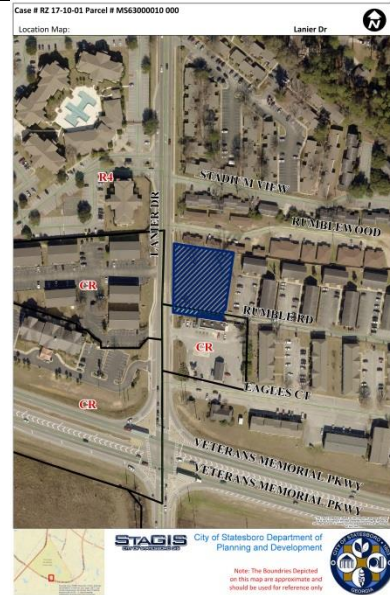
APPLICANT: Paul D. Walsh

OWNER(S): Jacquelyn A. Pearson

LAND AREA: .7 acres

PARCEL TAX MAP #s: MS63 000010 000

COUNCIL DISTRICT: 3 (Yawn)



PROPOSAL:

The applicant is requesting a zoning map amendment of .7 acres of property that fronts Lanier Drive and is immediately South of Rumblewood from R4 (High-Density Residential) to CR (Commercial Retail) District in order to construct a small strip center with apartments on the upper floors (**See Exhibit A—Location Map, Exhibit B— Sketch Plan** dated September 6, 2017).

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R4 (High Density Residential)	Multi-family dwelling units (Ellis Apartments)
SOUTH:	CR (Commercial Retail)	Food service facilities (Subway); personal service facilities (Southern Celebrities)
EAST:	R4 (High Density Residential)	Multi-family dwelling units (Eagle Creek)
WEST:	CR (Commercial Retail)	Multi-family dwelling units (Stadium Place)

Properties to the immediate north and east are zoned R4 (High Density Residential District) and are utilized as multi-family housing. Property to the south and west is zoned CR (Commercial Retail) and contains food service facilities, personal service facilities and multi-family housing units (**See Exhibit C—Photos of Subject Site and Surrounding Properties and Exhibit D—2014 Future Development Map**).

COMPREHENSIVE PLAN:

The subject site lies within the “Residential Redevelopment” character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. This character area has most of its original housing stock in place, but has worsening housing conditions due to low rates of homeownership and neglect of property maintenance. There may be a lack of neighborhood identity and gradual invasion of different type and intensity of use that may not be compatible with the neighborhood residential use, or a neighborhood that has declined

sufficiently that housing conditions are bad, there may be large areas of vacant land or deteriorating, unoccupied structures. Some suggested development and implementation strategies for the area include the following:

- Focus on strategic public investments to improve conditions, appropriate infill development on scattered vacant sites, and encouraging more homeownership and maintenance or upgrade of existing properties.
- Public investment in sidewalks, right of way improvements, and redevelopment incentives should be focused where needed to ensure that the neighborhood becomes more stable, mixed income community with a larger percentage of owner occupied housing.
- The redevelopment strategy for the area should focus on preserving what remains of the original housing stock, while rebuilding on the remaining land, a new, attractive neighborhood following the principles of traditional neighborhood development.
- Strengthen code enforcement, property maintenance, and the demolition of dilapidated structures in area.
- The neighborhood should include a well-designed new neighborhood activity center at the appropriate location, which would provide a focal point for the neighborhood, while also providing a suitable location for a grocery store, hardware store, school, and similar appropriately scaled retail establishments serving neighborhood residents.
- Strong pedestrian and bicycle connections should also be provided to encourage residents to walk/bike to work, shopping, or other destinations in the area.
- New streets should be connected (i.e., minimize or prohibit cul-de-sacs_, to disperse traffic, shorten walking/biking trips.
- Design features that encourage safe, accessible streets should be employed- such as, narrower streets, on street parking, sidewalks, street trees, and landscaped raised median for minor collectors and wider streets.

2014 Statesboro Comprehensive Plan Update, pages 21.

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.

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:

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 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 RZ 17-10-01 with the following condition:

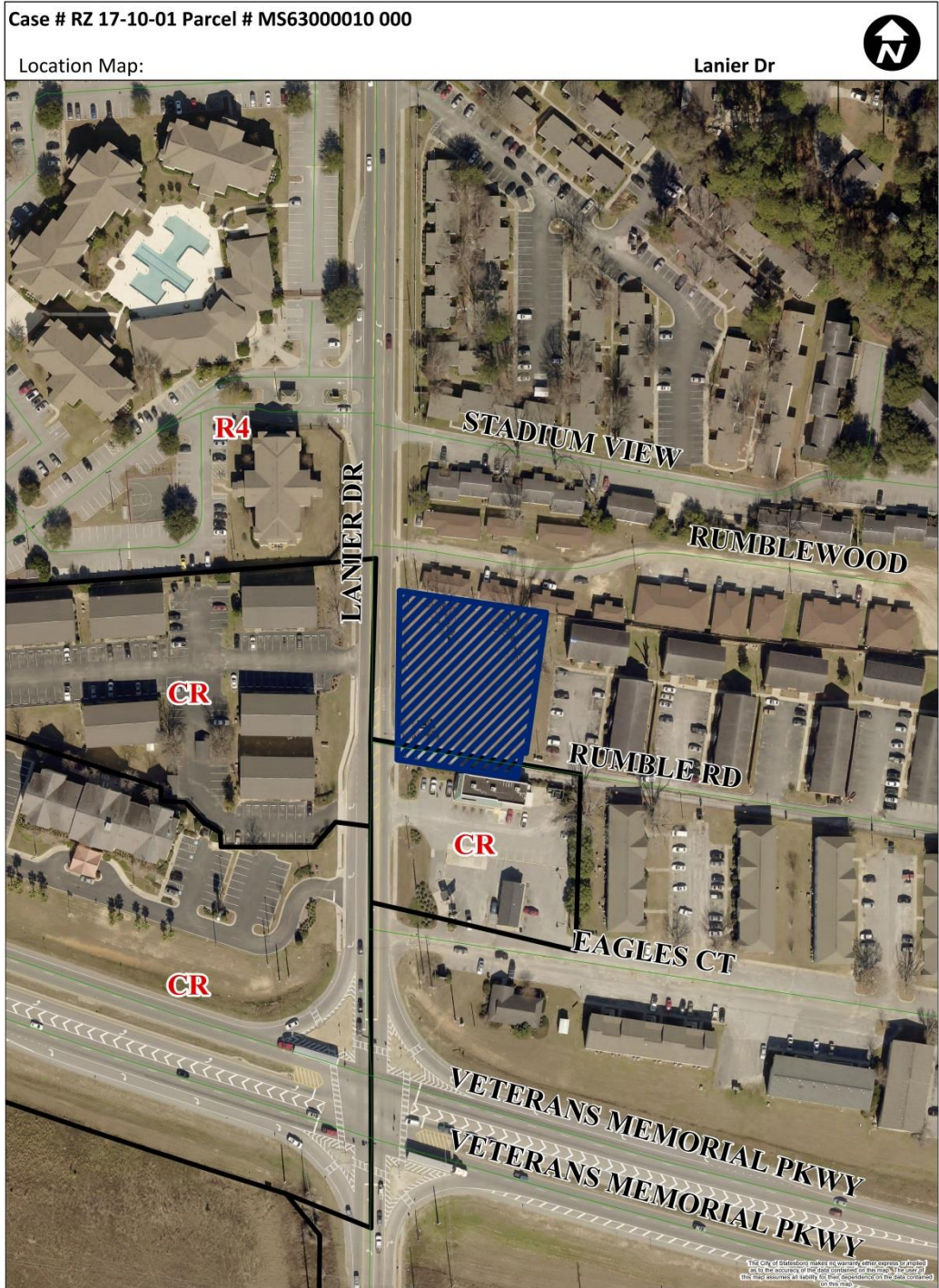
1. Staff disapproves the submitted sketch plan (**See Exhibit B**—Sketch Plan dated September 6, 2017) and requires the submission of all appropriate plans that meet the minimum development regulations. All plans must be approved prior to the issuance of a building permit.

PLANNING COMMISSION RECOMMENDATION:

At its regularly scheduled meeting held Tuesday, October 3, 2017, the Planning Commission voted 6 to 0 to approve the zoning map amendment requested by application RZ 17-10-01 with staff's the following condition:

1. The applicant must submit all appropriate plans that meet the minimum development regulations. All plans must be approved prior to the issuance of a building permit.

EXHIBIT A: LOCATION MAP



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: SKETCH PLAN

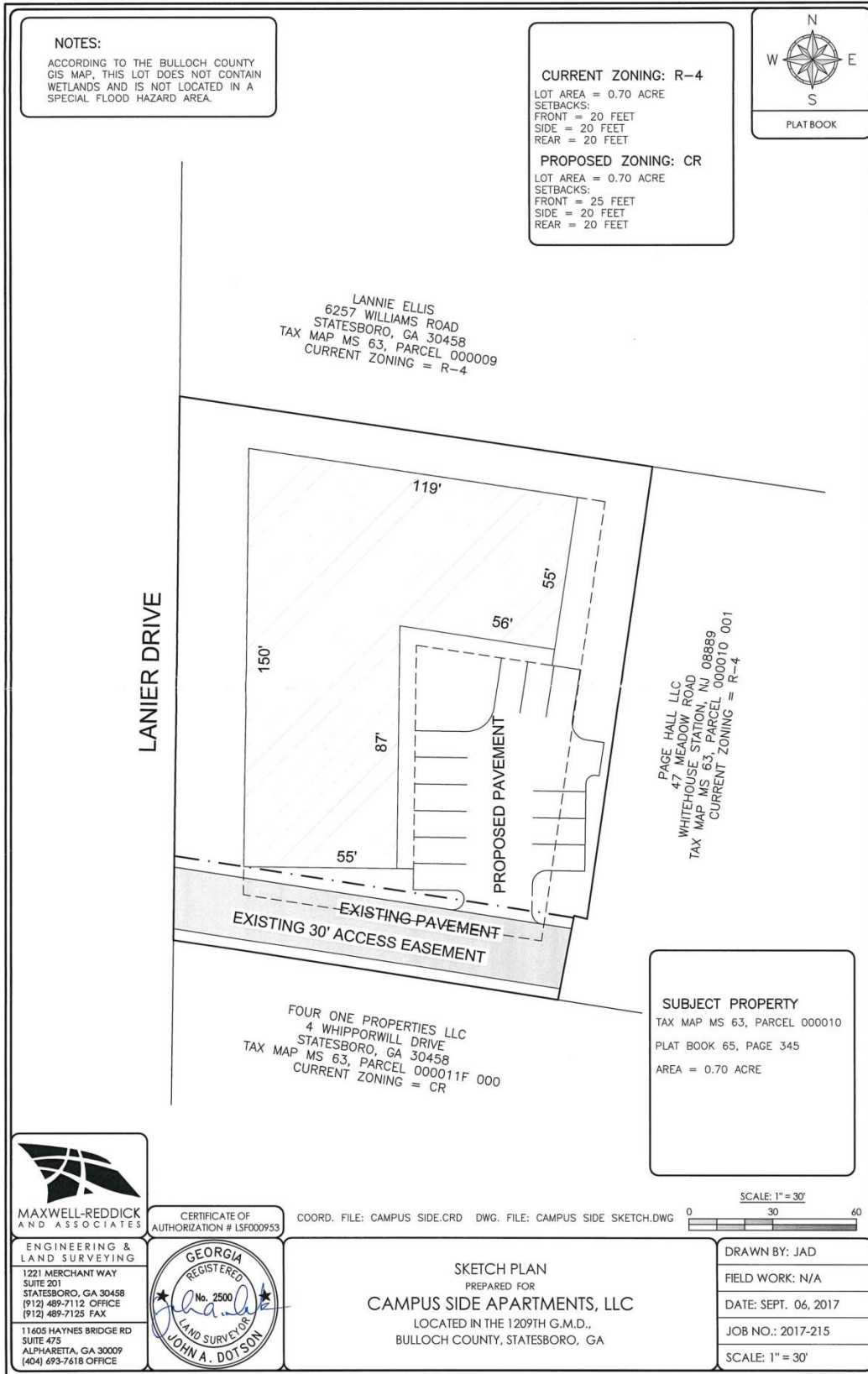


EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY

Figure 1: Subject Site Facing Northwest toward Lanier Drive



Figure 2: Undeveloped Subject site from Existing Pavement



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

Figure 3: Existing 30' Access Easement



Figure 4: Adjacent property to the South of the Subject Site



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

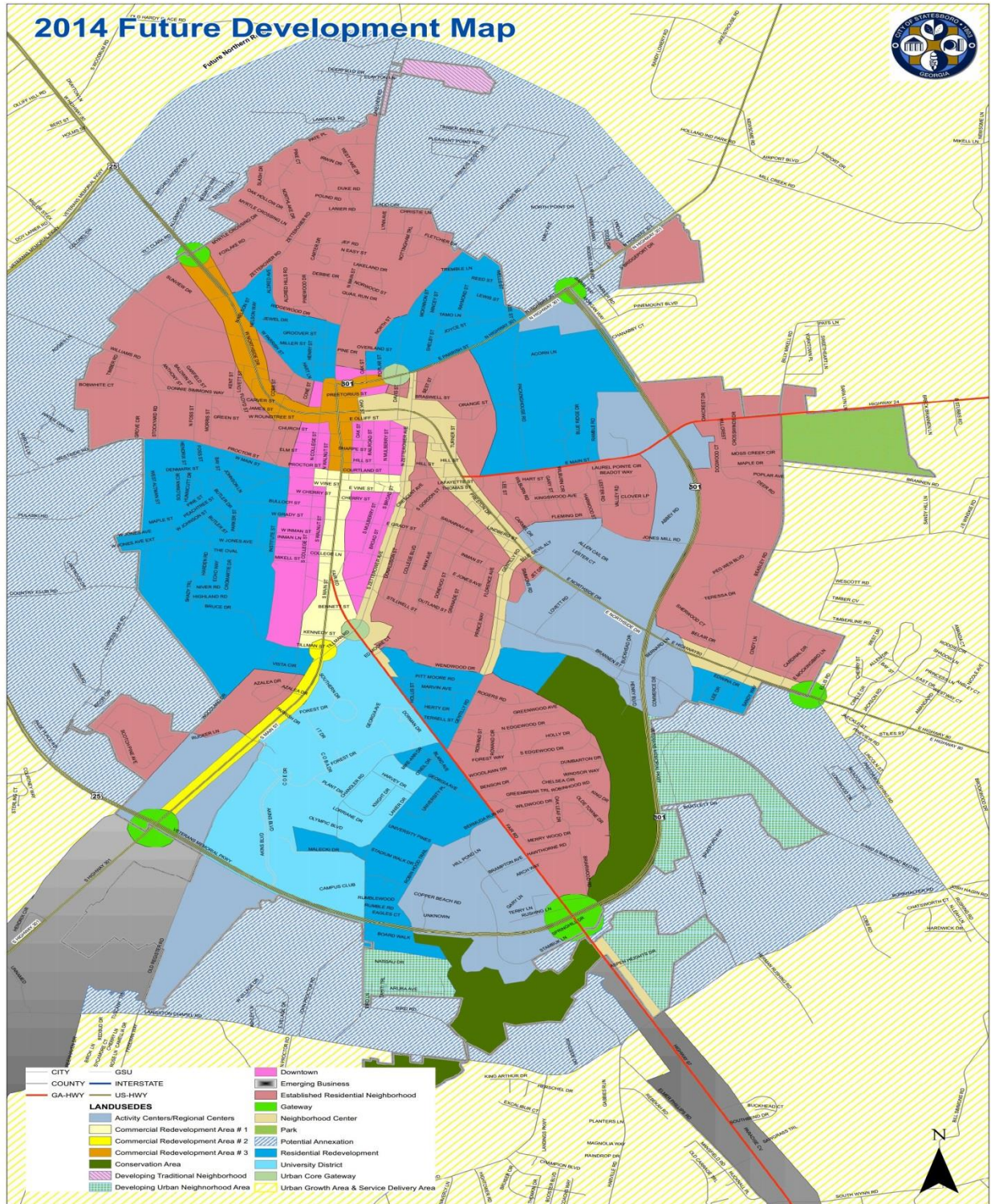
Figure 5: 30' Access Easement and Adjacent Property line to the South of the Subject Site



Figure 6: Subject Site Facing North Depicting Lanier Drive



EXHIBIT D: 2014 FUTURE DEVELOPMENT MAP



CITY OF STATESBORO

COUNCIL

Phil Boyum
Sam Lee Jones
Jeff Yawn
John C. Riggs
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Jan J. Moore, Mayor
Randy Wetmore, City Manager
Robert Cheshire, P.E.,
Deputy City Manager
Sue Starling, City Clerk
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: Candra Teshome, Planning & Development Specialist

Date: October 6, 2017

RE: October 17, 2017 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 17-09-02 with one condition. The Planning Commission voted to approve the request with staff's condition.

Background: Robert Byrd requests a zoning map amendment for .14 acres of property located at 204 Roundtree Street from R6 (Single-Family Residential) to CR (Commercial Retail) zoning district to construct a parking lot, farmer's market and community area (Tax Parcel # S09 000068 000).

Budget Impact: None

Council Person and District: Sam Jones (District 2)

Attachments: Development Services Report RZ 17-09-02



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 17-09-02
ZONING MAP AMENDMENT REQUEST
204 ROUNDTREE STREET

LOCATION: 204 Roundtree Street

REQUEST: Rezone from R6 (Single-Family Residential) to CR (Commercial Retail) zoning district to permit construction of a parking lot and use of the parcel for a farmer's market and community area.

APPLICANT: Robert L. Byrd

OWNER(S): Robert L. Byrd

ACRES: .14 acres

PARCEL TAX MAP #: S09 000068 000

COUNCIL DISTRICT: 2 (Jones)



PROPOSAL:

The applicant is requesting a zoning map amendment from R6 (Single-Family Residential) to the CR (Commercial Retail) zoning district for .14 acres of property located at 204 Roundtree Street (Tax Parcel S09 000068 000) to permit the construction of a parking lot and use of the property for a farmer's market and community area (See **Exhibit A** – Location Map and **Exhibit E**—Proposed Concept Plan).

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R6 (Single-family Residential)	Single-family dwelling units
SOUTH:	R6 (Single-family Residential)	Single-family dwelling units and personal service facilities
EAST:	R6 (Single-family Residential) and CR (Commercial Retail)	Food service facilities
WEST	R6 (Single-family Residential)	Single-family dwelling units

Properties to the north, south and west are predominantly single-family dwelling units. The parcel to the east is owned by the applicant and is a food service facility (See **Exhibit C**—Photos of Subject Site).

COMPREHENSIVE PLAN:

The subject site lies within the “Commercial Redevelopment Area #3” 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:

The Commercial Redevelopment areas are currently in decline with vacant or underutilized properties. These areas are characterized by a high degree of access by vehicular traffic; onsite parking; and a low degree of open space. It is the desire of the community to identify and target these areas for redevelopment and investment, thus returning these areas to their intended state of a thriving commercial and/or mixed use district.

Appropriate land uses include:

- Major employers
- Commercial, including big box
- Medium/high density residential
- Single-family residential along arterials

Suggested Development & Implementation Strategies

- Upgrading the appearance of existing older commercial buildings with façade improvements, new architectural elements, or awnings.
- Building in centers architecturally integrated with the site and one another, and developed at a scale sufficient in size, bulk, and height to provide image identification for the center and the surrounding community.
- Redevelopment of older commercial centers in lieu of new construction further down the corridor.

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:

I. Application RZ 17-09-02: Whether or not to grant a request to rezone .14 acres from R6 (Single-family Residential) to CR (Commercial Retail)

The request to rezone the subject property 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 two (2) primary land use policies: *The Statesboro Comprehensive 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 HOC (Highway Oriented Commercial) 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.

STAFF RECOMMENDATION:

Staff recommends approval of the zoning map amendment requested by application RZ 17-09-02 with the following condition:

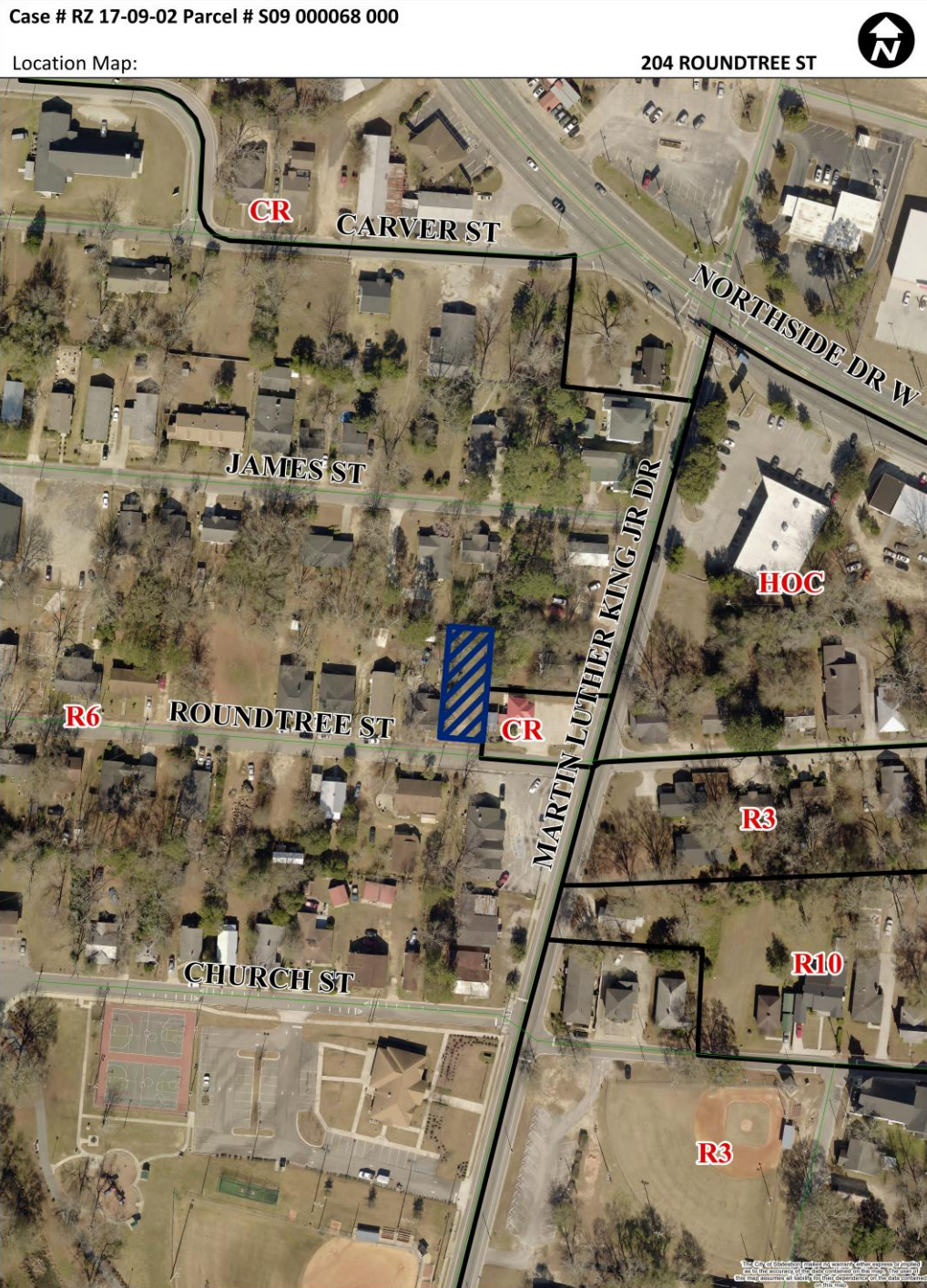
1. The applicant must place the proposed 8 X 10 utility shed along the property line shared with 719 Martin Luther King, Jr. Drive (Tax Parcel S09 000067 000).

PLANNING COMMISSION RECOMMENDATION:

At its regularly scheduled meeting held Tuesday, October 3, 2017, the Planning Commission voted 6 to 0 to approve the zoning map amendment requested by application RZ 17-09-02 with the following condition:

1. The applicant must place the proposed 8 X 10 utility shed along the property line shared with 719 Martin Luther King, Jr. Drive (Tax Parcel S09 000067 000).

EXHIBIT A: LOCATION MAP



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 C: PHOTOS OF SUBJECT SITE AND SURROUNDING AREA



Picture 1 Subject Property Facing Northeast Depicting Property Line with Commercial Retail Zoned Parcel



Picture 2 Subject Property Facing Northeast Depicting Property Line with Commercial Retail Zoned Parcel

EXHIBIT C: PHOTOS OF SUBJECT SITE AND SURROUNDING AREA CONTINUED



Picture 3 Subject Property Facing Northwest Depicting Property Line with Single-family Zoned Parcel



Picture 3 Roundtree Street Facing Martin Luther King, Jr. Drive

EXHIBIT C: PHOTOS OF SUBJECT SITE AND SURROUNDING AREA CONTINUED



Picture 4 Commercial Retail Strip Center across Roundtree Street from the Subject Property



Picture 5 Single-family Residential Dwelling Unit across Roundtree Street from Subject Property

EXHIBIT C: PHOTOS OF SUBJECT SITE AND SURROUNDING AREA CONTINUED



Picture 6 Roundtree Street facing West at Entrance to Subject Property

EXHIBIT D: 2014 FUTURE DEVELOPMENT MAP

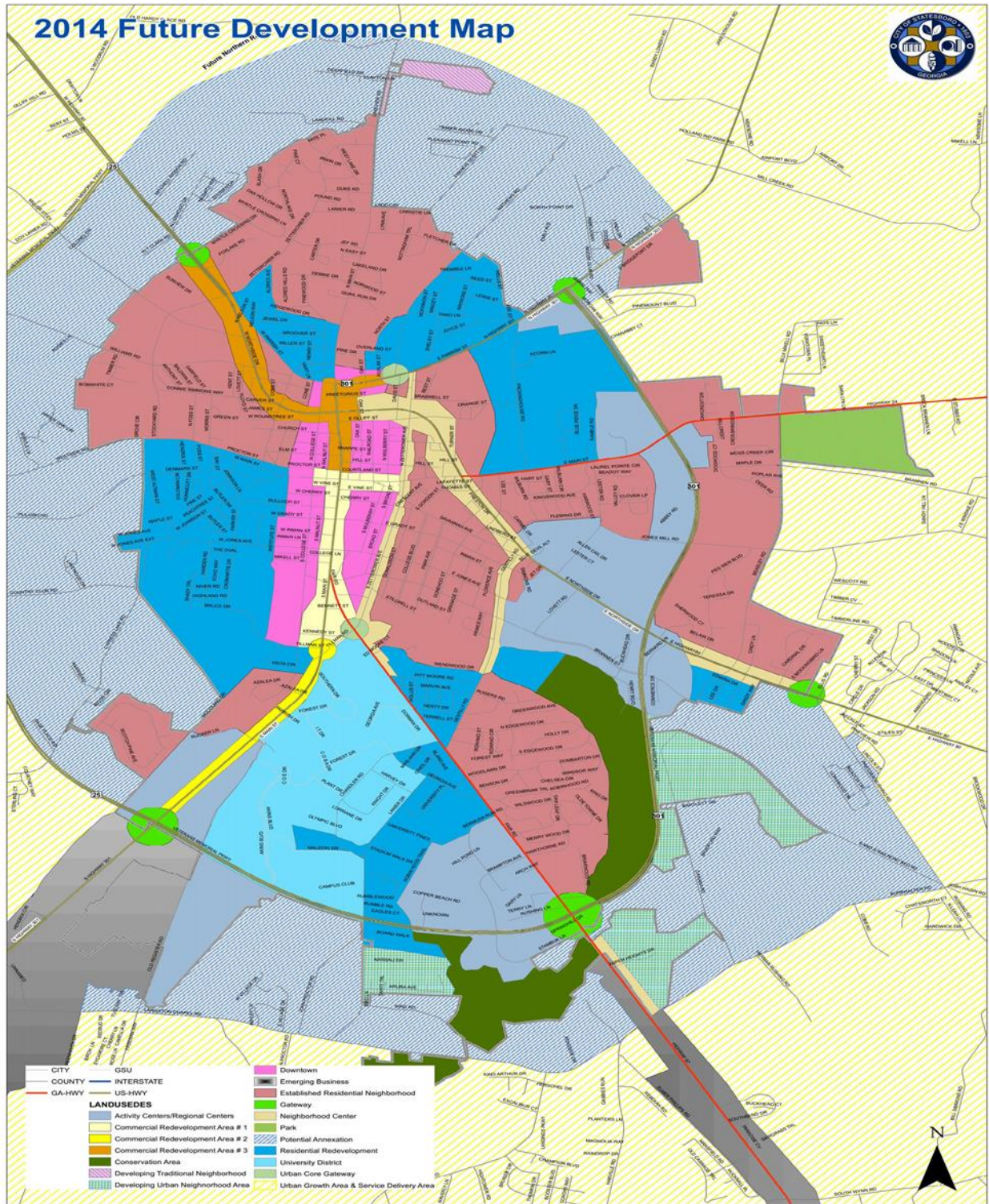
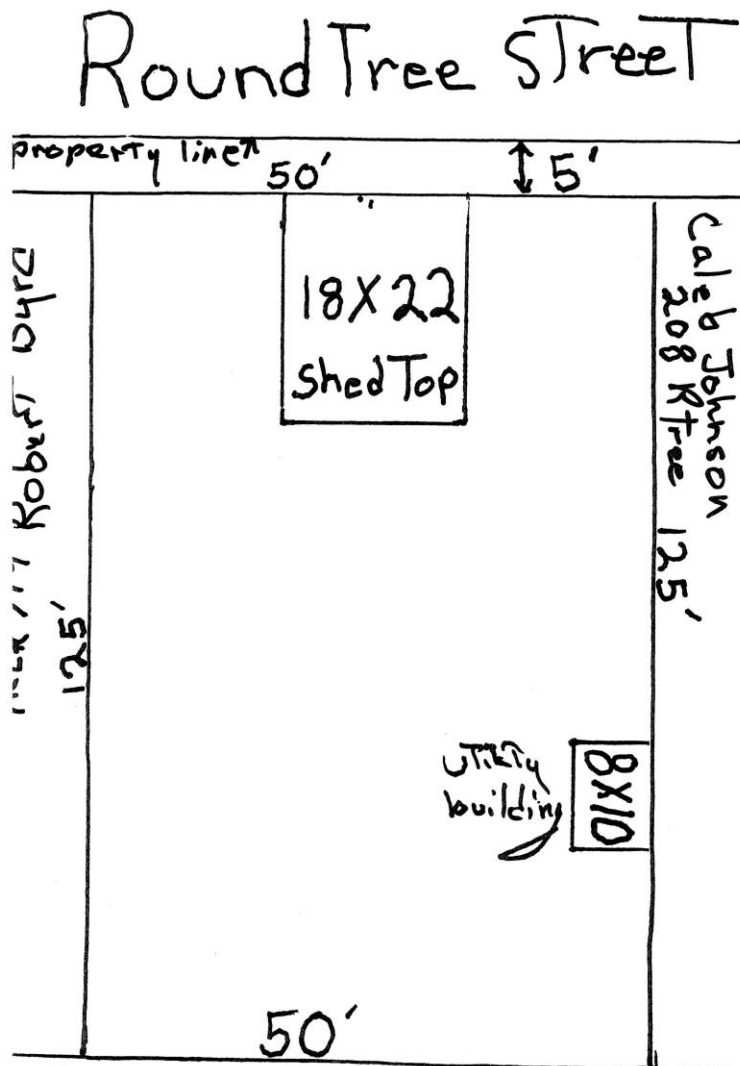


EXHIBIT E: PROPOSED CONCEPT PLAN



CITY OF STATESBORO

COUNCIL

Phil Boyum
Sam Lee Jones
Jeff Yawn
John C. Riggs
Travis L. Chance



Jan J. Moore, Mayor
Randy Wetmore, City Manager
Robert Cheshire, P.E.,
Deputy City Manager
Sue Starling, City Clerk
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: Candra Teshome, Planning & Development Specialist

Date: October 6, 2017

RE: October 17, 2017 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Variance*

Recommendation: Staff recommends approval of the variance requested by application V 17-10-02. The Planning Commission voted to approve the request.

Background: Whitfield Signs requests a variance from Article XV Section 1509(C) Table 3 of the Statesboro Zoning Ordinance for 8.24 acres of property located at 409 Clairborne Avenue regarding the maximum allowed for freestanding and building signs in Sign District 1 (Tax Parcel # S53 000001 000).

Budget Impact: None

Council Person and District: Jeff Yawn (District 3)

Attachments: Development Services Report V 17-10-02



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 17-10-02
 VARIANCE REQUEST
 409 Clairborne Avenue**

LOCATION: 409 Clairborne Avenue

REQUEST: Variance from Article XV Section 1509(C) Table 3 of the *Statesboro Zoning Ordinance* regarding the maximum square footage allowed for one (1) freestanding sign and one (1) building sign in Sign District 1.

APPLICANT: Whitfield Signs

OWNER(S): South Main Ptp LLC & John E Lavender

ACRES: 8.24 acres

PARCEL TAX MAP #: S53 000001 000

COUNCIL DISTRICT: District 3 (Yawn)



PROPOSAL:

The applicant requests a variance from Article XV Section 1509(C) Table 3 of the *Statesboro Zoning Ordinance* regarding the maximum square footage allowed for one (1) monument sign, one (1) building sign and the maximum aggregate square footage allowed in Sign District 3.

The subject site is located in the R15 (Single-Family Residential) zoning district and is regulated as a nonresidential use (**See Exhibit A**—Location Map, **Exhibit B** – Future Development Map and **Exhibit C**—Section 1509(C) Table 3). The customer proposes the installation of one 66.1 square feet freestanding sign and one (1) 109.2 square feet building sign (**See Exhibit E**—Proposed Signage Plans).

The maximum square footage allowed for both freestanding and building signs is 40 square feet. In addition, the maximum allowed aggregate square footage is 80 square feet and the applicant is proposing 206.3 aggregate square feet for the site.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R15 (Single-Family Residential)	Single-family dwelling units
SOUTH:	R15 (Single-Family Residential) and O (Office and Business Office)	Single-family dwelling units and personal service facilities
EAST:	R15 (Single-Family Residential), PUD (Planned Unit Development) and CR (Commercial Retail)	Single-family dwelling units, vacant parcel and personal service facilities
WEST	R15 (Single-Family Residential)	Single-family dwelling units

The subject property is located in the R15 (Single-Family Residential) zoning district. Surrounding parcels include mixed uses, such as single-family dwelling units, retail shops, and personal service facilities (See **Exhibit A** – Location Map, **Exhibit B**—Future Development Map, **Exhibit D**—Site and Surrounding Property Photos and **Exhibit E**—Proposed Signage Plans).

COMPREHENSIVE PLAN:

The subject site lies within the “Established Residential Neighborhood” character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Master Plan*. The traditional residential neighborhoods in the Established area were developed from the late 19th to mid-20th century, and feature connected street grids linked with downtown. Sidewalks should be located on both sides of major streets; lesser streets may have limited facilities. Major corridors in this area may support a mix of residential and commercial uses. As corridors transition from residential to commercial, the original structures should be maintained and renovated whenever possible. Any new structures should respect the existing fabric of the neighborhood, through similar front, side, and rear setbacks. (See **Exhibit B** – Future Development Map).

Statesboro Comprehensive Master Plan, Community Agenda page 17.

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 3: Sign District 1 Dimensional Standards to permit an increase in the maximum square footage for one (1) freestanding sign, one (1) building sign and an increase in the maximum aggregate square feet allowed for the site.**

The applicant requests a variance from Article XV Section 1509(C) Table 3 of the Statesboro Zoning Ordinance regarding the maximum square footage allowed for one (1) monument sign, one (1) building sign and the maximum aggregate square footage allowed in Sign District 1.

Sign District 1 allows for a maximum 40 square feet for freestanding signs. The applicant’s intention is to increase the maximum height for a freestanding sign from 40 square feet to 66.1 square feet. In addition, the applicant would like to increase the maximum allowed square footage for a building sign from 40 square feet to 109.2 square feet. Finally, the applicant requests an increase in the maximum aggregate square feet allowed for the site from 80 square feet to 206.3 square feet.

Sign District 1 Regulations	Applicant’s Request	Permitted
Freestanding Signs: One sign structure per road frontage not to exceed 40 square feet and 8 feet in height	One (1) 66.1 square feet freestanding sign; 7.5’ tall	N/A
Building Signs: One per building elevation not to exceed 40 square feet	One (1) 109.2 square feet building sign and one (1) 31 square feet building sign	N/A
Aggregate Sign Area: 80 square feet including freestanding and building signs	Three (3) signs with a total aggregate sign area of 206.3 square feet	N/A

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 variances requested by application V 17-10-02.

PLANNING COMMISSION RECOMMENDATION:

At its regularly scheduled meeting held Tuesday, October 3, 2017, the Planning Commission voted 6 to 0 to approve the variance requested by application V 17-10-02.

EXHIBIT A: LOCATION MAP



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

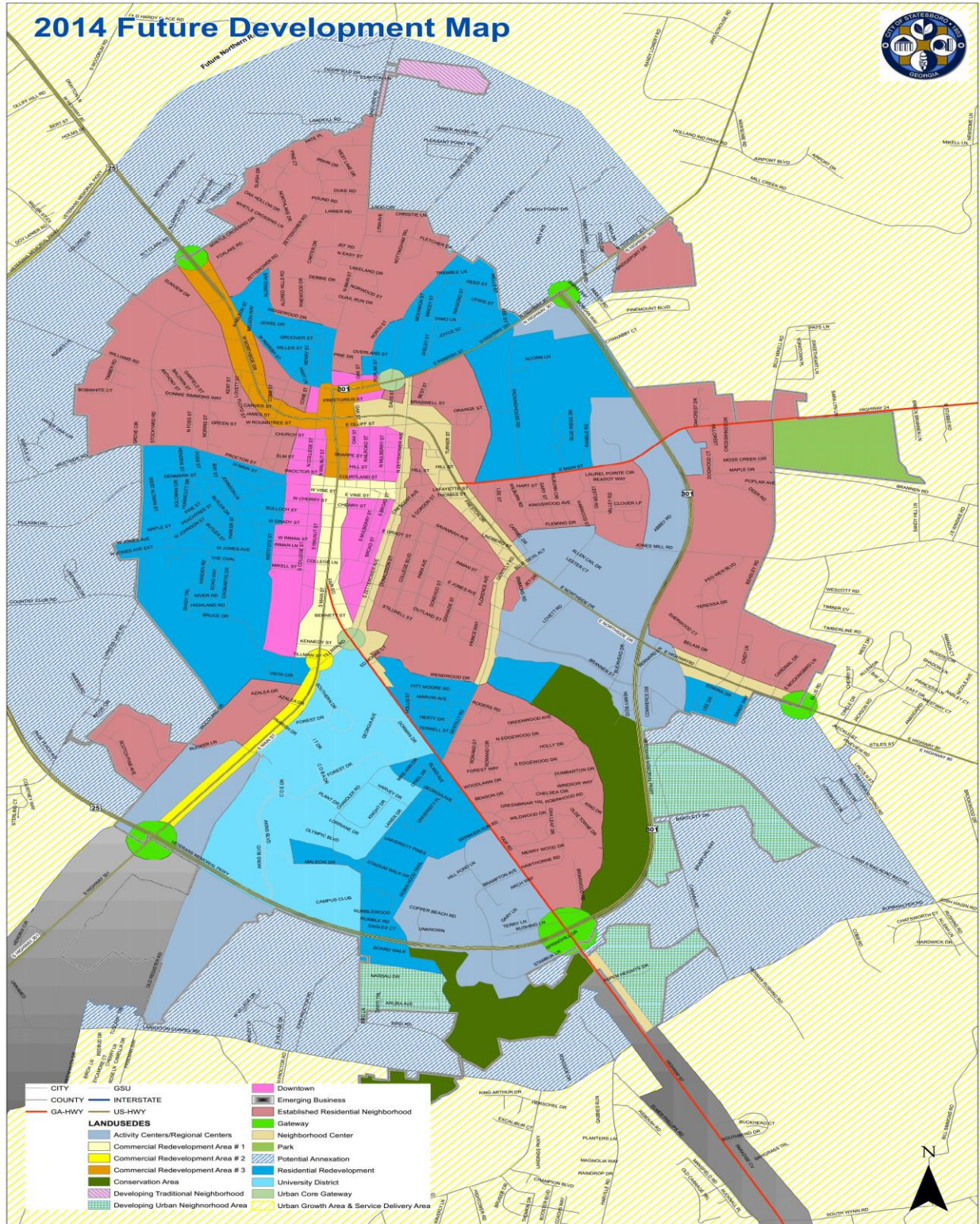


EXHIBIT C: ARTICLE XV SECTION 1509(C) Table 3

Table 3. Sign District 1 Dimensional Standards

TABLE INSET:

SIGN DISTRICT 1 (As defined in subsection 1509[A.1])	RESIDENCE ON AN INDIVIDUAL LOT*	RESIDENTIAL DEVELOPMENT OR SUBDIVISION**	NONRESIDENTIAL USE
AGGREGATE SIGN AREA***:			
1. Maximum Number of Total Square Feet (SF)*	12 square feet	Varies (All signs within a residential development or subdivision must be constructed of brick, stone, masonry, wood, or equal architectural material)	80 square feet including freestanding and building signs.
FREESTANDING SIGNS****:			
2. Freestanding Sign Maximum Square Feet	4 ½ square feet	40 square feet (Per development entrance sign) 18 square feet (Per sign identifying a development common area or facility)	40 square feet
3. Maximum Height	3 feet	6 feet	8 feet
4. Setback Requirements	5 feet	5 feet*****	5 feet
5. Number of Signs Allowed	One	Two (2) sign structures per entrance to the development or subdivision.*****	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs
BUILDING SIGNS:			
1. Maximum Number of Total Square Feet	N/A	18 square feet	40 square feet
2. Maximum Height	N/A (Window signs only)	Building Elevation	Building Elevation
3. Number of Building Signs Allowed	N/A	One per building serving as the principal structure in a common area or facility.***	One per building elevation with street frontage.***
<p><i>*Per the purposes of this article, "residences on an individual lot" refers to any individual lot principally serving as a single-family residential dwelling [attached, detached, townhouse, etc.] or a duplex.</i></p> <p><i>**Per the purposes of this article signage related to a "residential development or subdivision" includes all common entry signage into the development, and all signage related to common areas and facilities.</i></p> <p><i>***As provided in Section 1501 and Table 2 herein, "aggregate sign area" includes all freestanding or building signs regardless of whether or not a permit for a particular type of sign is required.</i></p> <p><i>****Limited to monument and standard informational signs where permitted by Table 2. Billboards and stanchion signs prohibited as provided in Table 2 herein.</i></p> <p><i>*****Unless incorporated into the street right-of-way as part of landscaped entryway feature – in which case only one (1) sign structure may be located at the entrance, and such sign placement, and maintenance agreements, shall have been approved as part of the major subdivision approval process established in Appendix B of the Statesboro Code of Ordinances (Statesboro Subdivision Regulations).</i></p> <p><i>§§§ Two (2) per building elevation where one (1) sign is in the form of a canopy/awning, and where the cumulative square footage of both does not exceed the "maximum number of total square feet" for building signs.</i></p> <p><i>(NOTE: Illumination of building or freestanding signs is prohibited on any individual lot principally serving as single-family residential dwelling [attached, detached, townhouse, etc.] or a duplex. Land uses within Sign District 1 which may otherwise utilize illumination, shall not incorporate internal illumination.)</i></p>			

EXHIBIT D: SITE AND SURROUNDING PROPERTY PHOTOS



Picture 1: Southern Wall of Subject Site Facing North toward East Jones Avenue Depicting Deep Setback from Brannen Street



Picture 2: Closer View of Southern Wall Depicting Proposed Elevation for the 109.2 sq. ft. Building Sign

EXHIBIT D: SITE AND SURROUNDING PROPERTY PHOTOS (CONT)



Picture 3: Surrounding Single-Family Dwelling Units on Brannen Street



Picture 4: Intersection of Brannen Street and Gentilly Road

EXHIBIT D: SITE AND SURROUNDING PROPERTY PHOTOS (CONT)



Picture 5: Surrounding Personal Service Facilities at Gentilly Road and Brannen Street

EXHIBIT E: PROPOSED SIGNAGE PLANS

#4 - above front door

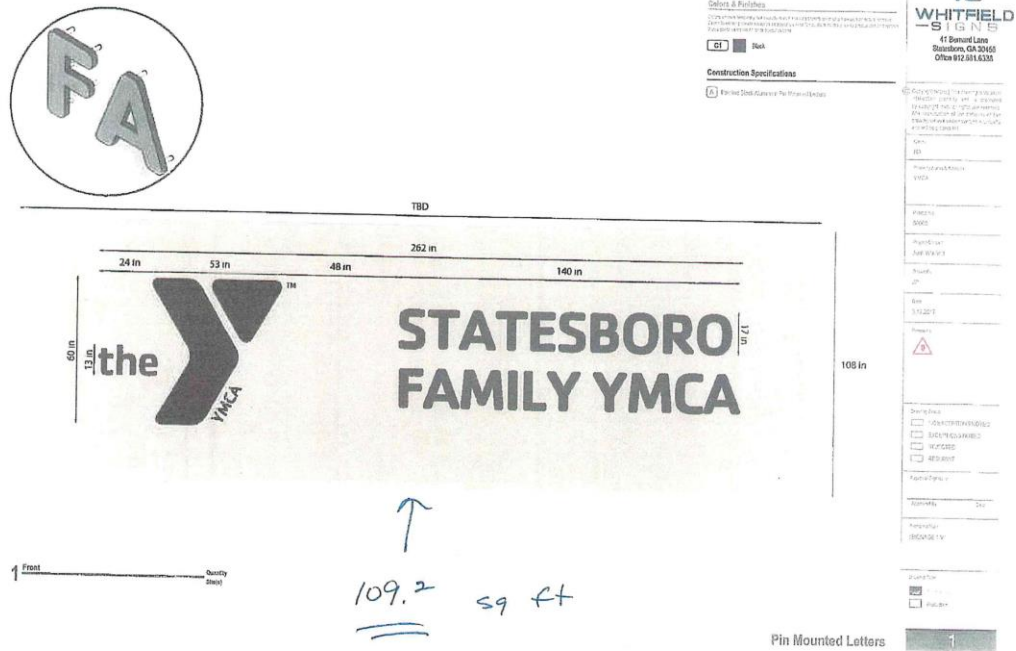
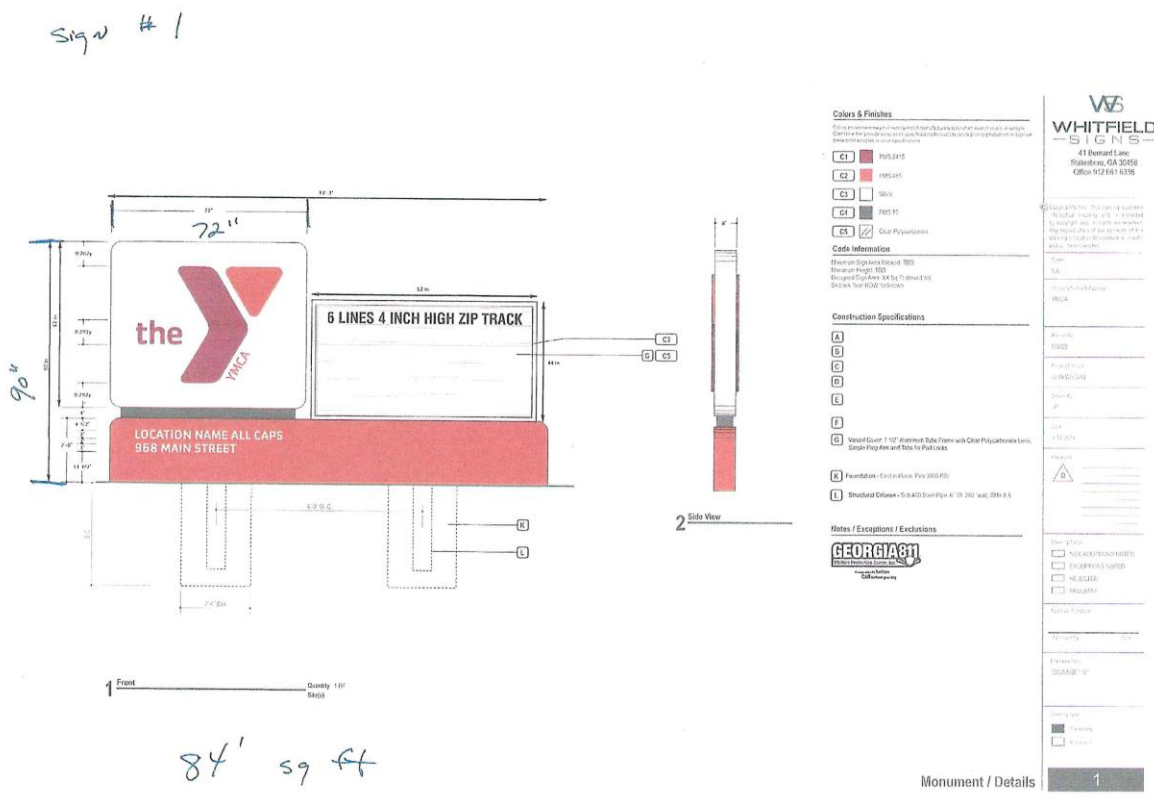


EXHIBIT E: PROPOSED SIGNAGE PLANS (CONT)



Picture 7 Proposed 66.1 sq. ft. freestanding sign

EXHIBIT E: PROPOSED SIGNAGE PLANS (CONT)



Picture 8 Customer Submitted Aerial View Depicting location of Each Proposed Sign

CITY OF STATESBORO

COUNCIL

Phil Boyum
Sam Lee Jones
Jeff Yawn
John C. Riggs
Travis L. Chance



Jan J. Moore, Mayor
Randy Wetmore, City Manager
Robert Cheshire, P.E.,
Deputy City Manager
Sue Starling, City Clerk
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: Candra Teshome, Planning & Development Specialist

Date: October 6, 2017

RE: October 17, 2017 City Council Agenda Items

Policy Issue: Resolution to Create Keep Statesboro Bulloch Beautiful (KSBB) Board of Directors and Organization. Resolution and Letter of Support to forward to the state.

Recommendation: Staff recommends approval of the resolution.

Background: Grant received from the state to create KSBB

Budget Impact: Grant funded

Council Person and District: None

Attachments: Letter of Support, Bylaws Of The Keep Statesboro-Bulloch Beautiful Commission and Resolution

CITY OF STATESBORO

October 6, 2017

April Wennerstrom
Director, Affiliate Development
Keep America Beautiful, Inc.
Affiliate Services Department
1010 Washington Blvd.
Stamford, CT 06901

Dear Ms. Wennerstrom:

The City Council, staff, and citizens of Statesboro, Georgia have joined together to enthusiastically support the application of Migration for a Statesboro Keep America Beautiful chapter. We hope that by supporting this Migration application, the City of Statesboro will have the opportunity to develop a successful KAB program, to involve our citizens in improving the quality of this community.

Enclosed, along with the application for Migration and a check for the Migration fee, are the drafts of our proposed Bylaws and Resolution, budget, and other supplemental materials requested by Keep America Beautiful. We believe this illustrates the commitment our government has to this program. On behalf of the City of Statesboro, I am pleased to support and sponsor this application for Migration for Keep Statesboro-Bulloch Beautiful. We look forward to working with Keep America Beautiful and Keep Georgia Beautiful Foundation in the Future, and we pledge to support local efforts to establish a KAB chapter in this community.

Sincerely,

Jan Moore, Mayor
City of Statesboro

BYLAWS OF THE KEEP STATESBORO-BULLOCH BEAUTIFUL COMMISSION

Article 1 NAME AND OBJECTIVES

- 1.1 Name. The Commission shall conduct its activities under the following name: Keep Statesboro-Bulloch Beautiful and shall be referenced by the acronym *KSBB*.
- 1.2 Objectives. KSBB's objectives are:
- (a) Encourage all citizens of Statesboro to end litter, minimize solid waste, and beautify the community.
 - (b) To obtain updated litter and solid waste control ordinances.
 - (c) To seek effective enforcement of all pertinent ordinances and laws.
 - (d) To emphasize the importance of community revitalization, cleanup, and greenspaces.

Article 2 BOARD OF DIRECTORS

- 2.1 Members. The KSBB Commission shall consist of 7 members of a Board of Directors, appointed as established by the Resolution of the City of Statesboro.
- 2.2 Terms. Terms of the members shall be three (3) years, effective October 1 and terminating three (3) years later on September 30, provided the initial appointees of the City of Statesboro shall serve an initial one (1) year term to introduce staggered terms. Each Member whose term expires shall continue until their successor has been appointed.
- 2.3 Responsibility. KSBB Board members shall be responsible for all functions and activities of the KSBB.
- 2.4 Compensation. KSBB Board members shall receive no compensation for their service but can be reimbursed travel expenses for training and conferences outside Bulloch County, provided such expenses are documented by invoices and provided such expenses are approved prior to the event by the Director of Planning and Development of the City of Statesboro.
- 2.5 Conflicts of Interest. Any Board member or relative of the Board member who has a direct or indirect financial interest in any contract or other transaction with the Commission must disclose to the Board, in advance, such interest. The Board member concerned may participate in discussions relating to the subject of their interest, but may not vote.

Article 3 OFFICERS

- 3.1 Executive Director/Coordinator. The Executive Director/Coordinator shall be appointed in accordance with the personnel policies of the City of Statesboro. The Coordinator shall be deemed an employee of the City of Statesboro and therefore subject to its personnel policies.

3.2 President. The President shall preside at meetings and, with the advice and consent of KSBB Board members, appoint project chairs and members.

3.3 President-Elect/Vice President. The President-Elect shall act in the absence of the President and shall succeed the President in the event of a vacancy.

3.4 Secretary. The Secretary shall maintain records of the minutes of KSBB's actions and meetings.

3.5 Treasurer. The Treasurer shall be responsible for maintaining financial records of KSBB, with the assistance of the Finance Department staff of the City of Statesboro.

3.6 Additional Officers. All officers shall be elected by KSBB's 7-member Board of Directors at its annual meeting as described below.

3.7 Holding Multiple Offices. Any two offices may be held by the same person, except the offices of President and President-Elect/Vice President, and the offices of President and Secretary. A failure to elect any Officer shall not affect the existence of the Commission.

Article 4 MEETINGS

4.1 Regular Meetings. KSBB shall meet at least once monthly, or as needed, in the chambers of the City of Statesboro City Hall or at such other time and place as may be established by KSBB resolution from time to time.

4.2 Special Meetings. Special meetings may be called by the President of the Board of Directors or by a quorum of KSBB Board members.

4.3 Notice. Notice of meetings can be furnished by writing, by telephone or electronically and must be furnished forty-eight (48) hours in advance of any meeting, regular or special.

4.4 Annual Meeting. The annual meeting shall be held as determined by KSBB Board members.

4.5 Proxies. A Board member may vote in person or by proxy executed, in writing, by the member, or the member's duly-authorized attorney-in-fact. No proxy shall be valid after one (1) month from the date of its execution, unless otherwise provided in the proxy.

4.6 Open Meeting Laws. All meetings will be subject to State of Georgia open meeting laws.

Article 5 QUORUM AND VOTING

5.1 Quorum. A quorum of KSBB shall consist of a majority of its Board membership.

5.2 Action. Action on any matter shall be taken by majority vote of a KSBB Board quorum.

5.3 Attendance. KSBB members shall attend at least two-thirds (2/3) of the meetings in a twelve (12) month period or their KSBB memberships will automatically lapse. The Secretary shall maintain such attendance records.

5.4 Ex Officio Members. The Mayor of the City of Statesboro, City Manager, Deputy City Manager, and Director of Planning and Development shall serve as ex officio members of KSBB, shall receive notice of all meetings and copies of meeting minutes, and shall otherwise have all rights of membership except such ex officio members shall not vote and shall not count towards quorum.

Article 6 COMMITTEES

6.1 Appointment. KSBB Board members shall appoint members and subcommittees if deemed necessary for the efficiency of project management and organizational governance.

6.2 Subcommittees. Members may be appointed to committees including, but not limited to:

- (a) Executive
- (b) Finance
- (c) Education
- (d) Business and Industry
- (e) Communications/Public Relations
- (f) Civic/Community

6.3 Committee Officers. Each Committee shall elect from its membership a Chair and a Secretary.

Article 7 PARLIAMENTARY PROCEDURE

7.1 Robert's Rules of Order. All meetings shall be conducted in accordance with Robert's Rules of Order, unless otherwise expressly provided in these bylaws.

Article 8 FUNDS

8.1 Donations. Donations shall be accounted for in a separate line item titled "Keep Statesboro-Bulloch Beautiful Donations."

8.2 Expenditures. Expenditures will use a line item titled "Keep Statesboro-Bulloch Beautiful" and will be authorized by the Director of Planning and Development. At the end of the fiscal year, any donations not spent will be placed in an account titled "KSBB" to be used as needed for KSBB expenditures in subsequent years.

Article 9
AMENDMENTS

9.1 Amendments to the Bylaws. These bylaws may be amended by action of KSBB at any regular meeting, and after review and formal approval by the City of Statesboro City Council.

**KEEP STATESBORO-BULLOCH BEAUTIFUL COMMISSION
GOVERNING BOARD RESPONSIBILITIES**

The Board of Directors of the Keep Statesboro-Bulloch Beautiful shall:

1. Be accountable for all of KSBB's operations.
2. Develop programs and initiatives for KSBB.
3. Interpret the community's needs to KSBB and KSBB needs to the community.
4. Establish an annual budget and secure funding for the budget.
5. Support and evaluate the Executive Director/Coordinator.
6. Assess Board performance.
7. Be accountable to Keep Georgia Beautiful and Keep America Beautiful Affiliate guidelines and regulations.

RESOLUTION 2017-35

GEORGIA, CITY OF STATESBORO

The following resolution has been duly adopted by the municipal government of the City of Statesboro on the dates indicated below.

Recitals

- A. All local community governments recognize the need in our community to abate litter, minimize solid waste, and beautify our communities.
- B. The national Keep America Beautiful program offers affiliation to communities like ours, and provides a method of systematically obtaining the goal of cleaning and beautifying the city of Statesboro and surrounding areas.
- C. The Bulloch County Board of Commissioners, as well as all of the local governments within Bulloch County (Brooklet, Portal, Register, & Statesboro) have previously passed resolutions approving an application for certification as a Keep America Beautiful and Keep Georgia Beautiful Affiliates.
- D. One of the requirements of achieving certification as a KAB affiliate is the establishment of a commission to act as the ongoing leadership and governing organization for the local Keep America Beautiful/Keep Georgia Beautiful initiative.

NOW THEREFORE, for and in consideration of the foregoing recitals, the undersigned government does resolve:

- 1. There is established effective immediately the Keep Statesboro-Bulloch Beautiful Commission (KSBBC)
- 2. KSBBC shall be composed of seven (7) members of a Board of Directors who will serve three (3) year terms and who are eligible for reappointment; Provided, however, the City of Statesboro's appointees shall serve an initial one (1) terms, to establish staggered terms for KSBB.
- 3. KSBBC shall elect officers from among its membership and shall be governed in compliance with its bylaws, which bylaws shall be subject to the prior approval of the City of Statesboro municipal government executing this resolution.
- 4. KSBBC shall remain in existence unless and until abolished by the joint resolution of the undersigned government.
- 5. The undersigned adopt as a mission statement of KSBBC the following:

Keep Statesboro-Bulloch Beautiful (KSBB) strives to educate and empower citizens and businesses with the resources needed to facilitate litter prevention, beautification, and community greening within the city of Statesboro and surrounding areas. KSBB's main focus is community beautification, revitalization, and sustainability through the education and collaboration of local citizens, public, private, and nonprofit entities. KSBB is a Keep Georgia Beautiful Foundation affiliate and a Keep America Beautiful affiliate.

6. The guiding principles of KSBBC shall be:
 - a. Education
 - b. Individual Responsibility
 - c. Public, Private, and Nonprofit partnerships for effective community action.
7. The undersigned government declares that the mandate of KSBBC shall be:
 - a. To encourage all citizens of Statesboro to end litter, minimize solid waste, and beautify the community.
 - b. To obtain updated litter and solid waste control ordinances.
 - c. To seek effective enforcement of all pertinent ordinances and laws.
 - d. To emphasize the importance of community revitalization, cleanup, and greenspaces.
8. KSBBC members shall govern the activities of KSBB, and all such activities shall be undertaken and conducted under the name of KSSB, or Keep Statesboro-Bulloch Beautiful.
9. Funding for KSBBC shall be by the City of Statesboro and in-kind donations. Effective July 1, 2017, KSBBC shall be funded by annual budget appropriations by the City of Statesboro.
10. Audit
Incident to and as part of the annual audit of the City of Statesboro, all accounts of the Commission shall likewise be annually audited.

Adopted this _____ day of _____, 2017, by the City of Statesboro_____.

CITY OF STATESBORO REPRESENTATIVE

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

Jan J. Moore, 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

From: Jason Boyles, Director of Public Works and Engineering
Brad Deal, P.E., City Engineer
Marcos Trejo Jr. Stormwater Manager

Date: 10/10/2017

RE: Recommendation to Reject All Bids for "South College Street Headwall Construction"

Policy Issue: Purchasing

Recommendation:

Sealed bids for the referenced project were received on September 19, 2017 as follows:

Southeastern Civil	\$289,865.47
Y-Delta	\$295,000.00

The low bidder, Southeastern Civil, came in at \$109,865.47 over our budgeted amount of \$180,000. After meeting with the low bidder and design engineer, staff recommends the City of Statesboro reject all bids and rebid at a later date.

Background:

The City of Statesboro solicited seal bids for the construction of two headwalls at the Little Lott's Tributary crossing at South College Street to correct some on-going erosion problems. This project was advertised and staff contacted several qualified contractors serving our region. Two sealed bids were received as shown above. After receiving the bids, staff met with the low bidder and design engineer to attempt to value engineer the project. As a result of these negotiations, staff felt it would be beneficial for the City to rebid the project. Adjustments to the specifications and scope may be made to reduce costs and encourage additional bidders.

Budget Impact: None

Council Person and District: Sam Jones, District 2

Attachments: none

CC: Robert Cheshire, PE, Deputy City Manager
Darren Prather, Director of Central Services