



February 3, 2015 9:00 am

1. Call to Order by Mayor Jan Moore
2. Invocation and Pledge of Allegiance by Councilman John Riggs
3. Recognitions/Public Presentations
 - A) Presentation of the Arbor Day Proclamation. Accepting the proclamation will be Mr. Henry Clay, the Tree Board and representatives from the GSU Center for Sustainability, and the Garden of the Coastal Plain
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 01-21-2015 Council Minutes
 - b) 01-21-2015 Executive Session Minutes

6. Administrative Hearings for alleged alcohol violations as pursuant to Chapter 6 of the City of Statesboro Alcohol Ordinance:

	<u>Offense in 12 month period</u>	<u>Citation Date</u>
A) Casey Lynn Scarborough	1st offense	December 19, 2014
Wings Over Boro Inc/Wild Wings		
52 Aspen Heights Drive		
B) Gregory Jones Woolard	2nd offense	December 19, 2014
Clydes Market #48		
12399 Highway 301 South		
C) Teresa McElveen/Kenneth Jones	2nd offense	December 19, 2014
Bi-Lo #5567		
325 Northside Drive East #1		

7. Public Hearing and Consideration of a Motion to approve **APPLICATION # SE 14-10-03**: Rick Mock requests a special exception be granted pursuant to the Statesboro Zoning Ordinance to allow the operation of a used car dealership (and other commercial uses) in the CR (Commercial Retail) zoning district for property located at 1044 South Main Street - Tax Parcel Number MS43000018000.

8. First Reading and Consideration of a Motion to approve **Ordinance 2015-01** : An Ordinance Amending Certain Sections of Chapter Two, Section 2-1 of the Statesboro Code of Ordinances (Meetings of Council)
9. Consideration of a Motion to award the purchase of an F-150 regular cab for the Engineering Department to Allen Vigil Ford in the amount of \$19,592.00.
10. Consideration of a Motion to award the purchase of a F-150 extended cab for the Code Compliance Department to Allen Vigil Ford in the amount of \$20,766.00.
11. Consideration of a Motion to award the purchase of (2) F-150 Extended cabs for the WS/WWTP to Prater Ford in the amount of \$22,575.88 each for a total of \$45,151.76.
12. Consideration of a Motion to award the purchase of a F-150 regular cab for the WWTP to Allen Vigil Ford in the amount of \$19,672.00.
13. Consideration of a Motion to cancel for re-bid bid number 2015-16 (Fleet Maintenance Vehicle) due to only receiving one sealed bid (bid returned to vendor unopened per policy).
14. Other Business from City Council
15. City Managers Comments
 - A) City Clerks Dept. (Notice of alcohol application changes)
 - a) Buffalo Wild Wings Restaurant #484 is changing managers pending the background investigation. The name is Ryan Allen.
 - b) Amoco BP Food Store is changing owners pending the background investigation. The name is Ashwinkumar Patel.
 - c) Gata's Sports Bar and Grille is changing owners pending the background investigation. The name is Fario Gharachorloo.
16. Public Comments (General)
17. Consideration of a Motion to enter into Executive Session to discuss "Real Estate" in accordance with **O.C.G.A.§50-14-3 (2012)**
18. Consideration of a Motion to Adjourn

ARBOR DAY

WHEREAS, In 1872, J Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, The holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW THEREFORE, I, Jan J. Moore, Mayor of the City of Statesboro, do hereby proclaim February 20, 2015 as

ARBOR DAY

in the City of Statesboro, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Dated this 20th day of February in the year 2015

Jan J. Moore, Mayor



**CITY OF STATESBORO
Council Minutes
January 21, 2015**

A regular meeting of the Statesboro City Council was held on January 21, 2015 at 5:15 p.m. in the Council Chambers at City Hall. Present were Mayor Jan J. Moore, Council Members: Will Britt, Phil Boyum, John Riggs, Gary Lewis and Travis Chance. Also present were Interim City Manager Robert Cheshire, City Clerk Sue Starling, City Attorney Alvin Leaphart, Assistant City Engineer Jason Boyles and Director of Planning and Development Mandi Cody.

The meeting was called to order by Mayor Jan Moore

The Invocation and Pledge of Allegiance was led by Mayor Jan Moore.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

- A) Approval of Minutes**
 - a) 12-16-2014 Executive Session Minutes**
 - b) 01-06-2015 Council Minutes**
- B) Consideration of a Motion to approve Special Event Permit**
 - a) 03-07-2015 - Georgia Southern University Museum - Gourmet Dinner to Benefit GSU Museum**

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to approve the consent agenda in its entirety. Councilman Britt, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Councilman Phil Boyum joined the meeting.

Public Hearing and Consideration of a Motion to adopt Resolution 2015-05: A Resolution adopting the 2014 update to the City of Statesboro Comprehensive Master Plan Community Agenda and to approve the submittal of the update to the Coastal Georgia Regional Commission in accordance with the provisions of the Georgia Planning Act and the Minimum Standards and Procedures for Local Comprehensive Planning as required by the Georgia Department of Community Affairs.

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to open the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

No one spoke in favor of the Comprehensive Plan. Steve Rushing spoke against the plan on behalf of the Estate of the Benson property that was included in the new plans. He stated that was his only objection.

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

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to adopt **Resolution 2015-05**: A Resolution adopting the 2014 update to the City of Statesboro Comprehensive Master Plan Community Agenda and to approve the submittal of the update to the Coastal Georgia Regional Commission in accordance with the provisions of the Georgia Planning Act and the Minimum Standards and Procedures for Local Comprehensive Planning as required by the Georgia Department of Community Affairs. Councilman Britt, Boyum, Riggs, Lewis 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 APPLICATION # RZ 14-10-01: Estate of Martha C. Benson c/o Dr. Robert M. Benson, Jr., Executor requests a zoning map amendment for 4.41 acres of property located at 1301 Fair Road from R3 (Medium Density Multiple Family Residential) zoning district to CR (Commercial Retail) zoning district to permit the use of the property for a free standing fuel dispensing station with convenience store to be owned and operated by Enmark Stations, Inc. and for development of a hotel/motel or other use compatible with the Enmark Station (Tax Parcel Number MS62000054B000).

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

Attorney Steve Rushing representing the Benson Estate spoke in favor of the request. The applicant would like to put an Enmark Gas Station and a 4 story hotel on the property site. There were also drawings presented as to how the property would look after it was redeveloped. Mr. Rushing also presented Council with a Notice of Constitutional Challenges. Mr. Rushing had Debbie Gilbert, a court reporter, to take down this hearing. There were no other comments from concerned citizens supporting the request.

Attorney Bob Mikell representing some of the neighborhood citizens spoke against the request. Cathy Shriver, Ann Dewey, Russ Dewey George Shriver, Bill Smith, Verdy Kennedy, Barbara Price, Jack Woman, Carol Altman, Charles Wilson, William Hatcher, Jimmy Hodges and Catherine Strickland spoke against the request.

Mayor Moore asked for a motion to continue this hearing until the 2nd Council Meeting in February due to certain Constitutional issues presented by Attorney Steve Rushing. Mayor Pro Tem Will Britt made a motion, seconded by Councilman Riggs to continue this hearing at the 2nd Council meeting in February. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Mayor Moore recessed the meeting for 10 minutes.

Public Hearing and Consideration of a Motion to approve APPLICATION # V 14-10-02: Estate of Martha C. Benson c/o Dr. Robert M. Benson, Jr., Executor requests a variance from Section 1002 regarding building height from the allowed 35' or three (3) story building height to four (4) stories for property located at 1301 Fair Road (Tax Parcel Number MS62000054B000).

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

Attorney Steve Rushing representing the Benson Estate spoke in favor of the request. Mr. Rushing also presented Council with a Notice of Constitutional Challenges. There were no other comments from concerned citizens for or against the request.

Mayor Moore asked for a motion to continue this hearing until the 2nd Council Meeting in February due to certain Constitutional issues presented by Attorney Steve Rushing. Councilman Boyum made a motion, seconded by Councilman Riggs to continue this hearing at the 2nd Council meeting in February. Councilman Britt, Boyum, Riggs, Lewis 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 APPLICATION # RZ 14-11-05: Asia World Co. Inc. Charles Tsang requests a zoning map amendment to 2 acres of property located at 400 Knight Road from R4 (High Density Residential) zoning district to CR (Commercial Retail) zoning district for the purpose of developing a commercial retail center (Tax Parcel Number MS62000005B000).

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

Sam DiPolito, representing the applicant, spoke in favor of the request. He stated that although the applicant has no architectural plans to present and has made no decision when he will redevelop the property or what will be built there, he would like the request approved for any future development that make occur. There were no other comments from concerned citizens for or against the request.

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Riggs to close the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve APPLICATION # RZ 14-11-05: Asia World Co. Inc. Charles Tsang requests a zoning map amendment to 2 acres of property located at 400 Knight Road from R4 (High Density Residential) zoning district to CR (Commercial Retail) zoning district for the purpose of developing a commercial retail center (Tax Parcel Number MS62000005B000) with the recommendations of City staff and the Planning Commission. Councilman Boyum, Riggs, Lewis and Chance voted in favor of the motion. Mayor Pro Tem Will Britt voted against the request. The motion carried by a 4-1 vote.

Public Hearing and Consideration of a Motion to approve APPLICATION # RZ 14-12-01: John Ray Hendley requests a zoning map amendment for .31 acres of property located at South College Street from R20 (Single Family Residential) zoning district to R3 (Medium Density Multiple Family Residential) zoning district to allow for the development of single family duplexes (Tax Parcel Number S21000003000).

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

Brian Davis representing Hendley Properties spoke in favor of the request. There were no other comments from concerned citizens for or against the request.

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

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to approve APPLICATION # RZ 14-12-01: John Ray Hendley requests a zoning map amendment for .31 acres of property located at South College Street from R20 (Single Family Residential) zoning district to R3 (Medium Density Multiple Family Residential) zoning district to allow for the development of single family duplexes (Tax Parcel Number S21000003000). Councilman Britt, Boyum, Riggs, Lewis 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 APPLICATION # SE 14-10-03: Rick Mock requests a special exception be granted pursuant to the Statesboro Zoning Ordinance to allow the operation of a used car dealership in the CR (Commercial Retail) zoning district (Tax Parcel Number MS43000018000).

Mayor Moore stated the applicant has requested the item be postponed until a later date.

Public Hearing and Consideration of a Motion to approve APPLICATION # V 14-11-01: Statesboro Hospitality requests a variance from Article XV of the Statesboro Zoning Ordinance to increase the sign height and style from the required (8) eight foot monument sign to a (15) fifteen foot freestanding pole sign for the parcel's southern property line that fronts the Veteran's Memorial Parkway. (Tax Parcel Number MS75000007001).

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Riggs to open the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

There were no comments from concerned citizens for or against the request.

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to close the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Boyum made a motion, seconded by Mayor Pro Tem Will Britt to approve **APPLICATION # V 14-11-01**: Statesboro Hospitality requests a variance from Article XV of the Statesboro Zoning Ordinance to increase the sign height and style from the required (8) eight foot monument sign to a (15) fifteen foot freestanding pole sign for the parcel's southern property line that fronts the Veteran's Memorial Parkway. (Tax Parcel Number MS75000007001). Councilman Britt, Boyum, Riggs, Lewis 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 APPLICATION # V 14-11-02: Suites at Market District. LLC requests a variance from Article XV of the Statesboro Zoning Ordinance to allow for an additional monument style ground sign for businesses located within a PUD/CR (Planned Unit Development) zoning district. (Tax Parcel Number MS74000198A10A).

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to open the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Will Self, representing Action Signs, spoke in favor of the variance request. There were no other comments from citizens for or against the request.

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

Councilman Boyum made a motion, seconded by Councilman Riggs to approve **APPLICATION # V 14-11-02**: Suites at Market District. LLC requests a variance from Article XV of the Statesboro Zoning Ordinance to allow for an additional monument style ground sign for businesses located within a PUD/CR (Planned Unit Development) zoning district. (Tax Parcel Number MS74000198A10A). Councilman Britt, Boyum, Riggs, Lewis 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 APPLICATION # V 14-11-04: Connections Ministries of Statesboro, Inc., requests a variance from Article XV of the Statesboro Zoning Ordinance to increase the aggregate building sign square footage from the permissible eighty (80) square feet aggregate allowance to an aggregate of 200 square feet for a nonresidential use within Sign District 1 (Tax Parcel Number 107000005004)

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

Will Self representing Action Signs spoke in favor of the request as well as a representative from the Connections Ministries Church. There were no other comments from concerned citizens for or against the request.

Councilman Boyum made a motion, seconded by Councilman Riggs to approve APPLICATION # V 14-11-04 which is Connections Ministries of Statesboro, Inc. The motion was contingent on 180 square feet of aggregate signs limited to one road sign on Cawana Road and one sign on the building. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve Resolution 2015-04: A Resolution extending a temporary moratorium on the acceptance, issuance, and processing of alcohol license applications for locations where a previously licensed premises was adjudicated a public nuisance by a court of competent jurisdiction.

Councilman Boyum made a motion, seconded by Councilman Riggs to approve Resolution 2015-04: A Resolution extending a temporary moratorium on the acceptance, issuance, and processing of alcohol license applications for locations where a previously licensed premises was adjudicated a public nuisance by a court of competent jurisdiction. Councilman Boyum, Riggs and Chance voted in favor of the motion, Councilman Britt and Lewis voted against the motion. The motion carried by a 3-2 vote.

Consideration of a Motion to award a bid to purchase a cab and chassis with a utility body for the Natural Gas Department to Roberts Truck Center in the amount of \$56,750.00.

Councilman Riggs made a motion, seconded by Councilman Chance to award a bid to purchase a cab and chassis with a utility body for the Natural Gas Department to Roberts Truck Center in the amount of \$56,750.00. Councilman Britt, Boyum, Riggs, Lewis 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

City Clerk Sue Starling updated Council on the changing of managers at Applebee's Restaurant.

Public Comments (General): None

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

At 8:00 pm, Councilman Chance made a motion, seconded by Councilman Riggs to enter into Executive Session to discuss "Personnel Matters" and "Potential Litigation" in accordance with O.C.G.A. §50-14-3 (2012). Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Mayor Moore called the regular meeting back to order with no action being taken.

At 8:44 pm, Councilman Boyum made a motion, seconded by Councilman Riggs to come out of Executive Session. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Mayor Moore called the regular meeting back to order with no action being taken.

Consideration of a Motion to Adjourn

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

The meeting was adjourned at 8:45 pm.

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
John C. Riggs
William P. Britt
Travis L. Chance
Gary L. Lewis



Jan J. Moore, Mayor
Robert Cheshire, Interim City Manager
Sue Starling, City Clerk
J. Alvin Leaphart, City Attorney

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

MAYOR AND CITY OF COUNCIL OF STATESBORO NOTICE OF HEARING

**VIA CERTIFIED MAIL NO: 7006 0100 0003 8906 2011
RETURN RECEIPT REQUESTED
AND VIA REGULAR MAIL TO:**

Casey Lynn Scarborough as
owner of Wings Over Boro Inc/Wild Wings
52 Aspen Heights Drive
Statesboro Ga 30458

YOU ARE HEREBY PROVIDED NOTICE that an administrative hearing will be conducted by the Mayor and City Council at the regular scheduled council meeting in the Council Chambers on the Second Floor of City Hall located at 50 East Main Street, Statesboro, Georgia 30458 on the 3rd of February, 2015 at 9:00 a.m.


The Mayor and City Council shall hear evidence as to whether the alcohol beverage license issued to Casey Lynn Scarborough for the operation of the restaurant known as Wings Over Boro Inc/Wild Wings at 52 Aspen Heights Drive, Statesboro, Georgia should be suspended or revoked due to violations of Chapter 6 of the Code of Ordinances of the City of Statesboro that governs the sale of alcoholic beverages.

The date and nature of the allegations are as follows:

1. Whether on or about December 19, 2014 the licensee, his agents or employees furnished alcohol to persons under 21 years of age in violation of Section 6-86, and if so, how many violations of Section 6-86 occurred.

The Mayor and City Council shall generally conduct this hearing in accordance with the Requirements of due process as required by the United States Constitution and the Constitution of the State of Georgia. The Mayor and City Council shall entertain any and all evidence relevant to this matter without regard to evidentiary rules regarding hearsay. The licensee has the right to be represented by counsel at his expense, present evidence, and cross-examine the evidence presented against him. The standard for action by the City Council against the licensee shall be a preponderance of this evidence.

THIS 12th DAY OF JANUARY, 2015 IN STATESBORO, GEORGIA.


Sue Starling, City Clerk

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
John C. Riggs
William P. Britt
Travis L. Chance
Gary L. Lewis



Jan J. Moore, Mayor
Robert Cheshire, Interim City Manager
Sue Starling, City Clerk
J. Alvin Leaphart, City Attorney

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

MAYOR AND CITY OF COUNCIL OF STATESBORO NOTICE OF HEARING

**VIA CERTIFIED MAIL NO: 7006 0100 0003 8906 2028
RETURN RECEIPT REQUESTED
AND VIA REGULAR MAIL TO:**

Gregory Jones Woolard as
owner of Clydes Market # 48
12399 Highway 301 South
Statesboro Ga 30458

YOU ARE HEREBY PROVIDED NOTICE that an administrative hearing will be conducted by the Mayor and City Council at the regular scheduled council meeting in the Council Chambers on the Second Floor of City Hall located at 50 East Main Street, Statesboro, Georgia 30458 on the 3rd of February, 2015 at 9:00 a.m.

The Mayor and City Council shall hear evidence as to whether the alcohol beverage license issued to Gregory Jones Woolard for the operation of the convenience store known as Clydes Market #48 at 12399 Highway 301 South, Statesboro, Georgia should be suspended or revoked due to violations of Chapter 6 of the Code of Ordinances of the City of Statesboro that governs the sale of alcoholic beverages.

The date and nature of the allegations are as follows:

1. Whether on or about December 19, 2014 the licensee, his agents or employees furnished alcohol to persons under 21 years of age in violation of Section 6-86, and if so, how many violations of Section 6-86 occurred.

The Mayor and City Council shall generally conduct this hearing in accordance with the Requirements of due process as required by the United States Constitution and the Constitution of the State of Georgia. The Mayor and City Council shall entertain any and all evidence relevant to this matter without regard to evidentiary rules regarding hearsay. The licensee has the right to be represented by counsel at his expense, present evidence, and cross-examine the evidence presented against him. The standard for action by the City Council against the licensee shall be a preponderance of this evidence.

THIS 12th DAY OF JANUARY, 2015 IN STATESBORO, GEORGIA.


Sue Starling, City Clerk

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
John C. Riggs
William P. Britt
Travis L. Chance
Gary L. Lewis



Jan J. Moore, Mayor
Robert Cheshire, Interim City Manager
Sue Starling, City Clerk
J. Alvin Leaphart, City Attorney

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

MAYOR AND CITY OF COUNCIL OF STATESBORO NOTICE OF HEARING

**VIA CERTIFIED MAIL NO: 7006 0100 0003 8906 2004
RETURN RECEIPT REQUESTED
AND VIA REGULAR MAIL TO:**

Teresa McElveen/Kenneth Jones as
owner of Bi-Lo #5567
325 Northside Drive East #1
Statesboro Ga 30458

YOU ARE HEREBY PROVIDED NOTICE that an administrative hearing will be conducted by the Mayor and City Council at the regular scheduled council meeting in the Council Chambers on the Second Floor of City Hall located at 50 East Main Street, Statesboro, Georgia 30458 on the 3rd of February, 2015 at 9:00 a.m.


The Mayor and City Council shall hear evidence as to whether the alcohol beverage license issued to Teresa McElveen and Kenneth Jones for the operation of the grocery store known as Bi-Lo #5567 at 325 Northside Drive East #1, Statesboro, Georgia should be suspended or revoked due to violations of Chapter 6 of the Code of Ordinances of the City of Statesboro that governs the sale of alcoholic beverages.

The date and nature of the allegations are as follows:

1. Whether on or about December 19, 2014 the licensee, his agents or employees furnished alcohol to persons under 21 years of age in violation of Section 6-86, and if so, how many violations of Section 6-86 occurred.

The Mayor and City Council shall generally conduct this hearing in accordance with the Requirements of due process as required by the United States Constitution and the Constitution of the State of Georgia. The Mayor and City Council shall entertain any and all evidence relevant to this matter without regard to evidentiary rules regarding hearsay. The licensee has the right to be represented by counsel at his expense, present evidence, and cross-examine the evidence presented against him. The standard for action by the City Council against the licensee shall be a preponderance of this evidence.

THIS 12th DAY OF JANUARY, 2015 IN STATESBORO, GEORGIA.


Sue Starling, City Clerk



City of Statesboro – Department of Planning and Development

P.O. Box 348
Statesboro, Georgia 30458

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

**SE 14-10-03
SPECIAL EXCEPTION REQUEST
1044 South Main Street**

LOCATION: 1044 South Main Street

REQUEST: Special Exception to allow a used car lot within the Cr (Commercial Retail) zoning district.

APPLICANT: Rick Mock

OWNER(S): Thomas D. Lambie

LAND AREA: 1 Acre

PARCEL TAX MAP #s: MS43000018 000

COUNCIL DISTRICT: District 3 (Britt)



PROPOSAL:

The applicant requests a Special Exception to allow for the utilization of the vacant property located at 1044 South Main Street as a car dealership and various other retail and person services. The subject site is zoned CR (Commercial Retail), which does not permit car dealerships by right. (See **Exhibit A** – Location Map)

BACKGROUND:

This 1 acre lot contains a 4,275 square foot concrete block building that was built in 1987 and was the original home of Dive South. After being vacant for several years, City Council approved SE 09-04-03 on May 5, 2009, allowing Wayne’s Mobile Home Supplies, LLC to utilize the property for a building material supply business.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail) and R4 (High Density Residential)	Commercial Retail Undeveloped; Student Housing
SOUTH:	CR (Commercial Retail) and EXPT (Exempt)	Commercial Retail
EAST:	EXPT (Exempt)	Georgia Southern University
WEST	CR (Commercial Retail)	Commercial Retail and Food Services

The subject property is located at the periphery of the municipality’s boundary with the property’s western property line fronting a gas station and northern property line fronting Highway 301. Surrounding uses include high density student housing, food services, commercial retail and a church along with the eastern and western property lines fronting property owned by Georgia Southern University which is exempt from the *Statesboro Zoning Ordinance*. (See **Exhibit B**)

COMPREHENSIVE PLAN:

The subject site lies within the "Established" character area along a "Transitional Corridor" as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. Established character areas are generally traditional neighborhoods built in the late 19th to mid-20th centuries though they can include a wide variety of different development types. Transitional corridor character areas provide a gradient from the urban corridors into suburban commercial and residential areas. Current development in this area is not typical of the development normally found in Established neighborhoods though new development should follow the guidelines for them. Any new development should be in the form of neighborhood-scale retail and commercial uses, small scale office developments and small lot single family residential development.

The subject property also lies within a "Gateways - City Limits" character area. The intersection at Highway 301 South and Veterans Memorial Highway just a few hundred feet south of the subject property is a major gateway into the City. The *Statesboro Comprehensive Plan* instructs that the City's gateways should be developed so that the visitor is clear that they are entering the City. Careful attention should be given to development standards, signage, landscaping and similar elements in order to present the City in a favorable light. The presence of a sign easement on the subject property for the placement of a "Welcome to Statesboro" sign (**see Exhibit B**) indicates the importance of this property as a visitor's first-look at the City.

Uses of the type proposed by the applicant are generally not intended for the Established and Transitional Corridor character areas. Uses such as "building material supply sales," "automotive service and allied sales," etc. often require extensive amounts of space for display of merchandise, and typically provide for outdoor storage of materials and parts. Rather, such development is promoted within the *Statesboro Comprehensive Plan* in the "Activity Center" character areas.

Statesboro Comprehensive Plan, pages 14 -25.

(Please Note: *The 2014 update to the City of Statesboro Comprehensive Plan is currently underway. This analysis was performed under the 2009 version of the Plan and may be affected by adoption of the 2014 update.)*

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

The subject property lies within a wetland area, but it has been developed for years. Any potential issues will be brought forth and discussed during standard permitting and review process.

ANALYSIS:

The applicant is requesting a Special Exception to permit the property to be utilized as a car dealership (and various other retail outlets) within the CR (Commercial Retail) district. Special Exceptions allow for land uses that are not permitted as right within a zoning district but which may be granted where the requested use makes a special showing of particular circumstances affecting the subject property that merit taking it out of the general legislative rules of zoning and where that use may be deemed appropriate and compatible with the surrounding neighborhood. In this case, a car dealership is not a use permitted by right within the CR (Commercial Retail) zoning district; thus necessitating this request for approval of the proposed use by the Mayor and Council.

Section 1802 of the *Statesboro Zoning Ordinance* outlines the qualifications needed to grant a special exception to the zoning ordinance. These include uses that are consistent with the purpose and intent of the zoning ordinance and district in which the use is proposed to be located; uses that do not detract from neighboring property; and uses that are consistent with other uses in the area. In order to meet these qualifications, approval of any special exception for the proposed use at the subject parcel should (if necessary) include conditions that will ensure that development along this corridor remains consistent with the *Statesboro Comprehensive Plan* and the *Statesboro Zoning Ordinance* and that serve to mitigate negative effects of the use to the surrounding area's character, uses, and zones.

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

- A. Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.**
 - Staff is unaware of any environmental impacts this request would cause.
- B. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.**
 - The proposed use is not expected to cause a negative impact on vehicular traffic and pedestrian movement on adjacent streets.

- The site shares access from South Main with the adjacent property.
- C. Off street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.**
- The subject site will use the existing driveway shared with Flash Foods.
 - The proposed use requires one (1) parking space per every 1000 square feet of customer space. The site currently has a paved parking area. The paved parking area must be striped pursuant to the Statesboro development regulations.
 - Alternate surface may be used for employee parking.
 - All inventory must be parked on a paved surface.
 - Space for parking is limited after the required employee and customer parking. Inventory space will be limited.
- D. Public facilities and utilities are capable of adequately serving the proposed use.**
- The building was renovated in 2009. However, a site visit to the site indicates that major repairs will be required for the building to meet the necessary life safety and building codes to qualify for an occupational tax certificate (business license).
 - A Right Start Meeting was conducted and the applicant is aware of the changes that may be required in the permitting stage.
 - Signage at the location may be located within the South Main Right of Way.
- E. The proposed use will not have significant adverse effect on the level of property values or the general character of the area.**
- The proposed use is not expected to have an adverse effect on property values in the area given the uses of surrounding structures.
- F. Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.**
- No site plan was required to be submitted for this request.
- G. Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.**
- This request, if approved, is personal to the applicant. Any future changes to this proposal must be approved by City Council.
 - Special Exception granted in 1009 for mobile home supply sales.

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

- 1. Existing uses and zoning or [of] property nearby.**
Surrounding properties are zoned CR (Commercial Retail), R4 (High Density Residential), EXPT (Exempt), HOC (Highway Oriented Commercial) and uses range from high density student housing to commercial retail and food services.
- 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.**
 - This property can develop in conformity with the zoning regulations set forth by the *Statesboro Zoning Ordinance* and other development regulations of the City of Statesboro.
 - Utilization of property is reserved for HOC zones and higher – which are generally reserved for the edges of the municipal boundary. This site does lie at the current edge of the municipal boundary.

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.**
 - Surrounding developed properties are occupied. The subject site has been vacant for several years.
7. **The extent the proposed change would impact population density in the area, community facilities, living conditions in the area, traffic patterns and congestion, environmental aspects, existing and future land use patterns, and property values in adjacent areas.**
 - The proposed use should not negatively impact any of the above.

STAFF RECOMMENDATION:

Based on the factors of consideration for Special Exceptions given in Section 2406 of the *Statesboro Zoning Ordinance*, the *Statesboro Comprehensive Plan*, and an onsite inspection by Code Enforcement and the Fire Department, staff would recommend the application be denied due to unsafe conditions regarding Life Safety Standards. It should be noted that contact with the applicant to resolve such issues was attempted several times, resulting with no response from the applicant.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 7-0 to deny the Special Exception requested by application SE 14-10-03 due to unresolved Life Safety Standards and failure of the applicant to respond.

CITY COUNCIL:

At it's regular scheduled meeting on January 21, 2015, City Council tabled application SE 14-10-03 for two weeks per staff's recommendation to allow the applicant additional time to schedule the required site inspections and resolve any issues.

UPDATED STAFF COMMENT:

Since original consideration of this application by City staff and the City of Statesboro Planning Commission, the Future Land Use Map and the Comprehensive Plan have been updated. This site is now considered to be part of Commercial Redevelopment Area #2 and encourages appropriate and concentrated redevelopment efforts.

The applicant conducted an on site evaluation with City life and fire safety staff as requested. It was determined that proper and reasonable measures could be taken (by the applicant) on the building and site to meet City development regulations and could therefore pass inspection for an occupational tax certificate (business license). Therefore, the application will be presented to Council at the February 3, 2015 meeting for consideration of the factors given in Section 2406 of the Statesboro Zoning Ordinance.


EXHIBIT A: LOCATION MAP




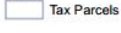
SE 14-10-03, Parcel # MS43000018 000

Location Map

1044 S. Main St.





 Subject_Property
  City Limits
  Zoning
  Tax Parcels

City of Statesboro Department of Planning and Development



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

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

Photo 1: Structure Entrance and Parking. Structure is surrounded by wood thickets on the north and east sides. From South Main Street



Photo 2: Site Entrance Shared with Flash Foods and small paved parking area. Veteran's Memorial Parkway crossing South Main in Background.



Photo 3: Rear of Subject Site



Photo 4: Northern View of Subject Site.



Photo 5: Properties to the North and West



Photo 6: Properties to South and West



EXHIBIT C: LETTER TO THE MAYOR & CITY COUNCIL FROM APPLICANT

10/20/2014

• • •

Rick Mock
NCR Auto Brokers
404 South Zetterower Avenue
Statesboro, Georgia 30458

The Honorable Jan Moore, Mayor of Statesboro
and Members of the Statesboro City Council

Dear Mayor Moore and City Council Members,

I am requesting a special exception rezoning for the property at 1044 South Main Street in Statesboro. This property was formally known as Dive South. The reason for this request is so that I may move my current business, NCR Auto Brokers, to that location. NCR is currently located at 404 South Zetterower Avenue. This move would allow us to expand our inventory and would be better suited for our use.

I am a lifelong citizen of Statesboro and Bulloch County and chose Statesboro for my home and my business. If granted I intend to do several improvements to the property over the next few months. This will include new signage, landscaping and painting. Like all of you I care deeply for the City of Statesboro. My intentions for this property is to present it in a way that beautifies the area along South Main. I appreciate your consideration on this matter.

Sincerely,



Rick Mock
President
NCR Auto Brokers

City of Statesboro
Planning & Development Dept

OCT 29 2014

Received

Ordinance #2015-01
An Ordinance Amending Certain Sections of Chapter Two, Section 2-1 of the Statesboro
Code of Ordinances
(Meetings of Council)

WHEREAS, the City has previously adopted an ordinance setting the time and place of meetings of council; and

WHEREAS, the Mayor and City Council has determined there is sufficient reason and need to amend certain parts of Section 2-1 of the Code of Ordinances, City of Statesboro, Georgia;

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

SECTION 1:

Section 2-1 of the Code of Ordinances, City of Statesboro, Georgia is hereby amended by replacing it in full, and shall read as follows:

Sec. 2-1. Meetings of council.

(a) The city council shall hold regular meetings on the first Tuesday of each month at 9:00 a.m. and on the third Tuesday of each month at 5:30 p.m. in Council Chambers located on the 2nd Floor of City Hall, 50 East Main Street, Statesboro, GA 30458.

(b) Special meetings of council may be held at times and locations different from regular meetings of council upon call by the mayor or any two councilmembers. Notice of such meetings shall be provided in accordance with O.C.G.A. § 50-14-1 et seq..

SECTION 2. All other sections of the Code of Ordinances, City of Statesboro, Georgia not here expressly amended here remain in full force and effect.

SECTION 3. Should any section, subsection, or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

SECTION 4. This Ordinance shall be and remain in full force and effect from and after its adoption on two separate readings.

THE MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA

First Reading: February 03, 2015

Second Reading February 17, 2015

By: Jan J. Moore, Mayor

Attest: Sue Starling, City Clerk

Memo



TO: Robert Cheshire, City Manager
FROM: Darren Prather, Purchasing Director
DATE: 1-27-2015
Re: Sealed Bids Trucks—Various Departments

The City of Statesboro solicited sealed bids for pickup trucks for various departments (WS, WWTP, Engineering and Code Compliance). The trucks for WWTP and WS are being funded out of the general revenue fund. The truck for Engineering is being funded from the general fund with the truck for Code Compliance being funded from SPLOST. This bid opportunity was advertised and sent to ten dealers comprised of all area dealers and several out of town dealers as well. Bid packets were emailed to dealers followed by reminder emails as to the submittal due date and time. Two bids were received and they are as follows:

<u>Dealer</u>	<u>Truck</u>	<u>Dept.</u>	<u>Bid Amt.</u>
Bid Number: 2015-17			
1. Allen Vigil Ford	2015 F-150 Reg Cab V6	Engineering	\$19,592.00
2. Prater Ford			\$19,732.00
Bid Number: 2015-18			
1. Allen Vigil Ford	2015 F-150 Ext Cab V6	Code Comp	\$20,766.00
2. Prater Ford			\$20,793.88
Bid Number: 2015-19			
1. Allen Vigil Ford	(2) 2015 F-150 Ext Cab V8	WWTP	\$23,985.00
2. Prater Ford			\$22,575.88
1. Allen Vigil Ford	2015 F-150 Reg Cab V6	WS	\$19,672.00
2. Prater Ford			\$19,724.88

Having met all of the required specifications, we recommend the following bid awards:

Bid No. 2015-17 (one reg cab truck) Bid award to Allen Vigil Ford in the amount of \$19,592.00

Bid No. 2015-18 (one ext cab truck) Bid award to Allen Vigil Ford in the amount of \$20,766.00

Bid No. 2015-19 (two ext. cab trucks) Bid award to Prater Ford in the amount of \$22,575.88 ea. for a total of \$45,151.76

Bid No. 2015-19 (one Reg Cab truck) Bid award to Allen Vigil Ford in the amount of \$19,672.00

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

The undersigned applicant hereby applies to the City of Statesboro, Georgia for a license to sell alcoholic beverages within the corporate limits of the City of Statesboro. A non-refundable ONE HUNDRED FIFTY dollar (\$150.00) application fee must be tendered with the application. (cash, credit card, certified check, or money order, checks should be made payable to the City of Statesboro.)

1. BUSINESS TRADE NAME: Buffalo Wild Wings #484
D/B/A Name

2. APPLICANT'S NAME: Ryan Allen o/b/o Blazin Wings, Inc.
(Name of partnership, llc, corporation, or individual) Statesboro, GA 30460

3. BUSINESS LOCATION ADDRESS: 442 Northside Drive East STE# GA
5500 wayzata Blvd. Suite 1600

4. BUSINESS MAIL ADDRESS: _____

CITY: Minneapolis STATE: MN ZIP CODE: 55416

5. LOCAL BUSINESS TELEPHONE NUMBER: (912) 243-9260

CORPORATE OFFICE TELEPHONE NUMBER: (952) 593-9943

6. CONTACT NAME FOR BUSINESS: Licensing Department

TELEPHONE NUMBER FOR CONTACT PERSON: 952-593-9943

7. NAME OF MANAGER: Ryan M. Allen
(Person responsible for Alcohol Licensing issues)

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

NEW BUSINESS: _____ NEW OWNER: manager Ryan Michael Allen

PREVIOUS OWNERS NAME: manager Lucas Ryan Yockey

BUSINESS NAME CHANGE: _____ PREVIOUS BUSINESS NAME: _____

ADDRESS CHANGE: _____ PREVIOUS ADDRESS: _____

LICENSE CLASS CHANGE: BEER WINE LIQUOR OTHER _____

9. INDICATE WHERE BUSINESS WILL BE LOCATED:

____ Above Ground Street or Ground Floor Level

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

The undersigned applicant hereby applies to the City of Statesboro, Georgia for a license to sell alcoholic beverages within the corporate limits of the City of Statesboro. A non-refundable ONE HUNDRED FIFTY dollar (\$150.00) application fee must be tendered with the application. (cash, credit card, certified check, or money order, checks should be made payable to the City of Statesboro.)

1. BUSINESS TRADE NAME: Amoco Bp Food Store
D/B/A Name

2. APPLICANT'S NAME: JAI MA AMBE INC
(Name of partnership, llc, corporation, or individual)

3. BUSINESS LOCATION ADDRESS: 218 N Main st STE# _____
Statesboro, GA, 30458

4. BUSINESS MAIL ADDRESS: As above

CITY: _____ STATE: _____ ZIP CODE: _____

5. LOCAL BUSINESS TELEPHONE NUMBER: (912) 764 4346

CORPORATE OFFICE TELEPHONE NUMBER: (912) 433 5791

6. CONTACT NAME FOR BUSINESS: ASHWINKUMAR PATEL

TELEPHONE NUMBER FOR CONTACT PERSON: (912) 433 5791

7. NAME OF MANAGER: ASHWINKUMAR PATEL
& OWNER (Person responsible for Alcohol Licensing issues)

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

NEW BUSINESS: _____ NEW OWNER:

PREVIOUS OWNER'S NAME: Hemant D Patel

BUSINESS NAME CHANGE: _____ PREVIOUS BUSINESS NAME: _____

ADDRESS CHANGE: _____ PREVIOUS ADDRESS: _____

LICENSE CLASS CHANGE: BEER WINE _____ LIQUOR _____ OTHER _____

9. INDICATE WHERE BUSINESS WILL BE LOCATED:
 Above Ground Street or Ground Floor Level

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

The undersigned applicant hereby applies to the City of Statesboro, Georgia for a license to sell alcoholic beverages within the corporate limits of the City of Statesboro. A non-refundable ONE HUNDRED FIFTY dollar (\$150.00) application fee must be tendered with the application. (cash, credit card, certified check, or money order; checks should be made payable to the City of Statesboro.)

1. BUSINESS TRADE NAME: GATA'S SPORTS BAR & GRILLE
D/B/A Name

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

3. BUSINESS LOCATION ADDRESS: 67 GATA DRIVE STATESBORO STE# _____
GA 30458

4. BUSINESS MAIL ADDRESS: 67 GATA DRIVE
CITY: STATESBORO STATE: GA ZIP CODE: 30458

5. LOCAL BUSINESS TELEPHONE NUMBER: (912) 489-4282

CORPORATE OFFICE TELEPHONE NUMBER: (912) 685-7009

6. CONTACT NAME FOR BUSINESS: FARID GHARACHORLOO

TELEPHONE NUMBER FOR CONTACT PERSON: 941-685-7009

7. NAME OF MANAGER: FARID GHARACHORLOO
& OWNER (Person responsible for Alcohol Licensing issues)

TELEPHONE NUMBER FOR MANAGER 941-685-7009

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

NEW BUSINESS: _____ NEW OWNER:

PREVIOUS OWNER'S NAME: CHRISTIAN BENNETT

BUSINESS NAME CHANGE: _____ PREVIOUS BUSINESS NAME:

ADDRESS CHANGE: _____ PREVIOUS ADDRESS:

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

9. INDICATE WHERE BUSINESS WILL BE LOCATED:

Above Ground Street or Ground Floor Level