



February 17, 2015 5:15 pm

1. Call to Order by Mayor Jan Moore
2. Invocation and Pledge of Allegiance by Councilman Gary Lewis
3. Public Comments (Agenda Item):
4. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 02-03-2015 Council Minutes
 - b) 02-03-2015 Executive Session Minutes
 - c) 02-03-2015 Work Session Minutes
 - B) Consideration of a Motion to approve Special Event Permit
 - a) United Way of Southeast Ga - Sample Food from participating Restaurants on March 5, 2015
5. Second 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)
6. Consideration of a Motion to approve **Resolution 2015-07**: A Resolution regarding the zoning and variance request of **Application RZ-14-10-01** and **Application V-14-10-02**.
7. Public Hearing and Consideration of a Motion to approve **APPLICATION RZ 14-11-03**: Brason Investments LLC requests a zoning map amendment for .38 acres of property located at 101 Hawthorne Road from R20 (Single Family Residential) zoning district to O (Office) zoning district to utilize the existing single family residence as an office (Tax Parcel Number MS74000085000).
8. Public Hearing and Consideration of a Motion to approve second reading of **Ordinance 2014-03** for **APPLICATION AN 12-05-01**:
 - a) W & L Developers, LLC requests annexation by the 100% method; and rezoning of 13.05 acres of property located at 665 S&S Railroad Bed Road from R25 (Single Family Residential – Bulloch County) to R10 (Single Family Residential) (Tax Parcel Number 107 000007 000).
 - b) W & L Developers, LLC requests annexation by the 100% method; and rezoning of 1 acre of property located at 665 S&S Railroad Bed Road from R25 (Single Family Residential – Bulloch County) to R10 (Single Family Residential) (Tax Parcel Number 107 00006A 000).

9. Public Hearing and Consideration of a Motion to approve **APPLICATION # RZ 15-01-01**: Alan Gross requests a zoning map amendment for .29 acres of property located at 10 East Grady Street from HOC (Highway Oriented Commercial) zoning district to R4 (High Density Residential) zoning district to allow for construction of two new duplexes (Tax Parcel Number S29000041000).
10. Consideration of a Motion to approve the proposed Police Department Patrol Bureau re-organization to dissolve two Patrol Lieutenants and add three new Patrol Officers and one part-time secretary position.
11. Consideration of a Motion to approve **Resolution #2015-06**: A Resolution which states the Mayor and City Council's opposition to the initial wording of HB 170; the State of Georgia's Transportation Funding Act of 2015.
12. Consideration of a Motion to award the purchase of a dump truck to Freightliner of Savannah in the amount of \$128,589.00. This item will replace an existing 1995 model in use at the Transfer Station and has the CIP#SWD - 32 and a budgeted amount of \$165,000.00 to be paid for out of SPLOST 2013 funds.
13. Consideration of a Motion to award the purchase of a dump truck to Freightliner of Savannah in the amount of \$128,589.00. This item will replace an existing 1995 model in use in our Street Division of Public Works and has the CIP# ENG STS 21/T1 and a budgeted amount of \$140,000 to be paid for out of SPLOST 2013 funds.
14. Consideration of a Motion to approve Summary Change Order No. 2 for the Southeast Quadrant Water and Sewer Extension. The revised contract amount is \$1,278,347.50 and an increase of \$13,778.89.
15. Other Business from City Council
16. City Managers Comments
 - A) City Clerk's Dept. (Notice of alcohol application changes)
 - a) Bi Lo #5567 is changing managers pending the background investigation. The name is Debra McKenzie
17. Public Comments (General)
18. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
Council Minutes
February 3, 2015**

A regular meeting of the Statesboro City Council was held on February 3rd, 2015 at 9:00 a.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 was Interim City Manager Robert Cheshire, City Clerk Sue Starling, Assistant City Engineer Jason Boyles and Director of Planning and Development Mandi Cody. City Attorney Alvin Leaphart joined the meeting via the telephone.

The meeting was called to Order by Mayor Jan Moore.
The Invocation and Pledge was given by Councilman John Riggs

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.**

Mr. Clay spoke of the planting of trees for several of the local elementary schools.
Mayor Moore presented the proclamation to Mr. Henry Clay and representatives from the Tree Board in recognition of "Arbor Day".

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

- A) 01-21-2015 Council Minutes**
B) 01-21-2015 Executive Session Minutes

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

Councilman Chance joined the meeting.

Administrative hearings for alleged alcohol violations 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 Wings Over Boro Inc/Wild Wings 52 Aspen Heights Drive	1 st offense	December 19, 2014
B) Gregory Jones Wollard Clydes Market #48	2 nd Offense	December 19, 2014

12399 Highway 301 South
C) Teresa McElveen/Kenneth Jones
Bi-Lo #5567
325 Northside Drive East #1

2nd Offense

December 19, 2014

Mayor Moore conducted the hearing and all participants were sworn in by Mayor Moore.

Ms. Scarborough of the Wild Wings restaurant was represented by Attorney Lovett Bennett. Mr. Bennett requested a continuance for this violation, stating that he and his client were unable to review the evidence that was to be presented today. Councilman Boyum made a motion, seconded by Councilman Lewis to grant a continuance until the 1st Council Meeting in March. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Mr. Woolard of Clydes Market #48 waived his right to a hearing and agreed to the violation of furnishing alcohol to under age persons. Mayor Moore then asked for a motion and Mr. Woolard agreed based on the evidence presented here today that Council finds the licensee, his agents and or employees did violate Chapter 6 of the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Boyum made a motion seconded by Councilman Britt to accept the guilty plea from Mr. Woolard. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

For the penalty of the violation, Councilman Riggs made a motion, seconded by Councilman Chance to approve a 3 day suspension as a punishment for this 2nd offense. The suspension of the alcohol license will begin in Thursday February 5th at 12:01 a.m. and run through Saturday February 7th at midnight. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of this motion. The motion carried by a 5-0 vote.

Ms. McElveen and Mr. Jones of Bi-Lo #5567 waived their rights to a hearing and agreed to the violation of furnishing alcohol to underage persons. Mayor Moore then asked for a motion and Ms. McElveen and Mr. Jones agreed based on the evidence presented here today that Council finds the licensees, his agents and or employees did violate Chapter 6 of the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Riggs made a motion seconded by Councilman Britt to accept the guilty plea from Ms. McElveen and Mr. Jones. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

For the penalty of the violation, Councilman Riggs made a motion, seconded by Councilman Britt to approve a 3 day suspension as a punishment for this 2nd offense. The suspension of the alcohol license will begin in Thursday February 5th at 12:01 a.m. and run through Saturday February 7th at midnight. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of this 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 exemption 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.

Councilman Britt made a motion seconded by Councilman Boyum to open the Public Hearing to approve **Application #SE 14-10-03**. Rick Mock requests a special exemption 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. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

There were no public comments for or against **Application #SE 14-10-03**. Councilman Britt made a motion seconded by Councilman Chance 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 Britt made a motion seconded by Councilman Boyum to deny **APPLICATION #SE 14-10-03**; a request by Rick Mock for special exceptions to 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. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

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)

City Attorney Alvin Leaphart, via the phone, explained this amendment would change the starting time for the nightly Council meetings from 5:15 pm to 5:30 pm. A vote would be taken at the February 17th, 2015 Council meeting which would be the second reading. There was no vote taken on the first reading.

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

Councilman Britt made a motion seconded by Councilman Riggs to award the purchase of an F-150 regular cab for the Engineering Department to Allen Vigil Ford in the amount of \$19,952.00. 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 award the purchase of an F-150 extended cab for the Code Compliance Department to Allen Vigil Ford in the amount of \$20,766.00.

Councilman Riggs made a motion seconded by Councilman Britt to award the purchase of an F-150 extended cab for the Code Compliance Department to Allen Vigil Ford in the amount of \$20,766.00. 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 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.

Councilman Boyum made a motion seconded by Councilman Britt 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. 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 award the purchase of an F-150 regular cab for the WWTP to Allen Vigil Ford in the amount of \$19,672.00

Councilman Riggs made a motion seconded by Councilman Britt to award the purchase of an F-150 regular cab for the WWTP to Allen Vigil Ford in the amount of \$19,672.00. 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 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)

Councilman Boyum made a motion seconded by Councilman Riggs to cancel for re-bid bid number 2015-16 (Fleet Maintenance Vehicle) due to only one sealed bid (bid returned to vendor unopened per policy). 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

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.**

City Manager Robert Cheshire presented a token that was made at the FAB Lab with the new 3D printer. He stated that following this Council Meeting there would be a work Session in regards to changes in the Personal Policy and new fee schedules. Legislation is discussing and will be voting on HB 170 regarding transportation.

Public Comments (General): None

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

At 10:05 am Councilman Boyum made a motion seconded by Councilman Britt to enter into Executive Session to discuss “Real Estate”. Councilman Britt, Boyum, Riggs, Lewis, and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Gary Lewis left the meeting and did not return.

At 10:25 am, Councilman Riggs made a motion, seconded by Councilman Chance to come out of Executive Session. Councilman Britt, Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

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

Consideration of a Motion to Adjourn

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

The meeting was adjourned at 10:26 am.



**CITY OF STATESBORO
CITY COUNCIL WORK SESSION MINUTES
February 03, 2015**

A work session of the Statesboro City Council was held on February 03, 2015 at 10:30 a.m. in the Council Chambers at City Hall. Present were Mayor Jan Moore; Council Members: Will Britt, Phil Boyum, John Riggs and Travis Chance. Also present was Interim City Manager Robert Cheshire and City Clerk Sue Starling, along with other staff. Absent were Councilman Lewis and City Attorney Alvin Leaphart.

The meeting was called to order by Mayor Jan Moore. The following topics were discussed.

1. Proposed Personnel Policy and Procedures
2. Presentation of fees and schedules

Director of Human Resources Jeff Grant updated Council on the Personnel Policy. Jeff Grant stated this is an overhaul to the personal Policy but at the same time it does maintain the foundation of the Personnel Policy as a whole.

Director of Public Safety Wendell Turner presented a restructuring plan for personnel in the Police Department.

Interim City Manager Robert Cheshire updated Council on the proposed changes to the current fees and rates for the F/Y 2016 budget.

The meeting was adjourned at 12:30 p.m.

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

APPLICATION FOR A SPECIAL EVENT PERMIT
30 DAY NOTICE IS REQUIRED BEFORE THE EVENT

DATE OF APPLICATION February 2, 2015

DATE OF EVENT March 5, 2015

TIME OF EVENT 5:00 to 7:30 pm

LOCATION OF EVENT The Belle House

TYPE OF EVENT (DETAILED DESCRIPTION) Attendees will have the opportunity to sample food from participating restaurants from the area.

IF THIS IS A THEATRE PRODUCTION, PROVIDE A DESCRIPTION.

PRODUCTS TO BE SERVED: BEER WINE LIQUOR

** ALCOHOL MUST BE PURCHASED THROUGH A LICENSED WHOLESALE DISTRIBUTOR.

NAME OF WHOLESALE DISTRIBUTOR United Distributors

ADDRESS AND PHONE NUMBER OF WHOLESALE DISTRIBUTOR _____

770 King George Blvd. Savannah, GA 912-920-9999

**THE APPLICANT IS NOT ALLOWED TO HAVE A CASH BAR AT THE EVENT.

WILL THERE BE FOOD SERVED? IF SO WHO WILL BE CATERING?

Yes; more than 30 restaurants will participate and provide those attending a variety of the "taste's" that is available here in Statesboro.

WILL THERE BE MUSIC AND DANCING? IF SO DESCRIBED

There will be live music but no dancing

IF RAISING MONEY FOR A CHARITY, WHAT IS THE NAME OF THE ORGANIZATION United Way of Southeast Georgia

PROVIDE A NAME AND PHONE NUMBER OF THE CHARITY ORGANIZATION CONTACT Bob Olliff or Carey Melton
912-489-8475

IF THE EVENT IS FOR A CHARITY, PROVIDE A COPY OF THE APPROVED RECOGNITION OF EXEMPTION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE.

ARE FLYERS BEING DISTRIBUTED? YES NO (Alcohol is not advertised as being a part of the event)
IF YES ATTACH TO APPLICATION.

NAME OF APPLICANT United Way of Southeast GA

APPLICANT'S ADDRESS 515 Denmark St. Suite 1100 Statesboro

APPLICANT'S PHONE NUMBER 912-489-8475

APPLICANT IS REQUIRED TO ATTEND THE COUNCIL MEETING.

I HAVE READ AND AGREE TO THE REQUIREMENTS OF THIS PERMIT.

Robert C. Olliff
SIGNATURE OF APPLICANT

OFFICE USE:
DATE OF COUNCIL MEETING _____

DATE APPROVED BY MAYOR AND CITY COUNCIL _____

Internal Revenue Service
District Director

Department of the Treasury
EO Group 7404
C-1130 Stop 520-D
Atlanta, GA 30365

Date: **MAY 24 1994**

Person to Contact: **D. Nelson**

Telephone Number: **404-331-4978**

United Way of Bulloch County, Inc
P. O. Box 1158
Statesboro, GA 30458

Refer Reply To: **EO:7404:AM**

EIN: **58-1427518**

Dear Sir or Madam:

We have received and reviewed the amended organizing documents that you have submitted on behalf of your organization, in which the organizing documents were approved and/or adopted on 08-21-92. This information has been made a part of your file.

Your organization shall continue to be recognized as exempt under Section 501(c)(03) of the Internal Revenue Code, effective as of May, 1981. You may continue to rely on this exemption until it is modified, terminated or revoked by the Internal Revenue Service.

Please continue to let us know of any changes in the purpose, character, method of operation, name or address of your organization. This is a requirement for retaining your exempt status.

A copy of this letter should remain in your permanent records as it may help resolve any question about your exempt status.

Thank you for your cooperation.

Sincerely,



Denise Nelson
Exempt Organizations Coordinator

Secretary of State
Business Services and Regulation

Suite 306, West Tower
2 Martin Luther King Jr. Dr.
Atlanta, Georgia 30334

DOCKET NUMBER : 88138703
CHAPTER NUMBER : 8010888
DATE INCORPORATED : 10/15/80
DATE AMENDED : 05/06/88
EXAMINER : T. MCALISTER
TELEPHONE : 404/556-2812

MAILED TO:
ROACH & BRADLEY
KATHY A. BRADLEY
51 EAST MAIN STREET
STATESBORO, GA. 30458

CERTIFICATE OF AMENDMENT

I, MAX CLELAND, Secretary of State and the Corporations
Commissioner of the State of Georgia do hereby certify, under the
seal of my office, that the articles of incorporation of

"UNITED WAY OF BULLDOCH COUNTY, INC."
changed its name to
"UNITED WAY OF SOUTHEAST GEORGIA, INC."

have been duly amended under the laws of the State of Georgia, by
the filing of articles of amendment in the office of the Secretary
of State and the fees therefor paid, as provided by law, and that
attached hereto is a true and correct copy of said articles of
amendment.

WITNESS, my hand and official seal, in the City of Atlanta
and the State of Georgia on the date set forth below.

DATE: JUNE 9, 1988
FORM A3(3/87)

Max Cleland

MAX CLELAND
SECRETARY OF STATE

H. Wayne Howell

H. WAYNE HOWELL
DEPUTY SECRETARY OF STATE



SECURITIES
656-2894

CEMETERIES
656-3079

CORPORATIONS
656-2817

CORPORATIONS HOTLINE
404-656-2222
Outside Metro Atlanta

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

RESOLUTION 2015-07: Regarding Applications RZ 15-10-01 to Amend the Zoning Map of the
City of Statesboro.

THAT WHEREAS, Section 2000 et. seq. of the Code of Ordinances of the City of Statesboro outline the procedure for amending the Zoning Map of the City of Statesboro;

WHEREAS, the above applications were made to rezone parcels of property located at 1301 Fair Road from R-3(Medium Density Family Residential) to CR (Commercial Retail);

WHEREAS, a public hearing was held on this matter on January 21, 2015 during the regular meeting of the Mayor and City Council;

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

Section 1: Section 2007 of the Code of Ordinances of the City of Statesboro provides the standards by which we determine whether to amend the Zoning Map. Taking each of these criteria, we find for this application as follows:

I. THE EXISTING USES AND ZONING OF NEARBY PROPERTY IS CONSISTENT WITH A RESIDENTIAL ZONING CLASSIFICATION.

The parcels are surrounded by residentially zoned property ranging in residential density from R-20 single family residential to R-4 high density residential. The parcels are also bordered by Georgia Southern University's Garden of the Coastal Plain which is exempt from zoning classification, Directly across Fair Road north, south and east of the parcels is one of the largest R-20 single family residential neighborhoods within the corporate limits of the City. The First Presbyterian Church owns an adjacent parcel that is zoned R-4 which is a residential zoning classification where educational, religious, or philanthropic uses are allowed. Rezoning the subject parcels to commercial retail would single out these parcels for a use and classification

totally different from the surrounding area. Therefore, this factor weighs in favor of keeping the present zoning classification.

II. THE PROPERTY VALUES ARE NOT SIGNIFICANTLY DIMINISHED BY THE PARTICULAR ZONING RESTRICTIONS.

While there is almost always an economic loss in comparing a property's value zoned residential to its value if zoned commercial, in comparing each parcel to other similarly situated properties that are residentially zoned we do not find that the value of these parcels are significantly diminished. As shown at the hearing, multiple parcels with the more restrictive R-15 single-family residential zoning classification that front Fair Road sold for between \$172,000.00 per acre up to \$228,000.00 per acre between January 2013 and July 2014.

Further, these parcels are in a residential neighborhood in direct proximity to a major university. A substantial number of homes in the area are held as investment residential properties leased to students attending Georgia Southern University, and a substantial number of homes are owner occupied residential homes. The current zoning restriction allows the owners of each of these parcels to enjoy the benefits of all the uses allowed under R-3 zoning as well as a well-established neighborhood and a robust student housing market.

There is evidence that the property does have significant resale and rental value as zoned. This factor weighs in favor of keeping the present zoning classification.

III. THE DESTRUCTION OF PROPERTY VALUES OF THE OWNERS OF EACH PARCEL PROMOTES THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE PUBLIC.

Each parcel would be more valuable as commercial property than as residential. That is almost always the case. The question here is whether the reduced value of each parcel promotes

the health, safety, morals and general welfare of the public. We find that the reduced value does significantly promote the health, safety, morals and general welfare of the public.

The protection of the integrity of residential neighborhoods within the City of Statesboro is a vital public interest. These parcels are in a neighborhood that has been zoned and/or utilized as a residential neighborhood for over 50 years. One of the stated purposes of the Statesboro zoning ordinance is protection of residential areas. (Section 101, Statesboro Code of Ordinances). The Statesboro Comprehensive Plan states that “Our community will value the integrity of our historic neighborhoods and embrace innovation in providing diverse housing options to meet the needs of the community” (Community Agenda Plan, Page 4) The Comprehensive plan further states that strengthening neighborhoods is a goal. (Community Agenda Plan, Page 52).

Further, we find that allowing commercial structures adjacent to the Garden of the Coastal Plain would tend to destroy the integrity of this public asset. The Garden of the Coastal Plain is one of the few public greenspaces in the City. As the Georgia Supreme court observed and rhetorically asked when considering a zoning case where an applicant sought to place a gas station next to Forsyth Park, "Business structures on the streets which form the boundaries of this lovely park would tend to destroy its loveliness and beauty; and do not the beauty of parks conduce to the general welfare of the city?" *Howden v. Mayor & Aldermen of Savannah*, 172 Ga. 833 (1931)

Additionally, the Supreme Court has held that a valid consideration is “noise, light, and traffic, which would affect the public safety and welfare, and would inevitably diminish the value of the adjoining residential areas.” *Holy Cross Lutheran Church, Inc. v. Clayton Cnty.*, 257 Ga. 21, 23 (1987). In the present case, there are legitimate traffic concerns. The City

Council is well aware of the traffic and safety concerns that arise from motorists attempting to turn left across the five lanes of Fair Road in the commercially zoned area around toward the intersection of Fair Road and South Zetterower. Also, there is increased traffic on Fair Road from recent commercial development near the Market District. These traffic issues would only increase with another beachhead of commercial zoning abutting Fair Road.

Furthermore, the noise and light pollution associated with commercial developments will further decrease the property values of the surrounding residential houses.

The Council recognizes that this residential area, like all residential areas, is eventually bordered by commercial development. Here, there is commercial development down Fair Road to the south east of these parcels beginning with East Georgia Regional Hospital, and there is commercial development north-west on Fair Road beginning with the Arby's restaurant, but no commercial development currently borders these parcels.

Because these parcels are near a "fringe area" as defined by the Georgia Supreme Court, we find that if the rezone of any or all of these parcels is allowed a domino effect is likely to occur and the integrity of all of the residentially zoned property abutting Fair Road between the commercially zoned areas between the Arby's Restaurant and East Georgia Regional Hospital will be affected. This incursion of commercial retail would result in a new beachhead of commercialism into a "fringe" neighborhood and would unacceptably alter the character and integrity of these neighborhoods. This council has a duty to protect the integrity and property values of residential neighborhoods in this city.

This factor weighs in favor of keeping the present zoning classification.

IV. THE RELATIVE GAIN TO THE PUBLIC OUTWEIGHS THE HARDSHIP IMPOSED UPON THE INDIVIDUAL PROPERTY OWNERS

As noted above, there is great, legitimate public interest in preserving the current zoning classification. This interest is balanced against the decreased property value of the individual property owners. The Supreme Court has held that “there is always an economic loss in comparing a property's value as zoned residential, to its value if zoned commercial, and for this reason we have often held that diminution of value itself does not constitute a constitutional deprivation.” *Holy Cross Lutheran Church, Inc. v. Clayton Cnty.*, 257 Ga. 21, 22-23 (1987).

Because the evidence shows that the public’s interest is great and because the evidence shows that the property still has significant value as zoned, this factor weighs in favor of keeping the present zoning classification.

V. THE SUBJECT PROPERTY IS SUITABLE FOR THE ZONED PURPOSE.

As noted above, the parcels are surrounded by residentially zoned property ranging in residential density from R-20 single family residential to R-4 high density residential. The parcels are also bordered by Georgia Southern University’s Garden of the Coastal Plain which is exempt from zoning classification, Directly across Fair Road both north, south and east of the parcels is one of the largest R-20 single family residential neighborhoods within the corporate limits of the City. The First Presbyterian Church owns an adjacent parcel that is zoned R-4 which is a residential zoning classification where educational, religious, or philanthropic uses are allowed. Further, there are numerous residentially zoned parcels fronting Fair Road with residential structures used for educational, religious, or philanthropic purposes.

As also noted above these parcels are in a residential neighborhood in direct proximity to a major university. A substantial number of homes in the area are held as investment residential properties leased to students attending Georgia Southern University, and a substantial number of homes are owner occupied residential homes. The current zoning restriction allows the owners

of each of these parcels to enjoy the benefits of all the uses allowed under R-3 zoning as well as a well-established neighborhood and a robust student housing market.

As such, the subject property is suitable for the zoned purpose. This factor weighs in favor of keeping the present zoning classification.

VI. CONSIDERED IN THE CONTEXT OF LAND DEVELOPMENT IN THE AREA IN THE VICINITY OF THE PROPERTY THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT AS ZONED IS NOT SIGNIFICANT.

If any of these properties are vacant for any substantial period we find that the cause of this is the owner's failure to maintain the property in a manner sufficiently appealing to college students in need of housing, or the owner's failure to develop the property in a manner consistent with the R-3 zoning, and not as a result of the R-3 zoning. This factor weighs in favor of keeping the present zoning classification.

VII. THE PROPOSED CHANGE WOULD SIGNIFICANTLY AND NEGATIVELY IMPACT THE LIVING CONDITIONS IN THE AREA, TRAFFIC PATTERNS AND CONGESTION AND BE IN DEROGATION OF CURRENT LAND AND FUTURE LAND USE PATTERNS.

For the reasons stated in paragraphs I, II, III and V above we find that the proposed rezone would significantly and negatively impact living conditions in the area as well as traffic patterns and congestion all while being in derogation of current and future land use patterns. This factor weighs in favor of keeping the present zoning classification.

VIII. THE PROPOSED CHANGE IS INCONSISTENT WITH OTHER GOVERNMENTAL LAND USE, TRANSPORTATION AND DEVELOPMENT PLANS FOR THE COMMUNITY.

For the reasons stated in paragraphs I, II, III and V above we find that the proposed rezone is inconsistent with other governmental land use, transportation and develop plans for the community. This factor weighs in favor of keeping the present zoning classification.

IX. CONCLUSION

We find that significant public interests are protected by maintaining the current R-3 zoning, and the owners of these parcels do not suffer a significant harm which is not substantially related to the public health, safety, morality and welfare because the current R-3 zoning continues to allow the owners the benefits of a robust student housing market while maintaining the character, integrity and property values of a well-established residential neighborhood. As such, the requests to amend the zoning map contained in Applications RZ 14-10-01 is hereby DENIED thereby rendering the variance request in application V14-10-02 MOOT.

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

Adopted this ___st day of ____, 2015

CITY OF STATESBORO, GEORGIA

By: Jan J. Moore, Mayor

Attest: Sue Starling, City Clerk



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 14-11-03
 ZONING MAP AMENDMENT
 101 Hawthorne Road**

LOCATION: 101 Hawthorne

REQUEST: Rezone from R20 (Single-Family Residential) to O (Office)

APPLICANT: Brason Investments LLC

OWNER(S): Brason Investments LLC

LAND AREA: .38 Acres

PARCEL TAX MAP #s: MS74000085 000

COUNCIL DISTRICT: District 5 (Chance)



PROPOSAL:

The applicant is requesting the rezoning of .38 acres of property located at 101 Hawthorne Road from R20 (Single-Family Residential) District to O (Office) District in order to utilize the existing structure as an office building. (See **Exhibit A** – Location Map & **Exhibit B** – Survey)

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R20 (Single Family Residential)	Single-Family Residential
SOUTH:	R4 (High Density Residential)	Residential Duplexes
EAST:	R20 (Single Family Residential)	Single-Family Residential
WEST:	CR (Commercial Retail)	Retail; Food Services

The subject property fronts Fair Road and Hawthorne Road with residential uses along the north, east and south property lines. The western property line fronts Fair Road with commercial uses such as restaurants, banks, offices and personal services to the adjacent side of Fair Road. The site takes singular vehicle access from Hawthorne Road. (See **Exhibit A & C**)

COMPREHENSIVE PLAN:

The subject site lies along the transition between the "Activity Center" character area and the "Developing" character area as identified by the 2009 City of Statesboro Future Development Map adopted by the *City of Statesboro*

Comprehensive Plan. See Exhibit D. The “Developing” character areas are identified as being primarily residential, but are under pressure to grow in a suburban manner. Development patterns should be evaluated to maximize opportunities for appropriate blending of residential, office, and commercial development. Small to mid-size retail and commercial, office, single family, and multifamily residential are all appropriate land uses for properties within the Developing character areas. The pattern of blending residential and commercial are made even more evident with the growing commercial and office uses that are adjacent to this site within the “Activity Centers” character area. Some suggested development and implementation strategies for the area include the following:

- Large new developments should be master-planned to include mixed-uses wherever appropriate.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.
- There should be strong connectivity for pedestrians between residential and mixed use areas.

Statesboro Comprehensive Plan, Community Agenda pages 16-17.

Suggested land uses of the Developing character area include:

- Neighborhood-scaled retail
- Offices and Services
- Single and Multi-Family Residential
- Mixed use retail/office/residential buildings

The Activity Center character area “will evolve into pedestrian-oriented shopping, office, and entertainment places.” Small, mid-size, and regional retail commercial, including big box stores, are identified as appropriate land uses for this character area. Adopted development strategies for this character area include inter-parcel connectivity, especially along major thoroughfares, and encourage land uses that are suitable for the immediately surrounding area. It also states that parking in this area should be evaluated to encourage shared parking provisions.

Suggested land uses of the Activity Center Character area include:

- Small and Midsize regional retail and commercial
- Office
- Medical
- Multi family

(Community Agenda, Pages 20-21)

Applicable goal(s) of the Plan:

- Protection of Existing Neighborhoods: Commercial encroachment into residential neighborhoods seems to be less of a current concern, but as Statesboro continues to grow, the potential for this conflict increases. Commercial, retail, and office uses can co-exist compatibly in residential areas if the design of the establishment is properly considered. The conversion of former homes to professional offices along Zetterower provides a model for how to accommodate non-residential uses as streets begin to carry more traffic and residential uses become less desirable. Whenever possible, existing structures should be preserved and/or renovated to accommodate changing land uses in order to protect both the neighborhood and overall community character.

Applicable Vision Statement(s) from the Plan:

- Develop and implement a balanced and forward thinking land use policy that provides for a sustainable community of thriving neighborhoods, business areas, and civic places that comprise an outstanding quality of life and physical environment. The City will expand in a manner which conserves the natural land resources and integrates new development in ways which minimize negative impacts and provides for a healthy ecosystem. Walkable, neighborhood commercial areas will be supported; pedestrian and bike connections will be emphasized; office and business development will be a priority.

Applicable Policy(ies) from the Plan:

- We will promote development that is sensitive to the land and gives consideration to adjoining, existing, and planned development as well as the overall community.
- We will guide appropriate residential and non-residential in-fill development and redevelopment in a way that complements surrounding areas.

(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.*)

Since this report was originally prepared for consideration by the Planning Commission, tabled, and returned for consideration, the 2014 update to the City of Statesboro Comprehensive Plan has been adopted by the City Council. The 2014 Future Land Use Map places this property within the Established character area for the City of Statesboro. The vision statement for this character area reads, in part, as follows: 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.

Applicable implementation strategy(ies):

- In areas that are or were residential but may now be more appropriate for commercial uses, adaptive reuse of the residential structure should be encouraged to maintain the character of the area and to maintain appropriate scale. Excellent examples of adaptive reuse can be seen along Zetterower Avenue.

Small scale office is identified as an appropriate use in this character area.

COMMUNITY FACILITIES:

The subject site is currently served by city utilities including water and sewer, sanitation, and public safety services. No significant impact is expected on community facilities as a result of this request. The property takes access solely from Hawthorne Road and is served by the recently installed traffic signal at its intersection with Fair Road (at Brampton).

ENVIRONMENTAL:

The subject property does not contain wetlands or flood zones.

ANALYSIS:

The entire .38 acre site is currently zoned R20 (Single Family Residential) and contains a 2,269 square foot single family residence with a paved driveway and a paved parking area. The parcel takes singular access from Hawthorne Road. The applicant's request to rezone the property from R20 (Single Family Residential) to O (Office) would allow for the utilization of the existing structure to be used as an office. The R20 zones limits uses within the district to single family residential, religious, educational, and governmental uses. The requested Office zone allows for those same uses, but also includes professional and business offices; agencies, studios, and schools; social or fraternal lodges or clubs; financial institutions; undertaking establishments; and health care facilities, to include hospitals and nursing homes as permissible uses by right within the district.

The subject property fronts Fair Road- a Transitional Corridor- which moves traffic from urban uses into suburban commercial and residential uses. Although the Office and Commercial Retail zones are across the street from the site, and R4 High Density Multi Family zone is across Hawthorne Road from the site, all of the property adjacent to and nearby the subject site off of Hawthorne road (and fronting Fair Road) is zoned R20- Single Family Residential with minimum lot sizes of almost one-half acre (20,000 square feet). Therefore, this zoning request raises the significant possibility that to rezone the subject site as requested would be an act of spot zoning. Spot zoning is the application of a zoning district (usually to allow a more intense use) to a single parcel where the immediate areas surrounding that parcel are governed by a different land use classification (zoning) which is generally less intense in nature. (creating an island of more intense use, generally for private gain). Spot zoning is generally considered to be in contradiction of a City's comprehensive plan (vision for its future) as well as the basic tenant of its zoning ordinance (separation of uses). In order to overcome the argument of spot zoning, a showing should be made that the zoning request is compatible with the City's vision for its future as articulated within its Comprehensive Plan. The concern that this request, if granted, would result in spot zoning has been raised with the applicant. The applicant's response is attached hereto as Exhibit E.

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 O (Office) zoning district for residential uses only 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;**
 - Immediately adjacent properties are zoned R20 – Single Family Residential.
 - Properties across Fair Road from the site are zoned Office (utilized as East Georgia Regional Medical Center) and Commercial Retail.
 - Properties across Hawthorne Road are zoned R4- High Density Residential Development. Hawthorne Road serves as the dividing line for the zoning districts between Single Family and Multi Family in this area.
 - Rezoning of this site to Office may constitute spot zoning.
- 2. The extent to which property values are diminished by the particular zoning restrictions.**
 - Given its frontage on a Transitional and high volume corridor, the property has likely lost desirability for use as a single family residential structure.
- 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.**
 - Office is considered a more compatible adjacent use to single family zones than commercial and can be considered an appropriate transition zone from single family to multifamily.
- 5. The suitability of the subject property for the zoned purposes.**
 - The site could be developed in accordance with the provisions of the *Statesboro Zoning Ordinance*.
- 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.**
 - The property is not vacant. It is currently being utilized as a single family structure.
- 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;**
 - The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns or property values, and is not expected to be negative or burdensome to the general public or surrounding property owners as offices of this size are generally considered to be low intensity uses.
 - Office use is considered to be a low intensity utilization of property.
- 8. Consistency with other governmental land use, transportation, and development plans for the community.**
 - The subject site is located along a transition from Developing character area to Activity Center character area.
 - The subject site is located along the district line between single family residential zoning and multifamily zoning.

STAFF RECOMMENDATION: Staff suggests that a zoning map amendment would be appropriate in this case if Council were to make a finding that the area around the subject site is changing and that the requested rezone would be in line with present conditions and the projected future needs of the City. Otherwise, staff suggests that Hawthorne Road acts as a zoning boundary between single family and multifamily uses and that commercial and office uses are currently restricted to the opposite side of Fair Road. Therefore, without a finding of changing conditions making the zoning appropriate, grant of the zoning change would result in spot zoning and would act contrary to the Statesboro Zoning Ordinance and the City's Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION:

On January 14, 2015 the Planning Commission accepted the request of the applicant to table the recommendation to allow time to further research and other available options. The case was reconsidered by the Statesboro Planning Commission at the February 10, 2015 meeting and recommended the following by a vote of 7 to 0:

To grant the applicant a *special exception* for the subject property pursuant to the following conditions:

- a. To allow the use of the property as a professional office.
- b. To require a vegetative buffer along the shared lot lines with lots 109, 110, and 107, but not along Hawthorne Road and Fair Road. Buffer conditions to be clarified by staff and applicant at a site visit on February 13, 2015 for presentation to Council.
- c. To limit parking spaces to a maximum of 10 spaces plus the garage.
- d. Property is not subject to sign district 3 regulations. Rather, signage shall be limited to no more than one monument style sign, no greater than 5X6 in size, brick in material. Signage is limited to Fair Road frontage or may be at the corner at Fair Road and Hawthorne Road, if approved for line of sight by City staff. Wall signage is limited to a 2 X 2 placard at the entrance to the building.

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

EXHIBIT A: LOCATION MAP



EXHIBIT B: LAND SURVEY

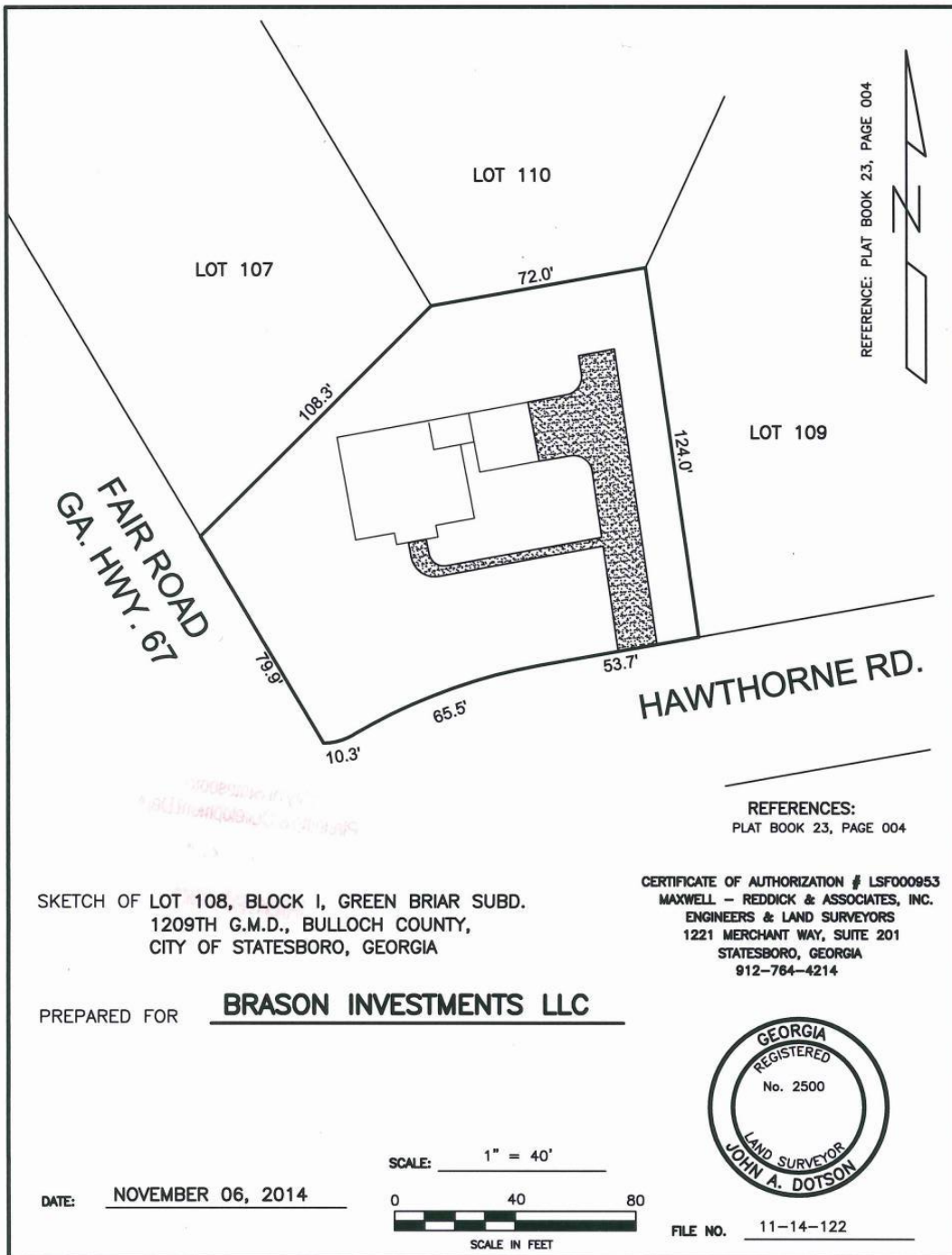


EXHIBIT C: PHOTOS OF SUBJECT SITE AND GENERAL VICINITY

Photo 1: Subject Site from Hawthorne Road



Photo 2: Subject Site from Fair Road



Photo 3: Subject Site driveway, parking and sidewalk to front entrance



Photo 3: Commercial Retail to the West of Subject Site



Photo 5: Property to the South of Subject Site



Photo 6: Property to South West of Subject Site



EXHIBIT D: COMPREHENSIVE PLAN 2009 FUTURE DEVELOPMENT MAP

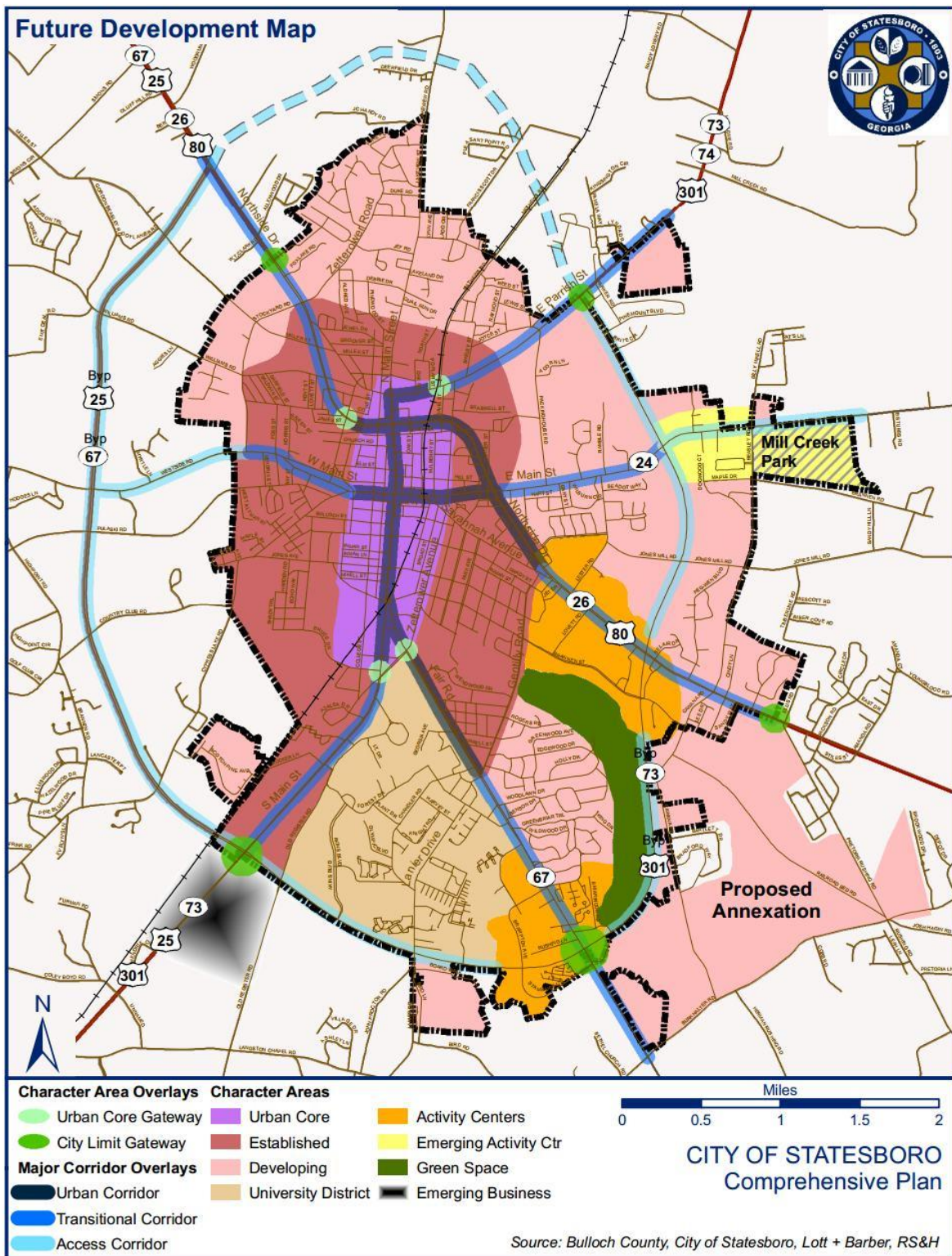


EXHIBIT E: APPLICANT RESPONSE LETTER



City of Statesboro
Planning & Zoning Department
P.O. Box 348
Statesboro, GA 30459
Attention: Cindy Clifton

RE: Brason Investments, Hawthorne Road, Statesboro, Georgia

Dear Cindy:

The area in which the subject property is located has transformed over the past 12 years, from its original primary uses as residential and agricultural to today's uses of commercial, office, institutional, multi-family and single family residential.

The introduction of the new traffic signal to serve the Wal-Mart Neighborhood Grocery Center will transform the intersection, which the subject property is part of, and effectively create a non-desirable residential location for the homes located at or near the intersection.

The existing traffic volumes and commercial uses, as well as the travel distance to GSU, has transformed the area along Fair Road to a rental market for residential, which in itself promotes commercial uses. With everything considered, the highest and best use at the intersection is commercial and office.

The applicant/property owner is currently renting the property as residential. The property adjacent to this site and the property on the south side of Hawthorne Road are being used as rental housing. The property located on the west side of Fair Road (GA. Hwy 67) is zoned CR and Office and is being used as fast food restaurants, offices, retail and hospital/medical. The applicant desires to change the use to office (O) which would be a more desirable use for the neighborhood than commercial.

Please give me a call if you have any questions.

Sincerely,



John A. Dotson

**ORDINANCE #2014 -03:
AN ORDINANCE TO ANNEX PROPERTY
INTO THE CITY OF STATESBORO, GEORGIA**

WHEREAS, the Mayor and City Council of the City of Statesboro, Georgia have received petition from W & L Developers, LLC, who are the owners of 100 percent of the property to be annexed; and,

WHEREAS, pursuant to Chapter 36 of Title 36 of the Official Code of Georgia Annotated, in order to annex property, to provide an effective date and other provisions, the Mayor and City Council must approve an ordinance of annexation;

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. All that area contiguous to the City of Statesboro know as Bulloch County Tax Map Parcel 107 000006A 000, being 1 acre in size and Map Parcel 107 00000 7000, being 13.5 acres in size, as shown on the attached Bulloch County Tax Parcel Map, is hereby annexed into the City of Statesboro and made a part of said city.

Section 2. This ordinance shall become effective on March 1, 2015.

Section 3. The Director of Planning & Community Development of the City of Statesboro is instructed to send a report that includes certified copies of this ordinance, the name of the county in which the property being annexed is located and a letter from the City stating the intent to add the annexed area to the Census maps during the next survey and stating that the survey map will be completed and returned to the United States Census Bureau, Georgia Department of Community Affairs, and to the governing authority of Bulloch County, Georgia within thirty (30) days after the effective date of the annexation as set forth in Section 2.

Section 4. On the effective date of the annexation, this property shall be placed in Council District 5 of the City of Statesboro.

Section 5. This property shall be zoned _____ and located in the "Developing Urban Neighborhood" character area as shown on the City of Statesboro Future Development Map pursuant to the vote of the Statesboro City Council held on October 21, 2014 and February 17, 2015 subsequent to a public hearing regarding the zoning of said property.

Passed and adopted on two separate readings.

First Reading: October 7, 2014.

Second Reading: February 17, 2015.

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

By: Jan Moore, Mayor

Attest: Sue Starling, City Clerk



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

P.O. Box 348
Statesboro, Georgia 30458

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

AN 12-05-01
665 S&S RAILROAD BED ROAD
ANNEXATION REQUEST

LOCATION: 665 S&S Railroad Bed Road

REQUEST: Annexation by the 100% method and zoning change from R25 (Single Family Residential - Bulloch County) District to R10 (Single-Family Residential).

APPLICANT: W&L Developers, LLC

OWNER(S): W&L Developers, LLC

LAND AREA:
 a. 13.05 acres
 b. 1 acre

PARCEL TAX MAP #s:
 a. 107 000007 000
 b. 107 00006A 000

COUNCIL DISTRICT: 5 (Chance) – (Projected)



PROPOSAL:

The applicant is requesting annexation and rezoning of the subject property from R25 (Single Family Residential – Bulloch County) to R10 (Single Family Residential) in the City of Statesboro. The subject site is a combination of two vacant parcels that total 14.05 acres. The property is located at 665 Railroad Bed Road and abuts the S&S Greenway Trail and is contiguous to the existing municipal limits. The applicant is proposing to develop a residential subdivision. (See **Exhibit A – Location Map & Exhibit B-Concept Plan**)

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R25 (Single Family Residential – Bulloch County) R20 (Single Family Residential)	Undeveloped & Single Family Homes
SOUTH:	R10 & R15 (Single Family Residential), R4 (High Density Residential)	Undeveloped, Single Family Homes, Church, School
EAST:	R25 (Single Family Residential – Bulloch County)	Undeveloped
WEST	R40 (Single Family Residential), R4 (High Density Residential), CR (Commercial Retail)	Bypass and Undeveloped

The subject parcel's property lines abut the S&S Greenway Trail and is surrounded by property that is zoned for single family to high density residential and commercial uses located in both Bulloch County and City of Statesboro. Actual uses range from single family homes to undeveloped with Sallie Zetterower Elementary School located to the extreme south on Cawana Road inside the municipal limits. The properties across the S&S Greenway Trail were annexed into the municipal limits in 2013 and are planned to be residential developments.

COMPREHENSIVE PLAN:

The subject site lies within the “Developing” character area as identified by the 2009 City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. The “Developing” character areas are identified as being primarily residential, but are under pressure to grow in a suburban manner. Development patterns should be evaluated to maximize opportunities for appropriate blending of residential, office, and commercial development.

Small to mid-size retail and commercial, office, single family, and multifamily residential are all appropriate land uses for properties within the Developing character areas. Some suggested development and implementation strategies for the area include the following:

- Large new developments should be master-planned to include mixed-uses wherever appropriate.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.
- There should be strong connectivity and continuity between each subdivision.
- New developments should provide recreational facilities and open space to meet the needs of their residents.
- Promote walking and bicycling as an alternative means of transportation through the provision of safe, accessible and connected networks.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.

Statesboro Comprehensive Plan, Community Agenda pages 16-17.

These implementation strategies are also reflected in the 2009 Quality Community Objectives section of the comprehensive plan .

Furthermore, the issues and opportunities element of the Plan recognizes that “the city has the opportunity to provide a different [housing] product than that which is typically offered in the county or in new subdivisions, thus minimizing the perceived competition between the City and County for new single-family development.” Page 62.

The 2014 update to the Statesboro Master Comprehensive Master Plan, which is under consideration now but not yet adopted, suggest the additional implementation strategies for this character area:

- Traditional neighborhood design principles such as smaller lots, street orientation, mix of housing types, and pedestrian access to neighborhood commercial centers.
- Residential development that offers a mix of housing types (single-family homes; townhomes; live /work units, and apartments) with a mix of densities and prices in the same neighborhood.
- Clustering development to preserve open space
- Site plans, building design and landscaping that are sensitive to natural features of the sites, including topography and views.
- Traditional Neighborhood Design techniques, cluster developments, and the development of a variety of housing types, sizes, costs, and densities are best practices considered in the 2014 Quality Community objectives that may be applicable here and are under consideration in the proposed 2014 Plan Update.

Policies in the Comprehensive Master Plan are intended to help local governments in the decision making process to achieve the Community Vision and address the Community Issues & Opportunities identified in the Comprehensive Plan. Policies in the adopted 2009 plan that are applicable here include the following:

- We will incorporate the connection, maintenance and enhancement of green-space in all new development, especially within the Developing areas.
- We will encourage more compact urban development.

- We will coordinate public facilities and services with land use planning to promote more compact urban development and work collaboratively with Bulloch County to promote long term coordinated growth and service delivery.
- We will ensure that new development does not cause a decline in locally adopted level of service and that capital improvement or other strategies needed to accommodate the impacts of development are made or provided for concurrent with new development.
- The community will encourage patterns of future development expansion in areas contiguous to developed areas with a utility extension policy that is sequential and phased and a related annexation policy to clearly articulate the service provisions.
- Development shall provide for a variety of residential types and densities.
- We will assist and facilitate affordable housing opportunities to insure that all those who work or attend school in the community have a viable choice or option to live in the community.
- We will encourage and accommodate our diverse population by encouraging a harmonious mixture of housing types and uses.
- We will promote efficient use of land by promoting well designed, more pedestrian friendly, development patterns with a mix of uses and an efficient, creative use of land.
- 2014 Proposed Plan Update Policy recommendations include the following:
 - We will project and plan for population growth and prepare through annexations, utility expansions, and housing opportunities.
 - We will actively monitor and prepare for population growth based on national, state, and local trends.

Since the original presentment of this case, the 2014 update to the Comprehensive Plan has been adopted by the Statesboro City Council. The Future Land Use Map for the 2014 update places this property within the Developing Urban Residential Development character area. The vision statement for this area is as follows:

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

Appropriate Lane Uses:

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

Some Suggested Development & Implementation Strategies for the area:

- New development that reflect traditional neighborhood design principles, such as smaller lot, orientation to street, mix of housing types, pedestrian access to neighborhood commercial center.
- Residential development that offers a mix of housing types (single family homes, town homes, live/work units, lofts over the shops, and apartments), densities and prices in the same neighborhood.
- Residential development with healthy mix of uses (corner groceries, barber shops, drug stores, within easy walking distances of residences).
- Clustering development to preserve open space within site.
- Plant shade trees along streets and sidewalks
- Allow infill multi family residences to increase neighborhood density and income diversity

- Enlisting significant site features (view corridors, water features, farm land, wetlands, parks, trails, etc.) as amenity that shapes identity and character of development.
- Site plans, buildings design, and landscaping that are sensitive to natural features of the sites, including topography and views.
- Using infrastructure availability and planning to steer development away from areas of natural, cultural, and environmentally sensitive resources.
- Streets should incorporate Context Sensitive Solutions to provide traffic calming and protect community character.
- Promote mix of housing types, options, and styles to create character and neighborhood diversity.
- New developments should provide recreational facilities and open space to meet the needs of their residents.
- There should be strong connectivity and continuity between each subdivision.
- There should be good vehicular and pedestrian/bike connections to retail/commercial services as well as internal street connectivity, connectivity to adjacent properties/subdivisions, and multiple site access points.
- Whenever possible, connect to the existing and proposed network of bicycle paths and multi use trails.
- Promote street design that fosters traffic calming such as narrower residential streets, on street parking, and addition of bicycle and pedestrian facilities.

INTERGOVERNMENTAL ISSUES:

Bulloch County – Capital Cost Recovery District area requirements.

Bulloch County and the City of Statesboro entered into a Capital Cost Recovery District Intergovernmental Agreement in 2007. (See Exhibit D -Intergovernmental Agreement) Multiple issues, including the City's elimination of the fee associated with this district raise questions as to the implications and requirements of this Intergovernmental Agreement. However, if the Intergovernmental Agreement is strictly adhered to, then the agreement provides the following requirements:

- 1) Residential equivalent units will be maximized at 2.4 per acre (the equivalent of R15 zoning - which is less density than currently requested at R10) unless those densities are planned and located near planned commercial services or nodes.
- 2) Requires that the City and County participate in at least one joint planning meeting for the property.
- 3) Development generating at or in excess of 1,000 trips per day shall require a traffic impact analysis.
- 4) Dedication of determined right of way.
- 5) Intra development street designs that discourages through traffic.
- 6) Storm water Management
- 7) Joint City of Statesboro and Bulloch County approval of the design and construction of any roadway that interfaces with the S&S Greenway Trail. The Developer may be required to include traffic calming measures such as, but not limited to, curvatures, selective speed bumps, and lane narrowing, and may be required to pave portions. The City of Statesboro originally accepted this application June 4th, 2013 and Bulloch County was notified of that acceptance. Bulloch County was notified of the City's intention to consider annexation and zoning of these parcels on September 22, 2014. A joint planning meeting was requested by the City on September 26, 2014.

TRANSPORTATION:

The subject property currently takes access from Railroad Bed Road adjacent to the S&S Greenway Trail. Staff is of the opinion that the annexation and development of the subject site will require long term transportation planning and implementation during the subdivision and development stages.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject property is being connected to water and waste water services pursuant to previous Council approvals. Individual services will be provided within the development by developers. Other services such as sanitation and public safety services will be extended upon the effective date of annexation.

ENVIRONMENTAL:

The subject property appears to be partially located within wetland area. No negative impact is expected by this request. Any potential issues will be addressed during standard permitting processes and reviews.

ANALYSIS:

The applicant is requesting to annex a 14.05 acre contiguous undeveloped site lying on Railroad Bed Road and abutting the S&S Greenway Trail. Section 2207 of the *Statesboro Zoning Ordinance* states that new areas being annexed into the City shall be considered to be in the R40 (Single Family Residential) district unless otherwise classified; thus, the applicant is requesting to zone the subject property R10 (Single Family Residential) to develop a residential subdivision that will consist of 34 lots with a minimum lot size of 10,000 square feet with development restricted to traditional single family structures.

Ultimately, the request to annex the subject property as well as consideration of the proposed R10 (Single Family Residential) zoning designation should be considered in light of 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*. Both documents provide information that indicates that the applicant's request to annex and zone the subject property at 665 Railroad Bed Road is consistent with the vision and land use policies adopted by the City of Statesboro given that this area is a proposed annexation area located in the developing character area which encourages master planned development with strong connectivity between subdivisions.

Assuming approval of this annexation, staff will prepare the necessary updates to the City of Statesboro Comprehensive Plan; future land use map; and City boundary maps.

SECTION 2007 FACTORS:

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;**
 - a. Nearby property is zoned for similar uses and densities requested herein.
 - b. Other nearby properties (located within the County) are zoned and utilized as single family neighborhoods.
- (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.**
 - a. The subject site is located within the area of long anticipated residential growth and development for the City.
 - b. Housing styles and options requested by the public are growing and changing to include a variety of attached and detached unit styles.
 - c. The population of the City of Statesboro has increased dramatically in recent years and is projected to continue to grow.
 - d. The number of undeveloped residential lots –particularly for single family- are limited within the City.
- (5) The suitability of the subject property for the zoned purposes.**
 - a. There is no indication that the subject property is not suitable for the requested zoning.
- (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.**
 - a. The subject property is undeveloped and is located within the area most anticipated for residential growth in the City.
 - b. The subject site is surrounded by other properties that are undeveloped but under pressure to develop in similar or complimentary fashions in the near future.
- (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;**

- a. Development of the proposed property as requested would increase population density, community facilities, traffic patterns, and property values in adjacent areas.
- b. Traffic planning – and the expenses associated with the increase traffic in the area- should be addressed by the applicant, the City, and the County in this area.
- c. The development of the S&S Greenway Trail, a popular amenity adjacent to this subject site, increased the value and attractiveness of the subject site for residential development.
- d. The subject site was previously identified as a Future Annexation and Development Area in both the Bulloch County and City of Statesboro 2009 Future Land Development Maps.

(8) Consistency with other governmental land use, transportation, and development plans for the community.

- a. This request is consistent with the City of Statesboro Comprehensive Plan and the 2009 Future Land Development Maps for Bulloch County and the City of Statesboro.
- b. This request should be evaluated for consistency with the Capital Cost Recovery District Agreement between the City of Statesboro and Bulloch County.
- c. Transportation planning and funding should be addressed with this project in order to respond to the increased traffic congestion and the limited public right of way adjacent to and nearby the site. The 2035 City of Statesboro and Bulloch County Long Range Transportation Plan should be referenced.

STAFF RECOMMENDATION:

Staff recommends **approval** of the requested annexation with R10 (Single Family Residential) zoning designation requested by AN 12-05-01 with the following conditions:

1. Reservation, dedication, and/or development of public rights of way and or easements may be required by the developer including fee simple right of ways along Cawana Road to provide for future widening of Cawana Road.
2. Dedication of necessary easements and right of ways for utilities prior to approval of subdivision plats.
3. Transportation infrastructure planning and development to City of Statesboro standards and to the satisfaction of the COS Engineer. Such planning will include crosswalks and traffic claiming measures that shall be designed and approved at subdivision platting and permitting stages and shall be based on approved City of Statesboro standards, specifications, and long range planning.
4. Access roads connecting to the S&S Railroad Bed Road shall be limited to right in/right out configurations unless they connect to the existing crossover drive locations.
5. Developer may be required to install crosswalks and traffic calming measures to City of Statesboro and/or Bulloch County Design Standards at any full access roadway crossings and to provide safe crossings for pedestrians crossing the S&S Greenway Trail.
6. Subdivision, design, and development of the property shall be in conformance with the requirements of all City of Statesboro Development Regulations, including the Statesboro Subdivision Regulations, the City of Statesboro Drainage Ordinance, the Statesboro Tree Ordinance, and all other developmental standards of the City of Statesboro.
7. The Developer must extend 8" Sanitary Sewer main from the pump station to the site's detention pond and a 12" Water Main along the site's southern boundary line.
8. Two percent (2%) of the property acreage (approximately .281 acres) shall be reserved for open green space reserved for community use, but shall be privately maintained by the owner, developer, or appropriate association.
9. Internal sidewalk connectivity must be provided by the developer. Sidewalk connectivity and crosswalks must also be provided from the development to the S&S Greenway Trail.
10. Access points to Railroad Bed Road must be jointly approved by Bulloch County and the City of Statesboro.
11. Requirements of The Capital Cost Recovery Area Intergovernmental Agreement apply as conditions and must be accomplished by the appropriate party.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 4 to 0 to approve the requested annexation with R10 (Single Family Residential) zoning designation requested by AN 12-05-01 with staff recommended conditions and the addition of requiring the Developer to provide a buffer along the property boundary line with the exception of the frontage boundary line along the S&S Railroad Bed Road.

Conditions:

1. Reservation, dedication, and/or development of public rights of way and or easements may be required by the developer including fee simple right of ways along Cawana Road to provide for future widening of Cawana Road.
2. Dedication of necessary easements and right of ways for utilities prior to approval of subdivision plats.
3. Transportation infrastructure planning and development to City of Statesboro standards and to the satisfaction of the COS Engineer. Such planning will include crosswalks and traffic claiming measures that shall be designed and approved at subdivision platting and permitting stages and shall be based on approved City of Statesboro standards, specifications, and long range planning.
4. Access roads connecting to the S&S Railroad Bed Road shall be limited to right in/right out configurations unless they connect to the existing crossover drive locations.
5. Developer may be required to install crosswalks and traffic calming measures to City of Statesboro and/or Bulloch County Design Standards at any full access roadway crossings and to provide safe crossings for pedestrians crossing the S&S Greenway Trail.
6. Subdivision, design, and development of the property shall be in conformance with the requirements of all City of Statesboro Development Regulations, including the Statesboro Subdivision Regulations, the City of Statesboro Drainage Ordinance, the Statesboro Tree Ordinance, and all other developmental standards of the City of Statesboro.
7. The Developer must extend 8" Sanitary Sewer main from the pump station to the site's detention pond and a 12" Water Main along the site's southern boundary line.
8. Two percent (2%) of the property acreage (approximately .281 acres) shall be reserved for open green space reserved for community use, but shall be privately maintained by the owner, developer, or appropriate association.
9. Internal sidewalk connectivity must be provided by the developer. Sidewalk connectivity and crosswalks must also be provided from the development to the S&S Greenway Trail.
10. Access points to Railroad Bed Road must be jointly approved by Bulloch County and the City of Statesboro.
11. Requirements of The Capital Cost Recovery Area Intergovernmental Agreement apply as conditions and must be accomplished by the appropriate party.
12. The Developer must provide a buffer along the property boundary line with the exception of the frontage boundary line along the S&S Railroad Bed Road.

CITY COUNCIL:

At its regular scheduled meeting on October 21, 2014, City Council tabled annexation application AN 12-05-01 to allow for issues to be resolved regarding the proposed concept plan. At the applicants' request, the case has been held for reconsideration until the February 17, 2015 Council meeting.

EXHIBIT A: LOCATION MAP



EXHIBIT B: CONCEPT PLAN

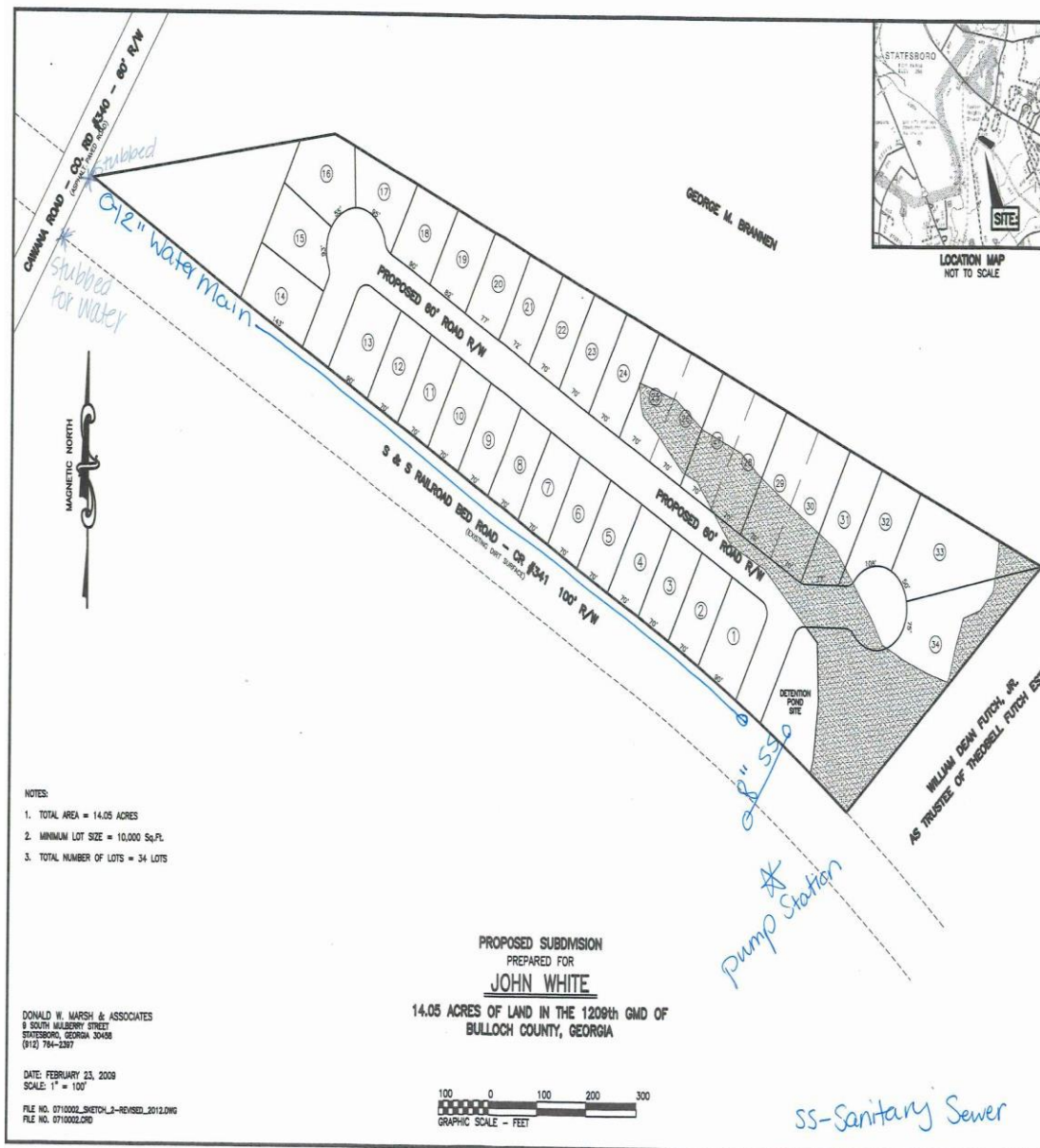


EXHIBIT C: RESOLUTION TO ACCEPT ANNEXATION

**RESOLUTION 2013-20: A RESOLUTION
TO ACCEPT AN APPLICATION FOR ANNEXATION**

THAT WHEREAS; Chapter 36 of the Official Code of Georgia provides municipalities a procedure for annexing property into the corporate limits of the municipality;

WHEREAS, the City of Statesboro's Department of Planning and development has presented an application for annexation by the 100 % method pursuant to O.C.G.A. § 36-36-21 to the Mayor and City Council for acceptance pursuant to O.C.G.A § 36-36-6;

WHEREAS, the Mayor and City Council find the acceptance of the annexation application to be in the interest and welfare of the citizens of Statesboro;

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

Section 1: Pursuant to O.C.G.A § 36-36-6 the application for annexation for the cases described on the attached Exhibit A, incorporated herein by reference, is hereby accepted.

Section 2: The Director of Planning and Development is hereby directed to provide notice of acceptance of this application for annexation to the Bulloch County Board of Commissioners pursuant to O.C.G.A § 36-36-6, O.C.G.A § 36-36-9, and O.C.G.A. §36-36-11.

Section 3. The Director of Planning and Development is hereby directed to process said applications, to conduct all necessary analysis of the applications, to administer the City's necessary obligations in processing same , and to present the applications for proper consideration and possible approval before the Mayor and City Council at the proper time.

Section 4. That this Resolution shall be and remain effective from and after its date of adoption

Adopted this 4th day of June, 2013

CITY OF STATESBORO, GEORGIA



Joe R. Brannen
By: Joe R. Brannen, Mayor

Sue Starling
Attest: Sue Starling, City Clerk

Exhibit "A"

The following applications for annexation have been filed with the City of Statesboro Department of Planning and Development and are hereby presented to the Mayor and Council for formal acceptance.

Upon acceptance by the Mayor and Council, staff will move forward with all proper requirements of process and will bring annexation ordinances, zoning hearings, and other necessary considerations before the Mayor and City Council at the proper time. This shall serve as an acceptance of the application only. Formal consideration of the annexation and zoning requests contained within the applications shall be considered at an appropriate meeting of the Mayor and Council.

1. **APPLICATION # AN 13-05-03:** Paul Beasley requests annexation by the 100 percent method of 22.83 acres of property located at Railroad Bed Road into the City of Statesboro (Tax Map Number 107 00014 005).
2. **APPLICATION # AN 12-05-01:**
 - a. W&L Developers requests annexation by the 100 percent method of 13.05 acres of property located at S & S Railroad Bed into the City of Statesboro (Tax Map Number 107 00007 000).
 - b. W&L Developers requests annexation by the 100 percent method of approximately 1 acre of property located at S & S Railroad Bed into the City of Statesboro (Tax Map Number 107 00006A 000).

EXHIBIT C: INTERGOVERNMENTAL AGREEMENT

STATE OF GEORGIA

COUNTY OF BULLOCH

**INTERGOVERNMENTAL AGREEMENT ON CAPITAL COST
RECOVERY FEE DISTRICTS**

This intergovernmental agreement is entered into this ____ day of November, 2007 by and between **BULLOCH COUNTY, a political subdivision of the State of Georgia, acting by and through its governing authority, the BULLOCH COUNTY BOARD OF COMMISSIONERS** (hereinafter "the County") and the **MAYOR AND COUNCIL OF THE CITY OF STATESBORO, GEORGIA** (hereinafter "the City").

WITNESSETH:

WHEREAS, the City of Statesboro and Bulloch County are undergoing major development in and around the corporate limits of Statesboro, necessitating increased water and sewer installation; and

WHEREAS, it is in the best interests of the public health, welfare, and safety of citizens in both the City of Statesboro and Bulloch County that the development take place with adequate water and sewer facilities to provide potable and fire protection water, and to collect and treat the wastewater generated; and

WHEREAS, the City and County have recognized the need to get the major water and sewer lines extended into areas adjacent to the City before the growth takes place, thereby assuring new development will be on water and sewer systems; and

WHEREAS, the City has needed a mechanism to help finance these extensions in a timely fashion, and has developed with the assistance of its consulting engineers a capital cost recovery fee district as the most suitable method; and

WHEREAS, the City of Statesboro with its consulting engineers has studied the area bounded by Veterans Memorial Parkway, Georgia Highway 67, Burkhalter Road, Pretoria-Rushing Road, and back to Cawana Road then to Brannen Street, minus the property already developed within the boundaries, and has determined that the area can be served as one sewer drainage basin by gravity sewer; and

WHEREAS, the City of Statesboro has adopted an ordinance authorizing the Mayor and City Council to establish capital cost recovery fee districts, and under that ordinance has passed a resolution establishing Capital Cost Recovery Fee District #1 for this Southeast Quadrant Area; and

WHEREAS, the fee can only be imposed on properties that annex into the City limits, and water and sewer service shall only be provided to property owners whose property is within the City limits that request said water and sewer service; and

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

WHEREAS, in order to install the major water and sewer lines ahead of the growth, the City will need to install some of them in property that is currently outside the corporate limits of Statesboro, and the Georgia Constitution at Article IX, Section II, Paragraph III requires a contract between a county and a city, for a city to expand its water and sewer services outside the City limits; and

WHEREAS, prior to making this major investment the Mayor and City Council of Statesboro need assurance that the County Commission is supportive of this plan to finance and install these water and sewer lines;

WHEREAS, the County has an interest in protecting the S&S Greenway and balancing growth between urbanizing areas and transitional areas referred to as Areas of Mutual Concern within the proposed Southeast Quadrant Area and Capital Cost Recovery District #1; and

WHEREAS, the County is supportive of planned annexation that considers logical boundaries, coordination of planning efforts, and the appropriate transfer of infrastructure and service delivery responsibilities; and

WHEREAS, the County is supportive of the City's plan to finance and install water and sewer lines according to proposed engineering plans so long as it results in a high quality of planned development that compliments the County's Future Land Use Plan.

NOW THEREFORE, in consideration of the mutual promises, obligations, and covenants set forth herein, the County and the City agree as follows:

1. The County hereby agrees that the City can establish one or more Capital Cost Recovery Fee Districts in areas contiguous to the corporate limits of Statesboro, or as mutually agreed upon if not contiguous, in order to help finance the cost of engineering design and construction of major water and sewer lines in areas outside the City limits.
2. The County hereby agrees that the City may expand its water and sewer system into any area within any such Capital Cost Recovery Fee District as established by formal resolution of the Mayor and City Council, thereby encouraging quality development and the expansion of both the City's and County's property tax base.
3. The County hereby agrees that the City may require annexation into the corporate limits of the City of Statesboro as a pre-condition to the availability of water or sewer services to any parcel of property lying within any designated Capital Cost Recovery Fee District.
4. The City Manager will notify the County Manager of plans for the establishment of any Capital Cost Recovery Fee District, and shall furnish him with a complete copy of the required engineering study and the duly adopted resolution establishing said district.
5. The City Manager will notify the County Manager when bids have been received, and a contract for construction has been awarded for any segment of any of the major water and sewer lines within any Capital Cost Recovery Fee District.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

6. The City Manager will provide the County Manager with the most current map of each Capital Cost Recovery Fee District so that Bulloch County planning staff can notify potential developers of the location of said districts within the county, and the fees associated with properties lying within said districts.
7. The County and City hereby agree to approve a concept within one hundred twenty (120) days, and a firm consensus no later than one hundred eighty (180) days from the effective date for a future land use plan for the Capital Cost Recovery Fee District #1 and Areas of Mutual Concern that reflect the preferences of this agreement. "Areas of Mutual Concern" is defined as an area that shall generally be within five-hundred (500) feet of Capital Cost Recovery Fee District #1 boundaries.
8. The County and City hereby agree not to approve requests for rezoning, conditional uses or sketch plans for property within the Capital Cost Recovery Fee District #1, or Areas of Mutual Concern, without consideration of mutual input and will notify each other of receipt of such applications, and of the time, date and place of any joint planning staff reviews, public hearings or other public meetings concerning these actions. Input shall be provided within the normal deadlines for other agencies' and departments' comments. At least one joint planning staff review shall be held on each such development project.
9. The County and City hereby agree that all annexations in the Capital Cost Recovery Fee District #1 shall include logical and identifiable boundaries wherever possible and be timed in such a way which allows for transition of services between the City and County. Readily identifiable boundaries should include lakes, rivers, streams, railroads and highways. Nothing herein shall prohibit the annexation of a tract of land at the request of the owner(s) that does not meet these preferred criteria.
10. The County and City hereby agree that if residential densities are proposed in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern that are higher than 2.4 housing units per acre (currently the City's R-15 zoning designation), that those areas should be planned and concentrated near planned commercial services or nodes.
11. The County and City hereby agree that commercial uses and facilities in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be allocated in a reasonable amount and in a planned relationship to the people they will serve. Any future expansion of commercial uses in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be developed as centers or nodes rather than strips, and along roadways and intersections that have adequate capacity. Commercial facilities and uses should be very carefully considered so that they do not cause unnecessary traffic congestion and do not detract from the appearance of the community. However, it is recognized that the property fronting Georgia 67 between Briarwood Road and Burkhalter Road, will have commercial development which will serve a population greater than the CCR Fee District #1 and its Areas of Mutual Concern.
12. The County and City hereby agree that any newly proposed development in the Capital Cost Recovery Fee District #1 or an Area of Mutual Concern that generates traffic at or in excess of 1,000 daily trips according to the latest version of the Institute of Traffic Engineers Trip Generation manual shall require a traffic impact analysis. The content and detail of the traffic impact analysis shall be scaled according to valid trip generation estimates, and shall include

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

proposed project improvements for automobiles, bicycles or pedestrians that will improve capacity within the proximate right-of-way, with the cost of any such improvements shall be borne by the developer.

The County and City hereby agree that the future land use plan called for in Paragraph 7 above, shall determine the necessary right-of-way widths for any collector and arterial streets within the CCR Fee District #1 or an Area of Mutual Concern. Said rights-of-way shall be obtained and preserved as part of the development review process.

13. The County and City hereby agree except for collector streets, street patterns in new residential areas in Capital Cost Recovery Fee District #1 or an Area of Mutual Concern should be designed to provide convenient access and circulation for each living unit, but to discourage through traffic.

14. The County and City hereby agree that any required public improvements along any arterial or collector road systems within Capital Cost Recovery Fee District #1 shall be the financial responsibility of the City.

15. The County and City hereby agree that they will adopt and enforce ordinances that meet the requirements of the Georgia Stormwater Management Manual as it regards the speed and volume of stormwater leaving a developed site.

16. The County and City hereby agree that unless the county agrees to retain a road right-of-way in County jurisdiction, the City will annex the entire width of County roads and rights-of-way adjacent to an annexation boundary and will assume full responsibility for maintenance and agreed upon necessary improvements for those portions of roads on the effective date of the annexation. It may also be desirable to include in an annexation adjacent road sections to avoid dead-end segments or portions of roads that meander in and out of jurisdictions. Such situations may be negotiated on a case by case basis.

17. The County and City hereby agree that if any new development occurs as the result of an annexation by the City that requires access along the proposed route of the S&S Greenway before construction by the County has been completed; that as a condition of development permitting by the City, the developer shall be required to pave any portion of the roadway (not including the pedestrian or bicycle path) that is adjacent to his development. The design and construction of any roadway that interfaces with the County's proposed Greenway must be mutually agreed upon by the County and City, and may include traffic calming measures such as, but not limited to, curvatures, selective speed bumps, and lane narrowing.

18. The County and City hereby agree that the County shall own and maintain the right-of-way along the S&S Greenway subject to the provisions of right-of-way transfer set out in Paragraph 17 above, except that the County shall continue to own and maintain the portion of right-of-way to be used for the pedestrian and biking trail.

19. The City hereby agrees that it will consider amendments to its Zoning and Subdivision Ordinances that would require the same buffering requirements for properties adjacent to the S&S Greenway as those adopted by the County upon recommendation by its greenway consultant. Said buffering requirements may include special setbacks, strategic location of

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

access roads, and use of vegetative screens, earthen berms and fences to help reduce trespass of people, animals and vehicles.

20. The County and City hereby agree that until the City assumes the full maintenance and ownership of a former County road right-of-way, all municipal utility encroachments along designated County roads shall require a permit.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

BOARD OF COMMISSIONERS OF
BULLOCH COUNTY, GEORGIA

MAYOR AND COUNCIL OF THE CITY
OF STATESBORO, GEORGIA

By: J. Garrett Nevil
J. Garrett Nevil, Chairman

By: William S. Hatcher
William S. Hatcher, Mayor

Attest: Evelyn H. Wilson
Evelyn H. Wilson, Clerk

Attest: Judy M. McCorkle
Judy M. McCorkle, Clerk

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

ORDINANCE #2007-15: AN ORDINANCE AUTHORIZING A CAPITAL COST RECOVERY FEE FOR THE EXTENSION OF WATER AND SEWER TRUNK LINES INTO AREAS WITHIN AND ADJACENT TO THE CITY LIMITS

THAT WHEREAS, the City of Statesboro continues to experience significant growth within, and in close proximity to the city limits, and such growth is expected to continue; and

WHEREAS, the City needs a financial mechanism to install the water and sewer trunk lines that serve major drainage basins, and to do so ideally in front of the development taking place, so that the new construction is annexed into the City and is on both water and sewer service; and

WHEREAS, with the assistance of Hussey, Gay, Bell & DeYoung, the City's consulting engineers, the City staff has developed a mechanism to install said lines, and to recoup over time most of the City's principal needed to finance these lines; and

WHEREAS, the Mayor and City Council have reviewed this proposal, and wish to adopt it for use by the City of Statesboro;

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

Section 1. That the Statesboro Municipal Code is hereby amended by adding the following language to Chapter 82, UTILITIES:

“Sec. 82-72. Purpose of the capital cost recovery fee. The mayor and city council have determined that an effective means of financing the installation of the major trunk water and sewer lines inside and adjacent to the city limits, is to finance the cost using a GEFA loan or revenue bond with a twenty-year amortization period, and then to recoup most of the principal cost for said loan from a charge against each parcel or equivalent of such parcel. Said cost shall be determined based upon a detailed engineering study that includes an equitable mechanism for prorating the cost among all of the developable property (which excludes wetlands and road rights-of-way). As the property served by the major water and sewer trunk lines is developed, the fee would be paid into the water and sewer fund.

Sec. 82-73. Authorization for the capital cost recovery fee. The mayor and city council hereby establish a capital cost recovery fee (CCR fee), to be charged in any Capital Cost Recovery Fee District created under Sec. 82-74 below.

Sec. 82-74. Establishment of a CCR Fee District by resolution. The mayor and city council may by resolution establish a CCR Fee District, after receiving a detailed engineering study that identifies the sewer drainage basin to be served, and the water system necessary to service that drainage basin. The engineering study must provide a coherent, equitable methodology for apportioning the principal cost of the loan necessary to finance these major water and sewer lines between the various owners of the property, whether used for residential or commercial purposes. The initial costs to be imposed shall be as estimated for construction in the engineering study, and shown on the study's CCR Fee District Maps.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

Sec. 82-74 Amendment of a CCR Fee District by resolution. The mayor and city council may amend by resolution a CCR Fee District whenever in their judgment the area needs to be enlarged or contracted, based upon the area to be served; or, to reflect the actual cost of construction once a major line has been installed. This will assure that the final cost of construction is the number used in computing the actual CCR Fee. The estimated costs are for planning purposes, and represent the engineering firm's best estimate of construction costs.

Sec. 82-75. Property must be within city limits to obtain water or sewer service within a CCR Fee District. No water or sewer service shall be offered or provided to any property or its owner within an established Capital Cost Recovery Fee District unless the property to be served has been annexed into the city limits of Statesboro prior to development, and the owner has entered into a Water and Sewer Agreement with the City. This will assure that the City's zoning, subdivision regulations, and development standards are met on each such development, and that it becomes a part of the City.

Sec. 82-76. Collection of the CCR Fee. The CCR Fee shall be collected at the time that a building permit is issued for a new development within a defined CCR Fee District. The City will not take partial payments of any kind.

Sec. 82-77. Separation as a source of revenue within the Water and Sewer Fund. The CCR Fee revenue shall be separated in the accounting records so that the amounts collected within a CCR Fee District can be tracked on an annual basis. The finance director shall be responsible for setting up the accounting system changes to do this.

Sec. 82-78. Appropriation of the CCR Fee. As long as there is any outstanding debt issued for any portion of a CCR Fee District, the revenues generated shall be classified as restricted cash set aside to pay that debt. In the event that sufficient CCR Fees are restricted to cover all principal and interest payments on said outstanding debt, any CCR Fees collected above that amount may be classified as unrestricted cash, and used for any purpose within the Water and Sewer Fund.

Sec. 82-79. Duration of a specific CCR Fee District. Any CCR Fee District established pursuant to this code shall remain in place until all of the available developable property within said district has been developed, and the required fees have been collected."

Section 2. That should any part of this ordinance be declared invalid by a court of competent jurisdiction, then the remaining portions of this ordinance shall continue in full force and effect.

Section 3. That this ordinance shall be effective from and after its adoption on two separate readings.

First Reading: May 1, 2007
Second Reading: May 15, 2007

MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA

By: _____
William S. Hatcher, Mayor

Attest: _____
Judy M. McCorkle, City Clerk

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D



**CITY OF STATESBORO
CITY COUNCIL MINUTES
October 04, 2011**

A regular meeting of the Statesboro City Council was held on October 04, 2011 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Pro Tem Will Britt, Council Members: Tommy Blitch, John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Engineer Robert Cheshire, and Director of Community Development Mandi Cody. Mayor Joe Brannen was absent.

Note: Councilman Travis Chance arrived to the meeting at 9:15a.m.

Approval of Minutes:

a) September 20, 2011 Council Minutes

Councilman Riggs made a motion, seconded by Councilman Blitch to approve the minutes of September 20, 2011. Councilman Blitch, Riggs and Lewis voted in favor of the motion. The motion carried by a 3-0 vote.

Recognitions/Public Presentations

a) Retirement recognition of Police Commander J.R. Holloway

Public Safety Director Wendell Turner and Mayor Pro Tem Will Britt presented Police Commander J.R. Holloway with a retirement plaque and thanked him for his many years of service to the City of Statesboro.

Public Comments (Agenda Item): None

Consideration of a Motion to approve Special Event Permit:

a) Theatre Production (Shakespeare on Trial) - Tim Chapman Averitt Center for the Arts

Councilman Lewis made a motion, seconded by Councilman Blitch to approve the Special Event Permit for the Averitt Center for the Arts. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

Public Hearing and Consideration of a motion to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission

Councilman Riggs made a motion, seconded by Councilman Lewis to approve 2nd Reading of **Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission** with the condition to add Post 6 to Section 1-Section 2-67 #2. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a motion to approve 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve the 1st reading of **Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.** Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Public Hearing and Consideration of a Motion to approve the following request:

- a. **APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the Statesboro Zoning Ordinance to construct and operate a 100' monopole wireless telecommunication tower on property located at Brannen Street.**

Mr. William Howard representing EQV Development spoke on behalf of Alltel in favor of the variance request to construct a telecommunication tower. Councilman Chance made a motion, seconded by Councilman Lewis to approve **APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the Statesboro Zoning Ordinance to construct and operate a 100' monopole wireless telecommunication tower.** Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- b. **APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the Statesboro Zoning Ordinance regarding signage for property located on Henry Boulevard.**

Joey Maxwell representing Maxwell Reddick and Assoc. spoke on behalf of the Heyhami Group, LLC in favor of the variance for signage of the Steak and Shake restaurant. Councilman Riggs made a motion, seconded by Councilman Blitch to approve **APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the Statesboro Zoning Ordinance regarding signage for property located on Henry Boulevard with the condition the sign height not to exceed 9 ft. above the concrete.** Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

Public Hearing and Consideration of a motion to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission

Councilman Riggs made a motion, seconded by Councilman Lewis to approve 2nd Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission with the condition to add Post 6 to Section 1-Section 2-67 #2. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a motion to approve 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.

Councilman Riggs made a motion, seconded by Councilman Lewis to approve the 1st reading of Ordinance 2011-08: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Public Hearing and Consideration of a Motion to approve the following request:

- a. **APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the *Statesboro Zoning Ordinance* to construct and operate a 100' monopole wireless telecommunication tower on property located at Brannen Street.**

Mr. William Howard representing EQV Development spoke on behalf of Alltel in favor of the variance request to construct a telecommunication tower. Councilman Chance made a motion, seconded by Councilman Lewis to approve APPLICATION # CUV 11-08-02: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the *Statesboro Zoning Ordinance* to construct and operate a 100' monopole wireless telecommunication tower. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

- b. **APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the *Statesboro Zoning Ordinance* regarding signage for property located on Henry Boulevard.**

Joey Maxwell representing Maxwell Reddick and Assoc. spoke on behalf of the Heyhami Group, LLC in favor of the variance for signage of the Steak and Shake restaurant. Councilman Riggs made a motion, seconded by Councilman Blitch to approve APPLICATION # V 11-08-03: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the *Statesboro Zoning Ordinance* regarding signage for property located on Henry Boulevard with the condition the sign height not to exceed 9 ft. above the concrete. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

- c. **APPLICATION # SE 11-08-04**: Applicant requests a special exception for property located on Brannen Street to allow for the use of property as auto sales.

Bill Daniel representing Dan Vaden Auto Sales spoke in favor of the special exception for the property's use on Brannen Street. The right of way parcels will be dedicated to the City of Statesboro. Councilman Riggs made a motion, seconded by Councilman Blitch to approve **APPLICATION # SE 11-08-04**: Applicant requests a special exception for property located on Brannen Street to allow for the use of property as auto sales with conditions recommended by staff. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve Resolution 2011-31: A Resolution Adopting the Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia.

Councilman Riggs made a motion, seconded by Councilman Blitch to approve **Resolution 2011-31**: A Resolution Adopting the Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia. Councilman Blitch, Riggs, and Lewis voted in favor of the motion. Councilman Chance voted against the motion. The motion carried by a 3-1 vote.

Consideration of a Motion to approve the purchase of 21 Taser X2 devices and accessories from DGG Taser in the amount of \$27,435.29; funding is from the 2011 Justice Assistance Grant and Seized Drug Funds. DGG taser is the sole source provider of Tasers in Georgia.

Councilman Lewis made a motion, seconded by Councilman Chance to approve the purchase of 21 Taser X2 devices and accessories from DGG Taser in the amount of \$27,435.29; funding is from the 2011 Justice Assistance Grant and Seized Drug Funds. DGG taser is the sole source provider of Tasers in Georgia. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to award the purchase of a 2012 Peterbilt side-loader refuse truck to Peterbilt Truck Centers of Savannah in the amount of \$229,537.00 via a bid price extension from a previous bid award by Council on April 5, 2011 as they offered the lowest responsive bid.

Councilman Blitch made a motion, seconded by Councilman Riggs to award the purchase of a 2012 Peterbilt side-loader refuse truck to Peterbilt Truck Centers of Savannah in the amount of \$229,537.00 via a bid price extension from a previous bid award by Council on April 5, 2011 as they offered the lowest responsive bid. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve award of Contract to Ellis Wood Contracting in the amount of \$66,000 to make roadway improvements at the intersection of S. Zetterower Ave. and Brannen St. project to be funded by 2007 SPLOST

Councilman Lewis made a motion, seconded by Councilman Blich to approve contract to Ellis Wood Contracting in the amount of \$44,675.00 to make roadway improvements at the intersection of S. Zetterower Ave. and Brannen St. This project is to be funded by 2007 SPLOST but was not included in the original Council Packet. It was brought to Council just before the start of the meeting. City Engineer Robert Cheshire stated he negotiated a lower price after the original proposal was included in the Packet. Councilman Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion for the elimination of Capital Cost Recovery (CCR) fees for the Southeast Annexation area (Cawana Road)

Councilman Riggs made a motion, seconded by Councilman Blich to approve the elimination of Capital Cost Recovery (CCR) fees for the Southeast Annexation area (Cawana Road) and to retain the Intergovernmental Agreement. Councilman Blich, Riggs, and Chance voted in favor of the motion. Councilman Lewis left the meeting briefly. The motion carried by a 3-0 vote.

Reports from Staff:

a) City Manager's Report

City Manager Frank Parker announced the April 1st and April 19th, 2010 Budget Retreat would be re-held on Tuesday October 11, 2011 at 9:00 am at the Gateway Pond House

Director of Public Safety Wendell Turner updated Council on the billboards that would be appearing around Statesboro recognizing the "Operation Statesboro Blues" project.

b) Department Head Reports: None

Public Comments (General):

Allen Muldrew (DSDA) thanked the City for their involvement in the "Downtown Excellence" award that was presented to DSDA by the Department of Community Affairs Main Street Program.

EXHIBIT D: INTERGOVERNMENTAL AGREEMENT CONT'D

Other Business from City Council

a) Nomination and acceptance of nominations for three seats on the Statesboro Planning Commission

The nominations for the vacant seats on the Planning Commission are:

a) Johnathan Mc Collar – 4 year term-Post 6

Councilman Blitch made a motion, seconded by Councilman Lewis to approve the nomination of Johnathan McCollar to the Statesboro Planning Commission for a 4 year term. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

b) Rick Barr- 2 year term- Post 7

Councilman Lewis made a motion, seconded by Councilman Riggs to approve the nomination of Rick Barr to the Statesboro Planning Commission for a 2 year term. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote.

c) Nick Propps- remainder of 4 year term-Post 2 or 4

Councilman Blitch made a motion, seconded by Councilman Lewis to approve the nomination of Nick Propps to the Statesboro Planning Commission for a 4 year term. He will currently serve 3 years for the remainder of a 4 year term. Councilman Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 4-0 vote

Consideration of a Motion to Adjourn

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

The meeting was adjourned at 11:30 a.m.

EXHIBIT E: ORDINANCE TO ANNEX PROPERTY

**ORDINANCE #2014 - :
AN ORDINANCE TO ANNEX PROPERTY
INTO THE CITY OF STATESBORO, GEORGIA**

WHEREAS, the Mayor and City Council of the City of Statesboro, Georgia have received petition from W & L Developers, LLC, who are the owners of 100 percent of the property to be annexed; and,

WHEREAS, pursuant to Chapter 36 of Title 36 of the Official Code of Georgia Annotated, in order to annex property, to provide an effective date and other provisions, the Mayor and City Council must approve an ordinance of annexation;

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. All that area contiguous to the City of Statesboro know as Bulloch County Tax Map Parcel 107 000006A 000, being 1 acre in size and Map Parcel 107 00000 7000, being 13.5 acres in size, as shown on the attached Bulloch County Tax Parcel Map, is hereby annexed into the City of Statesboro and made a part of said city.

Section 2. This ordinance shall become effective on November 1, 2014.

Section 3. The Director of Planning & Community Development of the City of Statesboro is instructed to send a report that includes certified copies of this ordinance, the name of the county in which the property being annexed is located and a letter from the City stating the intent to add the annexed area to the Census maps during the next survey and stating that the survey map will be completed and returned to the United States Census Bureau, Georgia Department of Community Affairs, and to the governing authority of Bulloch County, Georgia within thirty (30) days after the effective date of the annexation as set forth in Section 2.

Section 4. On the effective date of the annexation, this property shall be placed in Council District 5 of the City of Statesboro.

Section 5. This property shall be zoned ____ (Single Family Residential) and located in the "Developing" character area as shown on the City of Statesboro Future Development Map pursuant to the vote of the Statesboro City Council held on October 21, 2014 subsequent to a public hearing regarding the zoning of said property.

Passed and adopted on two separate readings.

First Reading: October 7, 2014.

Second Reading: October 21, 2014.

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

By: Jan Moore, Mayor

Attest: Sue Starling, City Clerk

EXHIBIT F: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES

Photo 1: West view of Subject Site from S&S Railroad Bed Road



Photo 2: North view of Subject Site from S&S Railroad Bed Road



EXHIBIT F: PHOTOS OF THE SUBJECT SITE CONT'D

Photo 3: Eastern view from S&S Railroad Bed Road with the Subject Site on the left abutting S&S Railroad Bed Rd & the adjacent property to the South of the Subject Site on the right abutting the S&S Greenway Trail



Photo 4: Property to the direct South of Subject Site abutting S&S Greenway Trail that is zoned R4 & R10



EXHIBIT F: PHOTOS OF THE SUBJECT SITE CONT'D

Photo 5: West view from S&S Railroad Bed Road with Subject Site to the North, Cawana Road and S&S Greenway Trail crossing to the West and undeveloped adjacent property to the South that was recently rezoned to R4 & R10.





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 15-01-01 ZONING MAP AMENDMENT 10 EAST GRADY STREET

LOCATION: 10 East Grady Street

REQUEST: Rezone from HOC (Highway Oriented Commercial) to R4 (High Density Residential)

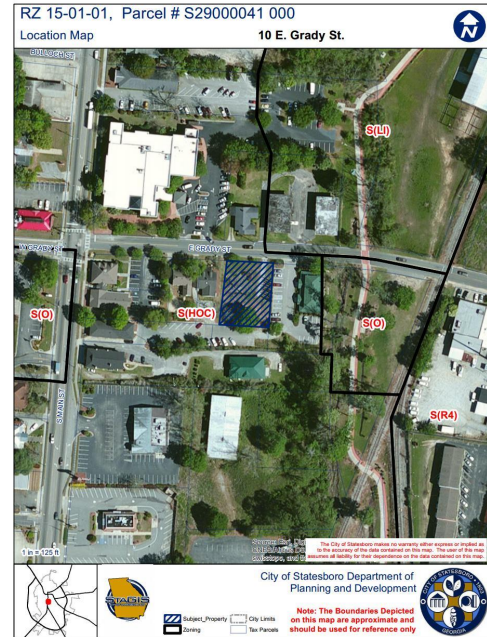
APPLICANT: Alan Gross

OWNER(S): Marilyn Hendrix

LAND AREA: .29 acres

PARCEL TAX MAP #s: S29000041 000

COUNCIL DISTRICT: District 2 (Lewis)



PROPOSAL:

The applicant is requesting a zoning map amendment of .29 acres of property located at 10 East Grady Street from HOC (Highway Oriented Commercial) District to R4 (High Density Residential) District to construct two (2) duplex units (1 bedroom units each for a total of 4 beds) on the vacant parcel (See **Exhibit A** – Location Map & **Exhibit B** – Proposed Concept Plan).

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	HOC (Highway Oriented Commercial) & LI (Light Industrial)	Library, Restaurants and Offices
SOUTH:	HOC (Highway Oriented Commercial)	Warehouses, Offices & Residential
EAST:	HOC (Highway Oriented Commercial) & O (Office)	Offices & Residential
WEST:	HOC (Highway Oriented Commercial)	Gas Station, Restaurants and Offices

The subject property is located within a mixed use area just off of a corridor that has a variety of commercial uses within walking distance of residential uses.

COMPREHENSIVE PLAN:

The subject site lies within the "Downtown" character area (formerly known as the Urban Core) as identified by the City of Statesboro Future Development Map within the 2014 *City of Statesboro Comprehensive Plan*. "Downtown is the historic core of the city and should remain the activity and cultural hub of the region. In the Urban Core, Traditional development patterns of buildings along the sidewalk and a lively streetscape should be respected and promoted." "There are numerous infill and redevelopment opportunities within the urban core. As a major gateway into downtown, one of the highest priority areas for redevelopment should be the South Main corridor, between Georgia Southern University and Grady Street." "As redevelopment occurs, buildings should be brought closer to the sidewalks, in keeping with downtown development patterns. Parking should generally be placed to the rear or side of buildings." *Statesboro Comprehensive Plan, Community Agenda* page 14. "Housing should be strongly encouraged and supported in the Downtown area to increase downtown destination points and night time population." *Statesboro Comprehensive Plan, Community Agenda* page 15.

Appropriate land uses for this character area include multi-family residential and a range of housing styles and price points. *Statesboro Comprehensive Plan, Community Agenda* page 15.

DSDA Master Plan:

The subject site is located within the boundaries of the Downtown Statesboro Development District and its *Statesboro Downtown Master Plan 2011*. The subject site is identified as part of Zone 10 of the plan's Locational Guidance for Redevelopment Initiatives. *Statesboro Downtown Master Plan, page 71*. This zone's Targeted Use/ Enhancement use recommendation is "residential, institutional, and mixed use". The plan identifies this area as "secondary" in importance level, stating that "this area operates as a supportive element to downtown, but could potentially include some additional enhancement. Discussion points in the Plan for zone 10 are as follows:

- Targeted redevelopment in this area which is consistent with the emerging development pattern is an appropriate approach in this zone
- Identify redevelopment opportunities through land assemblage and enhancement
- Ensure residential and office uses continue with minimal conflict and promote the development of an emerging mixed use corridor
- Implement neighborhood residential revitalization and stabilization program to improve and maintain housing stock

South Main Redevelopment Plan:

The subject site also lies within the recently adopted Tax Allocation District (TAD) #1. The goal of the TAD is to encourage the private redevelopment of outmoded, highway-oriented commercial development into pedestrian friendly, mixed use centers to achieve the vision set forth in the 2011 Statesboro Downtown Master Plan and the City's Comprehensive Plan. Areas within the boundaries are considered to be blighted and underdeveloped with redevelopment potential.

COMMUNITY FACILITIES:

City utilities including water and sewer, sanitation, and public safety services are available. No significant impact is expected on community facilities as a result of this request.

ENVIRONMENTAL:

There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The .29 acre site is currently zoned Highway Oriented Commercial (HOC) and is a cleared, empty lot. The site was formerly built out as a single family detached residence; however, the structure was destroyed by fire in 2010 and the lot cleared. The applicant is requesting to rezone the subject site to R4 (High Density Multiple Family Residential) to allow for the development of two duplex units (2 rooftops / 4 units/ 4 beds total) on a single lot sharing a common ownership. Duplex units are not uses permissible by right by within the HOC district.

"The Highway Oriented Commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies, or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements and service establishments, which, although serving the entire community and its trading area do not and should not be encouraged to locate in the retail commercial or nonretail commercial districts. The HOC highway oriented commercial districts ordinarily will be located along roads designated in their major thoroughfare plan as major highways." *Statesboro Zoning Ordinance*, page XI-1.

The legislative intent of the R4 – High Density Residential District is "establishing high density residential districts...for apartment and other high density residential purposes in accordance with the objectives, policies, and proposals of the future land use plan; to permit a variety of housing; to assure the suitable design of apartments in order to protect the surrounding environment of adjacent and nearby neighborhoods; and to insure that the proposed development will constitute a residential environment of sustained desirability and stability and not produce a volume of traffic in excess of the capacity for which access streets are designed." *Statesboro Zoning Ordinance*, page VII -1. Two family duplexes are uses permitted by right within this district.

The applicant requested R4 rather than the Medium Density Residential zone of R3 so that that the two (2) rooftops could share common ownership and occupy a single parcel. R3 requires separate platting of rooftops and a minimum lot size of 12,000 per structure. This lot is 13,068 square feet in size.

The site is surrounded by Highway Oriented Commercially zoned parcels. Therefore, this zoning request raises the question of whether the rezone of the subject site would be an act of spot zoning. Spot zoning is the application of a zoning district (usually to allow a more intense use) to a single parcel where the immediate areas surrounding that parcel are governed by a different land use classification (zoning) which is generally less intense in nature (usually creating an island of more intense use, generally for private gain). Spot zoning is generally considered to be in contradiction of a City's comprehensive plan (vision for its future) as well as the basic tenant of its zoning ordinance (separation of uses). In order to overcome the argument of spot zoning, a showing should be made that the zoning request is compatible with the City's vision for its future as articulated within its Comprehensive Plan. Staff suggests that a zoning map amendment would be appropriate in this case if Council were to make a finding that the area around the subject site is changing or has transitioned since the property was zoned Highway Oriented Commercial and that the requested rezone would be in line with present conditions and the projected future needs of the City. A finding of changed or changing conditions makes the zoning request appropriate, not resulting in an act of spot zoning contrary to the *Statesboro Zoning Ordinance* and the City's Comprehensive Plan.

Staff found no zoning history on this property, therefore drawing the conclusion that the zoning of this site was enacted with the original adoption of the city's zoning map and ordinance in February of 1977.

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 land use policies and the potential for the property to develop in conformance with the requirements of the proposed zoning district for residential uses only 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 (of) property nearby;**
 - Adjacent and nearby zones are Highway Oriented Commercial; however, uses of nearby property include single family residential, medium density family residential, office, and governmental (library). Although the properties are zoned HOC, the uses of those properties are not those reserved for the HOC's stated intent.
 - Staff suggests that a zoning map amendment would be appropriate in this case if Council were to make a finding that the area around the subject site is changing or has transitioned since the property was zoned Highway Oriented Commercial (most likely in 1977) and that the requested rezone would be in line with present conditions and the projected future needs of the City.
- 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.**

- a. The HOC zoning district requires 20,000 square feet in lot size per structure. This lot is 13,068 feet in total size and therefore cannot be developed in accordance with the requirements of the HOC zoning district.
 - b. R3 Medium Density zoning district requires each structure to be platted separately and 12,000 square feet per structure. Thereby not allowing for common ownership of rooftops and restricting the build out of this lot to one structure.
5. **The suitability of the subject property for the zoned purposes.**
 - a. The applicant's concept was reviewed by the City's Development Team in a Right Start meeting with the applicant. It is expected that the concept will meet the development regulations of the City of Statesboro.
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.**
 - a. The lot is vacant after the former structure – a single family residential structure- was destroyed by fire in 2010.
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;**
 - This request would not significantly impact the population density, community facilities, living conditions, or traffic patterns in the area as the request is limited to four bedrooms.
8. **Consistency with other governmental land use, transportation, and development plans for the community.**
 - This request is consistent with the vision of the Statesboro Comprehensive Plan and the recommendations of the 2011 DSDA Master Plan and the 2014 South Main Revitalization Plan.

STAFF RECOMMENDATION:

Staff recommends approval of the requested zoning map amendment as it is a reasonable finding of fact that the conditions surrounding the subject site have changed since the HOC zoning in 1977 and the property's inability to develop in conformance with the HOC zone. Furthermore, the property can be developed in conformance with the requested R4 zone and the proposal is consistent with the *Statesboro Comprehensive Plan*, the *2011 Downtown Statesboro Master Plan*, and the *2014 South Main Revitalization Redevelopment Plan*.

PLANNING COMMISSION RECOMMENDATION:

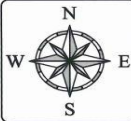
Planning Commission voted to recommend approval of the requested zoning map amendment by a vote of 7 to 0.

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

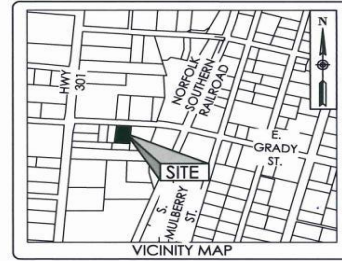
EXHIBIT A: LOCATION MAP



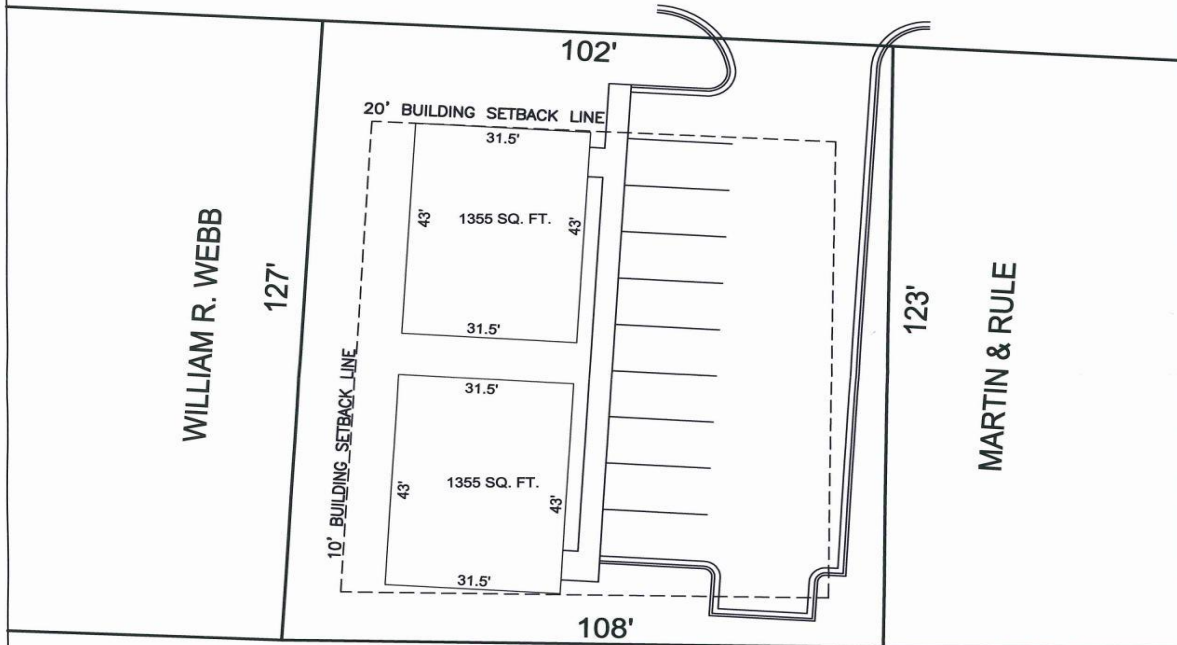
EXHIBIT B: PROPOSED SITE & CONCEPT PLANS



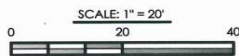
THIS ILLUSTRATION IS A CONCEPTUAL SITE PLAN FOR PROPOSED DEVELOPMENT POTENTIAL. IT DOES NOT BIND OR LIMIT THE OWNER/DEVELOPER. NOR SHALL THE ENGINEER/ARCHITECT BE BOUND OR LIMITED BY THIS CONCEPTUAL DEVELOPMENT PLAN. ALL ILLUSTRATIONS/DRAWINGS ARE SUBJECT TO CHANGE AND REVISION WITHOUT PRIOR WRITTEN NOTICE TO THE HOLDER. DIMENSIONS, SOUNDINGS AND ANY OTHER GRAPHIC REPRESENTATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO AN ACCURATE SURVEY AND PROPERTY DESCRIPTION.



EAST GRADY STREET



ZONING INFORMATION:
 CURRENT ZONING = HOC
 PROPOSED ZONING = R-4
 FRONT SETBACK = 20 FEET
 SIDE SETBACK = 10 FEET
 REAR SETBACK = 10 FEET

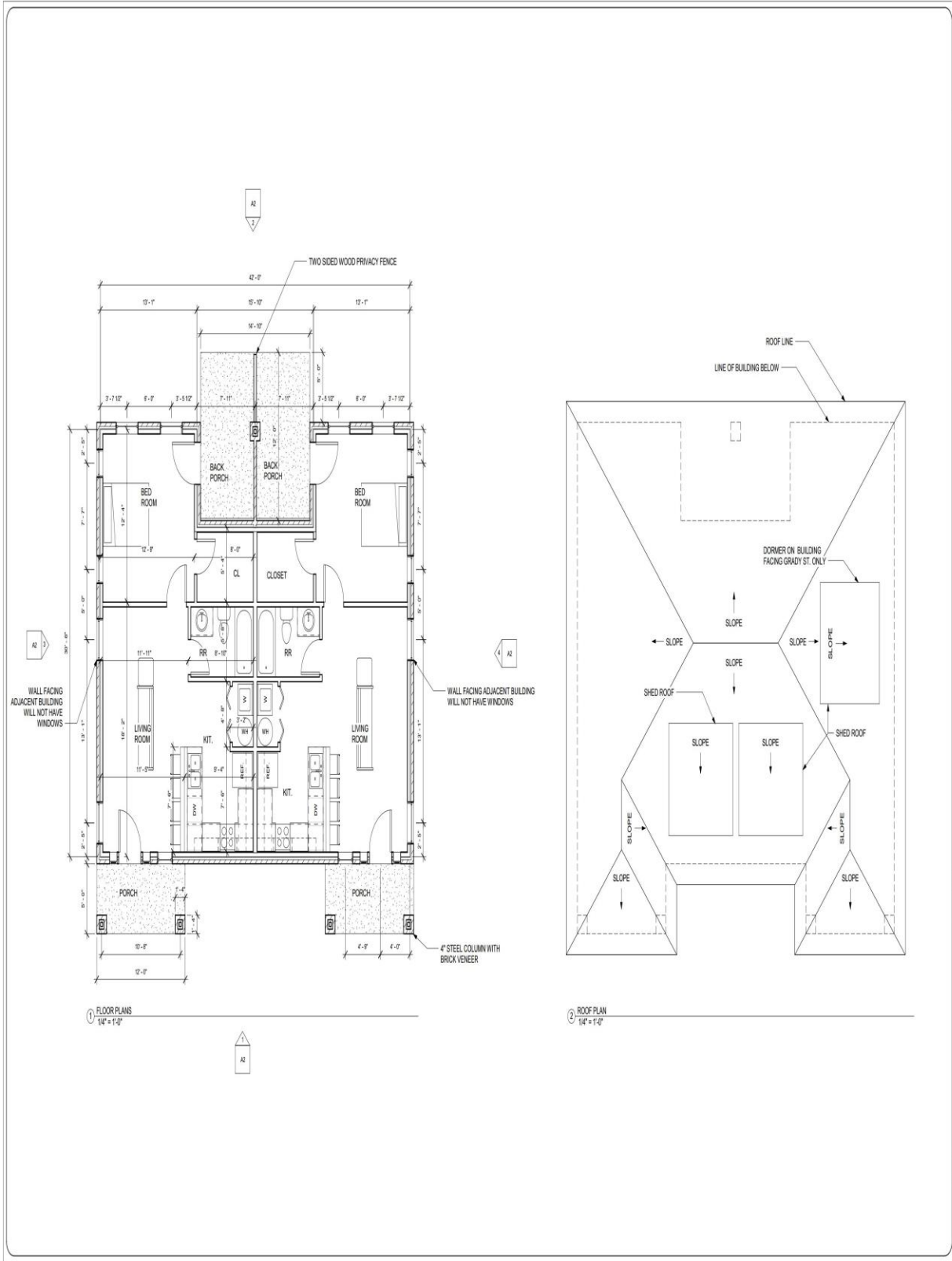


CONCEPT FOR 10 EAST GRADY STREET
 0.3 ACRE LOCATED IN THE 1209TH G.M.D.,
 BULLOCH COUNTY, CITY OF STATESBORO, GEORGIA

PREPARED FOR
ALAN GROSS
 DATE: JANUARY 07, 2015

MAXWELL-REDDICK AND ASSOCIATES
 ENGINEERING • LAND SURVEYING
 CERTIFICATE OF AUTHORIZATION # LSF000953
 POST OFFICE BOX 1896 1221 MERCHANT WAY SUITE 201
 STATESBORO, GEORGIA OFFICE (912) 489-7112
 30459-1896 FAX (912) 489-7125

FILE NO. - 01-15-002



COMM. NO.:	1507
DATE:	2-3-15
DRAWN BY:	CCJ
CHECKED BY:	FRD
REVISIONS:	

DUPLEX
for
ALLEN GROSS
STATESBORO, GEORGIA



12A E. GRADY ST.
 P.O. BOX 1382
 912-764-6288
 FAX 489-2540
 STATESBORO
 GEORGIA
 30458

SHEET NO.
A1



COMM. NO.	1507
DATE	2-3-15
DRAWN BY	CCL
CHECKED BY	FRD
REVISIONS:	
DUPLEX for ALLEN GROSS STATESBORO, GEORGIA	
MARTIN RILEY & ASSOCIATES ARCHITECTS	
12A E. GRADY ST. P.O. BOX 1382 912-764-6288 FAX 488-2640	
STATESBORO GEORGIA 30458	
SHEET NO.	A2

EXHIBIT C: PHOTOS OF SUBJECT SITE AND GENERAL VICINITY

Photo 1: Subject Site from E. Grady toward the South.



Photo 2: Subject Site from the rear property line facing North.



Photo 3: From the Subject Site facing East.



Photo 4: From the Subject Site facing West.





Scott P. Brunson
Police Major

Statesboro Police Department

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



Wendell Turner
Public Safety Director

To: Mayor Moore
City Council
City Manager Cheshire
HR Dir. Grant

From: Dir. Turner 

Date: 02/06/2015

Ref: PD Patrol Bureau Re-organization and Re-distribution

As you are aware, the Police Department is understaffed in the area of line level Patrol Officer personnel at a current level of 11 needed. The needs assessment presented at last council meeting detailed this and several ways the PD has addressed this in the past to do more with less. The PD would like to re-organize the Patrol Bureau to help add needed patrol officers and support staff to the department. Furthermore, this has also resulted from the PD having two Patrol Bureau Lieutenant's positions open and no one applying for the open positions due to pay compression concerns. This is the first step in the PD organization when a Sergeant who is an hourly employee would transition to Lieutenant and become salary. Many of the top candidates stated they could not take the position because it would be a "pay cut" they could not afford.

The PD staff has vetted this proposal and agrees it is a needed move considering the current needs and also, is comfortable with span of control concerns with immediate supervision. Span of control for a law enforcement shift is typically one supervisor for seven officers. This plan more than fits that minimum as each shift has two immediate supervisors; one Sergeant and one Corporal. Dissolving the two patrol Lieutenants and the difference in pay between the former Captain and the newly promoted Captain would create a payroll savings. We will apply the savings to three new Patrol Officer and one part-time secretary position while saving our current budget over \$7,000. The part-time secretary will serve a need in the Community Relations Unit and Department Accreditations. I feel this is yet another way the PD is stepping forward to find ways to do more with less. This will also take our need from 11 to 10 Patrol Officers.

Attached is the current Patrol Bureau organizational chart along with the proposed changes. Furthermore, the finance breakdown of costs savings and allocations is included as well as the part-time secretary job description.

JOB TITLE: Administrations Bureau - Secretary

DEPARTMENT: Police, City of Statesboro

JOB SUMMARY: This position is under the Administrations Bureau and is responsible for providing secretarial support to the Public Relations Officer and Accreditation Manager.

MAJOR DUTIES:

Types general correspondence, memoranda, reports, spreadsheets, daily bulletins, and other materials from general instructions for the Community Relations Unit and Accreditation Manager.

Processes incoming and outgoing mail for the Community Relations Unit and Accreditation Manager.

Compiles Community Event Monthly and Annual Reports.

Compiles various reports as requested.

Data entry for local City businesses for the after-hours emergency key holder information for MDS CAD.

Orders Public Relations Unit and Accreditation Manager supplies;

Prepares purchase orders and requisitions as needed.

Schedule community events with departmental personnel.

Assist persons at the front counter for the Community Relations Unit.

Answers the telephone, transfers calls, and takes messages as needed.

Types, copies, and files various confidential materials.

Assist with upkeep of community programs.

Maintains records for the Community Relations Unit.

Disseminates information to Department employees as requested.

Assists in maintaining department social media presence.

Maintains lobby area and surrounding locations brochure/ informational racks.

Performs other related duties as assigned.

KNOWLEDGE REQUIRED BY THE POSITION:

Knowledge of modern office practices and procedures.

Knowledge of Department policies and procedures and City purchasing policies.

Knowledge of applicable federal and state statutes, city ordinances, and Department policies and procedures.

Knowledge of Georgia Crime Information Center (GCIC) rules and regulations.

Skill in records maintenance and file management.

Skill in performing basic mathematical calculations.

Skill in operating various office equipment, including a calculator, copier, facsimile machine, shredder, and personal computer.

Skill in dealing with the public.

Skill in oral and written communication.

SUPERVISORY CONTROLS: The Public Relations Officer assigns work in terms of general instructions and is considered the direct supervisor for this position. Accreditation Manager may also assign work. Completed work is spot-checked for compliance with procedures and accuracy.

GUIDELINES: Guidelines include City and Department policies and procedures, standard office practices, and city ordinances. These guidelines are generally clear and specific, but may require some interpretation in application.

COMPLEXITY: The work consists of related secretarial duties.

SCOPE AND EFFECT: The purpose of this position is to provide secretarial support to the Community Relations Unit and Accreditation Manager. Successful performance helps ensure the efficient operation of the Department.

PERSONAL CONTACTS: Contacts are typically with co-workers, other city employees, law enforcement officials, and the general public.

PURPOSE OF CONTACTS: Contacts are typically to give or exchange information and provide services.

PHYSICAL DEMANDS: The work is typically performed while sitting at a desk, with intermittent standing or stooping.

WORK ENVIRONMENT: The work is typically performed in an office.

SUPERVISORY AND MANAGEMENT RESPONSIBILITY: None.

MINIMUM QUALIFICATIONS:

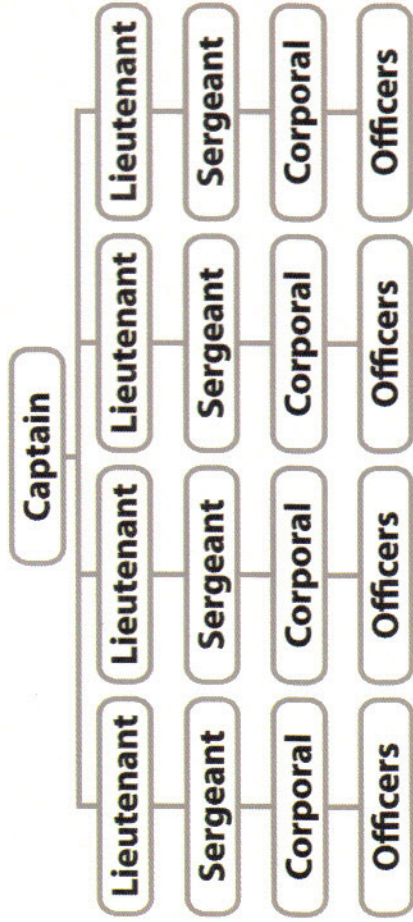
Ability to read, write, perform basic mathematical calculations, and perform basic secretarial duties at a level commonly associated with the completion of high school or equivalent.

Experience in understanding the basic principles relevant to the major duties of the position.

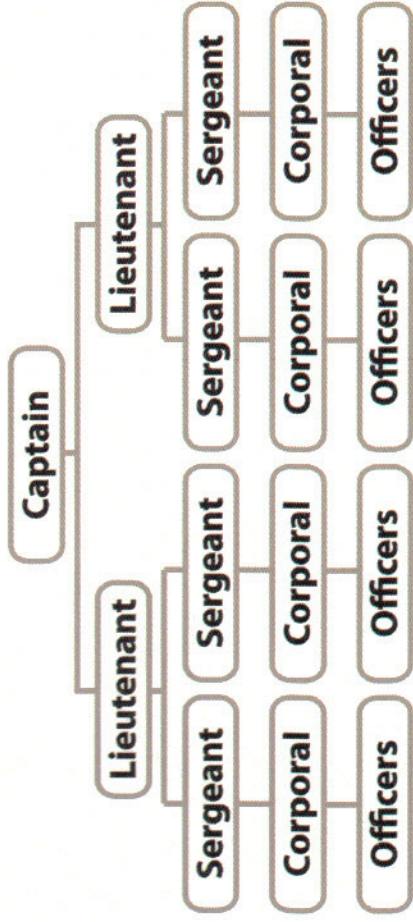
DISCLAIMER STATEMENT:

This job description lists typical examples of work and is not intended to include every job duty and responsibility specific to a position. An employee may be required to perform other related duties not listed in the job description provided that such duties are characteristic of the position.

Current Organizational Structure



Proposed Organizational Structure



+

New Officer

New Officer

New Officer

+

Part-time Community Relations Secretary

	Salary	Christmas Bonus	FICA	Rtmt	w/comp	Health Insurance	OPEB	Life/Disability	TOTAL	PROPOSED
21R Chappel, Mike Lieutenant	69,852	108	5351.986	4197.636	2728.463	12172	750	416.04	95,577	95,577
21E Forney Lieutenant	50,672	108	3884.715	3046.835	1980.443	12172	750	304.92	72,920	
Forney Captain	53,206	108	4078.537	3198.852	2079.254	12172	750	400	75,993	
22K Woodrum Captain	64,865	108	4970.438	3898.383	2533.949	12172	750	379.68	89,677	13,685
21B Lieutenant	47,054	108	3607.938	2829.755	1839.341	12172	750	379.68	68,741	68,741
PROPOSED:										
14B New Police Officer	31,697	108	2433.102	1908.315	1240.405	12172	750	379.68	50,689	127,314
14B New Police Officer	31,697	108	2433.102	1908.315	1240.405	12172	750	379.68	50,689	76,625
14B New Police Officer	31,697	108	2433.102	1908.315	1240.405	12172	750	379.68	50,689	25,936
9A Part Time Secretary	17281.68	108	1330.311		45.21317				18765.2	7,171 SAVINGS

RESOLUTION NO. 2015-06

A RESOLUTION TO OPPOSE THE INITIAL VERSION OF THE STATE OF GEORGIA'S TRANSPORTATION FUNDING ACT OF 2015

WHEREAS, the Joint Study Committee on Critical Transportation Infrastructure Funding has issued a report which identifies the need for the State of Georgia to raise additional revenue to address transportation needs; and

WHEREAS, House Bill 170 has now been introduced which recommends the state invest over \$1 billion annually in transportation related projects, with over \$500 million of the \$1 billion coming from local sales taxes from cities, counties and school systems; and

WHEREAS, in 2013, local governments in Georgia collected \$516 million in local sales taxes (LOST, SPLOST, ELOST, ESPLOST, HOST, MARTA and Atlanta's MOST) from the sales of motor fuel; and

WHEREAS, if motor fuel is removed or exempted from local sales taxes, the Georgia Municipal Association estimates that Bulloch County could lose approximately \$3,860,000 annually, including proceeds to the Statesboro City government, the Bulloch County government and the Bulloch County school system; and

WHEREAS, in 2013, the total amount of SPLOST funds spent on transportation by the cities and counties of Georgia was approximately \$746 million; and

WHEREAS, Georgia's local governments have made and continue to make substantial investments toward transportation projects; and

WHEREAS, this Council urges the members of the Georgia General Assembly and our local delegation to strongly oppose any provision or measure to reduce allocation of sales tax funding to local governments;

NOW, THEREFORE, BE IT RESOLVED the City Council of Statesboro, Georgia hereby urges the Georgia General Assembly and our local delegation to strongly oppose any bill, provision or measure to re-allocate local sales tax funding from local governments to the state of Georgia

BE IT FURTHER RESOLVED that this Resolution was introduced and adopted at a Regular Meeting of the City Council of Statesboro, Georgia, held on the 17th day of February, 2015.

Mayor Jan J. Moore, City of Statesboro

Councilman Phil Boyum, District 1

Councilman Gary Lewis, District 2

Councilman Will Britt, District 3

Councilman John Riggs, District 4

Councilman Travis Chance, District 5

ATTEST:

Sue Starling, City Clerk

Memo



TO: Robert Cheshire, City Manager

FROM: Darren Prather, Purchasing Director

DATE: 2-10-2015

Re: Recommendation— Award of Purchase Contract/Dump Trucks

The City of Statesboro solicited sealed bids for a dump truck to be utilized at the Refuse Transfer Station. This sealed bid required a minimum of 380 HP complete with a Cummins diesel engine matched with an Allison transmission and a dump body. This dump truck, if approved, would replace a 1995 model and would be paid for out of 2013 SPLOST funds. Bid notices were sent to several dealers and four attended the mandatory pre-bid meeting. The sealed bid results are as follows:

Dealer	Truck Description	Bid Amount
1. MHC Kenworth	Kenworth T880	\$140,198.67
2. Roberts International	International 5900i	\$133,432.65
3. Freightliner of Sav.	Freightliner 122SD	\$128,589.00

This dump truck is to replace an existing 1995 model currently in use at the transfer station and is listed under CIP# SWD-32 with a budgeted amount of \$165,000.00. In addition, we have an existing 1995 model scheduled to be replaced in the 2016 CIP budget being utilized in the Streets Division of Public Works. This truck has a CIP # ENG STS 21/T1 and a budgeted amount of \$140,000.00. The projected delivery time on these trucks is nine months due to production demands. Having met required specifications, we recommend the purchase contract be awarded to Freightliner of Savannah for the purchase of two (2) dump trucks in the amount of \$128,589.00 each for a total of \$257,178.00. The original bid was for one unit, but given the delivery time and the pricing offered, we recommend the contract be awarded as stated.



Jan Moore, Mayor

COUNCIL

Phil Boyum - DISTRICT 1
Gary L. Lewis - DISTRICT 2
William P. Britt - DISTRICT 3
John C. Riggs - DISTRICT 4
Travis L. Chance - DISTRICT 5

CITY OF STATESBORO

WATER & WASTEWATER
302 BRIARWOOD ROAD
STATESBORO, GEORGIA 30458
(912) 681-1161
FAX: (912) 681-8932

H. Wayne Johnson,
Director of Water & Wastewater
Van H. Collins,
Assistant Director of Water &
Wastewater
Matthew Aycock,
Wastewater Superintendent
Aulbert Brannen III,
Maintenance Superintendent
Danny Lively,
Water Superintendent

MEMO

To: Robert Cheshire, Interim City Manager
From: H. Wayne Johnson, Director of Water and Wastewater
Date: February 10, 2015
RE: Southeast Quadrant Water and Sewer Extension

Please place the attached proposed Summary Change Order No. 2 for the Southeast Quadrant Water and Sewer Extension on the February 17, 2015 council agenda.

The original contract amount for part A and B was \$1,236,568.62. City Council authorized an additional \$28,000.00 for directional bores on Part B for an adjusted contract amount of \$1,264,568.61. This is a unit price contract. Summary Change order reflects the actual quantities installed. The revised contract amount is \$1,278,347.50 and an increase of \$13,778.89. Budget for this project was set at \$1,600,000.00. This will close the contract.



HUSSEY, GAY, BELL & DEYOUNG, INC.
CONSULTING ENGINEERS

January 16, 2015

Mr. Wayne Johnson
City of Statesboro
302 Briar Wood Road
Statesboro, Georgia 30458

**Re: Southeast Quadrant Water and Sewer Extension
For the City of Statesboro**

Dear Mr. Johnson:

Forwarded herewith are three (3) copies of proposed Change Order No. 2 (SUMMARY) for the above referenced project. Please have executed on behalf on the Owner and return all **three (3) copies** to me for distribution.

Call if you have any questions.

Sincerely,

INMAN BEASLEY
Manager-Construction Division

cg
Enclosures

329 COMMERCIAL DRIVE (31406) • P.O. BOX 14247 • SAVANNAH, GEORGIA 31416-1247 • TELEPHONE 912.354.4626 • FACSIMILE 912.354.6754

625 Green Street, N.E.
Gainesville, GA 30501
Telephone: 770.535.1133
Facsimile: 770.535.1134

474 Wando Park Blvd., Suite 201
Mt. Pleasant, SC 29464
Telephone: 843.849.7500
Facsimile: 843.849.7502

1219 Assembly Street
Columbia, SC 29201
Telephone: 803.799.0444
Facsimile: 803.799.1499



A Bell Company

Hussey, Gay, Bell & DeYoung, Inc. Consulting Engineers
P.O. Box 14247
Savannah, Georgia 31416

Summary Change Order

Contractor's Name & Address: Mr. Ty Tyson
Tyson Utilities Construction, Inc
777 Little Road
Metter, GA 30439

Date: January 6, 2015	Job #: 110259830.14	Change Order No. 2
-----------------------	---------------------	--------------------

RE: Southeast Quadrant Water and Sewer Extension
For the City of Statesboro

Description of Work to be Added, Deleted or Substituted:

See attached.

Justification:

Revised Completion Date: N/A

Original Contract Amount.....	\$ 1,164,961.50
Total Add/Delete Previous Change Order.....	\$ - 0 -
Total Add/Delete This Change Order.....	\$ 113,386.00
Revised Contract Amount.....	\$ 1,278,347.50

This change order amends above referenced contract and is subject to all terms and conditions stated in original contract.

Recommended By: [Signature] Date: January 6, 2015
Engineer: Hussey, Gay, Bell & DeYoung, Inc.

Accepted By: [Signature] Date: 1/13/2015
Contractor: Tyson Utilities Construction, Inc.

Approved By: _____ Date: _____
Owner: City of Statesboro

**SOUTHEAST QUADRANT WATER AND SEWER EXTENSION
CITY OF STATESBORO, GA
SUMMARY CHANGE ORDER**

PART A

Item No.	Description	Quantity	Unit	Unit Price	Total Cost
1.	12-inch PVC water main, AWWA C-900, DR-18	724	LF	\$ 21.00	\$ 15,204.00
2.	12-inch RJ PVC water main	-971	LF	\$ 27.80	\$ (26,993.80)
5.	Jack and Bore 24-inch steel casing for 12-inch water main	-40	LF	\$ 94.63	\$ (3,785.20)
6.	Insert 12-inch WM in Casing	-40	LF	\$ 48.76	\$ (1,950.40)
7.	2-inch polyethylene water service line to pump station	63	LF	\$ 4.85	\$ 305.55
9.	Fire Hydrant riser pipe kits				
	12-inch	2	EA	\$ 310.00	\$ 620.00
	18-inch	-2	EA	\$ 330.00	\$ (660.00)
	24-inch	-1	EA	\$ 350.00	\$ (350.00)
10.	Install 2-inch water meter, box and backflow preventor furnished by City		EA		
11.	12-inch Fusible PVC pipe installed by Horizontal Directional Drill	205	LF	\$ 80.24	\$ 16,449.20
13.	Misc. water main fittings (compact type)				
	12" Plug (6 @ 57 lbs)	-1	EA	\$ 157.35	\$ (157.35)
	12" x 90° Bend (1)		EA		
	12" x 45° Bend (18 @ 117 lbs)	1	EA	\$ 476.70	\$ 476.70
	12" 22.5° Bend (2 @ 94 lbs)	1	EA	\$ 476.70	\$ 476.70
	12" 11.25° Bend (3 @ 84 lbs)	-2	EA	\$ 449.95	\$ (899.90)
14.	12-inch PVC Gravity Sewer, SDR 26				
	8'-10' deep	-541	LF	\$ 20.73	\$ (11,214.93)
	10'-12' deep	51	LF	\$ 21.73	\$ 1,108.23
	12'-16' deep	9	LF	\$ 23.73	\$ 213.57
15.	8-inch PVC Gravity Sewer, SDR 26				
	4'-6' deep	21	LF	\$ 11.83	\$ 248.43
	6'-8' deep	37	LF	\$ 12.83	\$ 474.71
	8'-10' deep	23	LF	\$ 13.83	\$ 318.09
16.	4-ft. diameter standard manhole				
	8'-10' deep	-6	EA	\$ 2,265.00	\$ (13,590.00)
	10'-12' deep	5	EA	\$ 2,272.00	\$ 11,360.00
	12'-16' deep	1	EA	\$ 3,675.00	\$ 3,675.00
17.	Jack and Bore 30-inch steel casing for 12-inch gravity sewer	5	LF	\$ 248.65	\$ 1,243.25
18.	Insert 12-inch gravity sewer in casing	5	LF	\$ 49.04	\$ 245.20
25.	Remove unsuitable material, dispose offsite, replace with crushed stone	450	CY	\$ 50.00	\$ 22,500.00
26.	Remove unsuitable material, dispose offsite, replace with approved off-site borrow	170	CY	16.50	\$ 2,805.00
27.	Clearing	0.5	CY	\$ 3,950.00	\$ 1,975.00

32.	Remove and replace driveway culvert				
	18" RCP	-42	LF	23.82 \$	(1,000.44)
	24" RCP	-20	LF	31.67 \$	(633.40)
33.	Remove and replace curbing	-16	LF	20.00 \$	(320.00)
34.	8'-ft. chain link fence w/20-ft. wide gates (200'±)			6,315.00 \$	(6,315.00)
37.	12-inch RJ PVC force main	-165	LF	29.15 \$	(4,809.75)
38.	12-inch PVC force main	103	LF	22.40 \$	2,307.20
39.	8-inch RJ PVC force main	-100	LF	15.76 \$	(1,576.00)
40.	Misc. force main fittings				
	12" 90° Bend (1 @ 134 lbs))	-1	EA	658.92 \$	(658.92)
	12" 45° Bend (3 @ 117 lbs)	-3	EA	626.00 \$	(1,878.00)
	12" 22.5° Bend (1 @ 94 lbs)	-1	EA	607.00 \$	(607.00)
	12" 11.25° Bend (2 @ 84 lbs)	-2	EA	598.00 \$	(1,196.00)
	8" 90° bend (1 @ 67 lbs)	-1	EA	355.00 \$	(355.00)
	8" 45° bend (4 @ 55 lbs)	-4	EA	339.00 \$	(1,356.00)
	8" 11.25° bend (2 @ 45 lbs)	-2	EA	331.00 \$	(662.00)
	Total Part A				\$1,036.74

PART B

1.	12-inch PVC water main, AWWA C-900, DR-18	952	LF	\$ 21.00 \$	19,992.00
2.	12-inch RJ PVC water main	80	LF	\$ 27.80 \$	2,224.00
4.	Connect to Existing 8-inch Water Main (dry tap)	1	EA	\$ 618.00 \$	618.00
5.	8-inch GV and Box	2	EA	\$ 1,125.00 \$	2,250.00
8.	12-inch Flusible PVC pipe installed by HDD	710	LF	\$ 80.24 \$	56,970.40
11.	Remove and replace asphalt drive pavement	10	SY	\$ 58.50 \$	585.00
12.	Fire Hydrant, including GV, tee and lead	1	EA	\$ 2,514.66 \$	2,514.66
13.	Grassing	1,250	SY	\$ 0.30 \$	375.00
12.	Misc. water main fittings (compact type)			\$	-
	12"x8" Reducer	1	EA	\$ 400.00 \$	400.00
	8" Tee	1	EA	\$ 510.20 \$	510.20
14.	Remove 12" RJ plug and connect water main to Part "A"	1	LS	440.00 \$	440.00
15.	Miscellaneous	LS	LS	4,000.00 \$	4,000.00
					\$90,879.26
	Raise Entire Lift Station Site 18", including wet well and valve vault pit	LS		21,470.00 \$	21,470.00

TOTAL SUMMARY CHANGE ORDER

\$113,386.00

ADDENDUM NO. 2 - APRIL 26, 2012

I. SCHEDULE OF BID PROPOSAL:

Bidder must fill in unit prices in figures, make extensions of each item and total as indicated. For complete information concerning these items, see Plans and Specifications.

SOUTHEAST QUADRANT WATER AND SEWER EXTENSION
 BID SCHEDULE
 MARCH 2012
 PART A

Item No.	Description	Qty	Unit	Unit Cost	Total Cost
1.	12-inch PVC water main, AWWA C-900, DR- 18	5834	LF	21.00	122,514. ⁰⁰
2.	12-inch RJ PVC water main	4111	LF	27.80	114,285. ⁸⁰
3.	Connect to Existing 12-inch Water Main (Dry Tap)	2	EA	821.00	1,642. ⁰⁰
4.	12-inch GV and box	23	EA	1591.10	36,595. ³⁰
5.	Jack and Bore 24-inch steel casing for 12-inch water main	395	LF	94.63	37,378. ⁸⁵
6.	Insert 12-inch WM in Casing	395	LF	48.76	19,260. ²⁰
7.	2-inch polyethylene water service line to pump station	470	LF	4.85	2,279. ⁵⁰
8.	Fire Hydrant, including GV, tee and lead	20	EA	2514.66	50,293. ²⁰
9.	Fire Hydrant riser pipe kits 12-inch 18-inch 24-inch	4 2 2	EA EA EA	310.00 330.00 350.00	1240. ⁰⁰ 660. ⁰⁰ 700. ⁰⁰
10.	Install 2-inch water meter, box and backflow preventor furnished by City	1	EA	505.30	505. ³⁰
11.	12-inch Fusible PVC pipe installed by Horizontal Directional Drill	370	LF	80.24	29,688. ⁸⁰
12.	Yard hydrant	1	EA	225.00	225. ⁰⁰
13.	Misc. water main fittings (compact type) 12" Plug (6 @ 57 lbs) 12" x 90° Bend (1) 12" 45° Bend (18 @ 117 lbs) 12" x 12" Tee (5 @ 184 lbs) 12" 22.5° Bend (2 @ 94 lbs) 12" 11.25° Bend (3 @ 84 lbs.)	6 1 18 5 2 3	EA EA EA EA EA EA	157.35 508.80 476.70 734.30 476.70 449.95	944. ¹⁰ 508. ⁸⁰ 8580. ⁶⁰ 3671. ⁵⁰ 453. ⁴⁰ 1349. ⁸⁵

ADDENDUM NO. 2 - APRIL 26, 2012

Item No.	Description	Qty	Unit	Unit Cost	Total Cost
14.	12-inch PVC Gravity Sewer, SDR 26 8'-10' deep 10'-12' deep 12'-16' deep	2153 2253 556	LF LF LF	20.73 21.73 23.73	44,631. ⁶⁹ 48,957. ⁶⁹ 13,193. ⁸⁸
15.	8-inch PVC Gravity Sewer, SDR 26 4'-6' deep 6'-8' deep 8'-10' deep	993 300 150	LF LF LF	11.83 12.83 13.83	11,747. ¹⁹ 3,849. ⁸⁰ 2,074. ⁵⁰
16.	4-ft. diameter standard manhole 4'-6' deep 6'-8' deep 8'-10' deep 10'-12' deep 12'-16' deep	3 2 10 9 6	EA EA EA EA EA	1375.30 1687.65 2265.00 2272.00 3675.00	4,125. ⁹⁰ 3,375. ³⁰ 22,650. ⁰⁰ 20,448. ⁰⁰ 22,050. ⁰⁰
17.	Jack and Bore 30-inch steel casing for 12-inch gravity sewer	45	LF	248.65	11,189. ²⁵
18.	Insert 12-inch gravity sewer in casing	45	LF	49.04	2,206. ⁸⁰
19.	6-inch crusher run stone @ pump station site	280	SY	13.66	3,824. ⁸⁰
20.	24" RCP	20	LF	27.67	553. ⁴⁰
21.	Misc. gravity sewer fittings 12" Plug (1@57 lbs)	1	EA	118.48	118. ⁴⁸
22.	Gravel access road to pump station	80	SY	15.00	1,200. ⁰⁰
23.	Grassing Ds1, Ds2, Ds3, Du	43,100	SY	.30	12,930. ⁰⁰
24.	Silt Fence Sd1-A Sd1-C Cd-S	2490 13485 3	LF LF EA	1.34 2.00 200.00	3,336. ⁶⁰ 26,970. ⁰⁰ 600. ⁰⁰
25.	Remove unsuitable material, dispose offsite, replace with crushed stone	100	CY	50.00	5,000. ⁰⁰
26.	Remove unsuitable material, dispose offsite, replace with approved off-site borrow	100	CY	16.50	1,650. ⁰⁰
27.	Clearing	4.5	AC	3,950.00	17,775. ⁰⁰
28.	Remove and replace asphaltic concrete pavement	36	SY	63.50	2,286. ⁰⁰

ADDENDUM NO. 2 - APRIL 26, 2012

Item No.	Description	Qty	Unit	Unit Cost	Total Cost
29.	Remove and replace asphalt drive	25	SY	63.50	1587.50
30.	Remove and replace concrete pavement	52	SY	53.50	2782.00
31.	Restore earth drive with 4" graded granite stone	240	SY	10.50	2520.00
32.	Remove and replace driveway culvert				2262.90
	18" RCP	95	LF	23.82	
	24" RCP	20	LF	31.67	633.40
33	Remove and replace curbing	16	LF	20.00	320.00
34.	8-ft. chain link fence w/20-ft wide gates (200'+)	Lump Sum		6315.00	6315.00
35.	Pump Station with 12-ft. diameter concrete wet well and slab and valve vault. Duplex submersible pumps incl. wet well piping, check valves, plug valves, couplings, all electrical and testing/start up, bypass connection for a fully operable station.	Lump Sum		323,597.95	323,597.95
36.	Cut in MJ plug valve and box into existing 8" force main, incl. sleeves	2	EA	2942.00	5884.00
37.	12-inch RJ PVC force main	325	LF	29.15	9473.75
38.	12-inch PVC force main	95	LF	22.40	2128.00
39.	8-inch RJ PVC force main	140	LF	15.76	2206.40

359,710.90

ADDENDUM NO. 2 - APRIL 26, 2012

85,230.0

Item No.	Description	Qty	Unit	Unit Cost	Total Cost
40.	Misc. force main fittings	1	EA	658.92	658.92
	12" 90° bend (1 @ 134 lbs)	3	EA	626.00	1,078.00
	12" 45° bend (3 @ 117 lbs)	1	EA	607.00	607.00
	12" 22.5° bend (1 @ 94 lbs)	2	EA	598.00	1,196.00
	12" 11.25° bend (2 @ 84 lbs)	3	EA	1037.00	3,111.00
	12" x 8" wye (3 @ 220 lbs)	2	EA	497.00	994.00
	12" x 8" Reducer (2 @ 74 lbs)	1	EA	358.00	358.00
	8" 90° bend (1 @ 67 lbs)	4	EA	339.00	1356.00
	8" 45° bend (4 @ 55 lbs)	2	EA	331.00	662.00
	8" 11.25° bend (2 @ 45 lbs)				
41.	Grading, spreading, disposal excess excavating material, remove and replace signs, remove and replace monuments, tree protection, construction access pads, mobilization clean-up, insurance, bonds and other miscellaneous items not specifically listed but necessary for a complete job	JOB	LS	36,000.00	36,000.00
42.	SCADA Allowance for Revere (including 7% sales tax)	1	LS	38,413.00	38,413.00
	PART A	TOTAL ALL ITEMS			50 1,164,961.40

Part 'B' 71607.11

Approved 1,286,568.61
 28,020.00
 \$1,264,568.61

TOTAL PART A IN WORDS:

One Million One Hundred Sixty-Four Thousand Nine Hundred

Sixty One ⁵⁰/₁₀₀ Dollars (\$ 1,164,961.40)

50

ADDENDUM NO. 2 - APRIL 26, 2012

PART B- ALTERNATE

Item No.	Description	Qty	Unit	Unit Cost	Total Cost
1.	12-inch PVC water main, AWWA C-900, DR- 18	800	LF	21.00	16,800.00
2.	12-inch RJ PVC water main	380	LF	27.80	10,564.00
3.	Connect to Existing 12-inch Water Main (Dry Tap)	1	EA	821.00	821.00
4.	12-inch GV and box	2	EA	1,591.10	3,182.20
5.	Jack and Bore 24-inch steel casing for 12" water main	140	LF	94.63 17.7	13,248.20
6.	ARV in Manhole	1	EA	2,559.85	2,559.85
7.	Insert 12 inch RJ in Casing	140	LF	48.76	6,826.40
8.	Remove and replace asphalt drive pavement	90	SY	58.50	5,265.00
9.	Fire Hydrant, including GV, tee and lead	1	EA	2,514.66	2,514.66
10.	Grassing	2250	SY	.30	675.00
11.	Sd1-A	1020	LF	1.34	1366.80
12.	Misc. water main fittings (compact type) 12" 45° Bend (4 @ 117 lbs) 12" x 2" Tee (1 @ 184 lbs) 12 "90 ° Bend 12" Plug	4 1 1 1	EA EA EA EA	476.00 445.00 508.00 187.00	1904.00 445.00 508.00 187.00
13.	Remove 12" RJ plug and connect water main to Part "A"	JOB	LS	440.00	440.00
14.	Clearing	0.1	AC	5,000.00	500.00
15.	Grading, spreading, disposal excess excavating material, remove and replace signs, remove and replace monuments, tree protection, construction access pads, mobilization clean-up, insurance, bonds and other misc. items not specifically listed but necessary for a complete job	JOB	LS	4,000.00	4,000.00

6826.40

71,667.11

ADDENDUM NO. 2 - APRIL 26, 2012

	PART B ALTERNATE	TOTAL ALL ITEMS		71,667.11
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TOTAL PART B ALTERNATE IN WORDS:

Seventy One thousand Six Hundred Sixty-Six & 11/100
Dollars (\$ 71,667.11)

For and in consideration of the sum of \$1.00, the receipt of which is hereby acknowledged, the Undersigned agrees that this proposal may not be revoked or withdrawn after the time set for the opening of bids but shall remain open for acceptance for a period of sixty days following such time.

In case he be notified in writing by mail, telegraph, or delivery of the acceptance of the Proposal within sixty days after the time set for the opening of bids, the Undersigned agrees to execute within ten days a Contract (Form of Agreement between Contractor and Owner) for the work for the above stated compensation and at the same time to furnish and deliver to the Owner a Performance Bond and Payment Bond in accordance with the instructions bound in the specifications, each in an amount equal to 100 percent of the contract sum.

The Undersigned agrees to commence actual physical work on the site with an adequate force and equipment within ten days of a date to be specified in a written order from the Owner and to complete fully all work within Part A within 300 consecutive calendar days, or within _____ consecutive calendar days if different than specified. All work with Part B Alternate must be fully completed within 150 consecutive calendar days. The Undersigned Bidder agrees to pay to the Owner, Liquidated Damages as stated in the Special Conditions for each consecutive calendar day of delay in an amount not to exceed \$500.00 per day for Part A and \$500.00 per day for Part B.

Enclosed herewith is a Bid Bond in the amount of 3%

_____ Dollars (\$ _____) being not less than 5 percent of the Base Bid. The Bid Bond must be submitted on a form acceptable to the Owner. The Undersigned agrees that the above stated amount is the proper measure of liquidated damages which the Owner will sustain by the failure of the Undersigned to execute the Contract and to furnish the performance Bond and Payment Bond in case this proposal is accepted and further agrees to the following:

If this Proposal is accepted within 90 days after the date set for the opening of bids and the Undersigned fails to execute the Contract within 10 days after written notice of such acceptance or if he fails to furnish both a Performance Bond and Payment Bond, the obligation of the Bid Bond will remain in full force and effect and the money payable thereon shall be paid into the funds of the

1
CHANGE OF LICENSEE

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: BI-LO # 5567
D/B/A Name

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

3. BUSINESS LOCATION ADDRESS: 325 NORTHSIDE DRIVE STE# 1

4. BUSINESS MAIL ADDRESS: P. O. BOX 2209

CITY: JACKSONVILLE STATE: FLORIDA ZIP CODE: 32203

5. LOCAL BUSINESS TELEPHONE NUMBER: (912) 489-1465

CORPORATE OFFICE TELEPHONE NUMBER: (904) 783-5578

6. CONTACT NAME FOR BUSINESS: JUNE ROSS

TELEPHONE NUMBER FOR CONTACT PERSON: (904) 783-5578

7. NAME OF MANAGER: DEBRA MCKENZIE
(Person responsible for Alcohol Licensing issues)

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

NEW BUSINESS: _____ NEW MANAGER: DEBRA MCKENZIE
NEW OWNER: _____
MANAGER'S NAME

PREVIOUS OWNER'S NAME: TERESA MCELVEEN

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