



**CITY OF STATESBORO
Council Minutes
March 03, 2015**

A regular meeting of the Statesboro City Council was held on March 03, 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 and Gary Lewis. Also present were Interim City Manager Robert Cheshire, City Clerk Sue Starling, City Attorney Alvin Leaphart, Assistant City Engineer Jason Boyles and Director of Planning and Development Mandi Cody. Absent was Councilman Travis Chance.

The Council Meeting was called to order by Mayor Jan Moore.

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

Recognitions/Public Presentations

- A) Presentation of a Proclamation for “Nursing Home Week”**
- B) Presentation by Allen Burns, Executive Director of the Coastal Regional Commission, regarding services provided by the CRC**

Mayor Moore presented a Proclamation to Jo Lucke of Eagle Health and Rehabilitation. Ms. Lucke was joined by other colleagues from various other Nursing Home employees to accept the Proclamation.

Allen Burns updated Council on the increase rate from \$1.00 to \$1.30 per Capita. This number was based on the population from the census report. He further explained the money would be used to increase the reserves for the transit program.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

- A) Approval of Minutes**
 - a) 02-17-2015 Council 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.

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).

Councilman Boyum made a motion, seconded by Councilman Riggs to open the public hearing. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

John Dotson representing Brason Investments spoke in favor of the amendment. Jason Parker owner of the property also spoke in favor of the request. No one spoke against the request.

Councilman Britt made a motion, seconded by Councilman Boyum to close the public hearing. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Mayor Moore asked for a motion to approve the rezone amendment for Application RZ 14-11-03. The request died from the lack of a motion. The item will be brought back for the next Council Meeting as a “Special Exception”.

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

	<u>Offense in 12 month period</u>	<u>Citation Date</u>
1. Casey Lynn Scarborough (tabled from last Council Meeting) Wings Over Boro Inc/Wild Wings 52 Aspen Heights Drive	1st offense	December 19, 2014
2. J E McCormack & Jay Hildebrand Gate Petroleum #226 240 South Main Street	1st offense	January 22, 2015
3. J E McCormack & Jay Hildebrand Gate Petroleum #227 700 Northside Drive East	1st offense	January 22, 2015
4. Rameshchandra Patel Kevins Food Mart 400 South Zetterower Avenue	1st offense	January 22, 2015
5. Alicia Renee Briley (Dana F Black & Ashley A Hunter) Walgreens Co 516 Northside Drive East	1st offense	January 22, 2015

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

Mr. John McMann and Mr. Jay Hilderbrand waived their rights to a hearing and agreed to the violation of furnishing alcohol to under age persons at Gate Petroleum #226, 240 South Main Street. Mayor Moore then asked for a motion and Mr. McMann 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 Lewis to accept the guilty plea from Mr. McMann. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

For the penalty of the violation, Councilman Lewis made a motion seconded by Councilman Boyum to consider this a first offense with a warning. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Mr. John McMann and Mr. Jay Hilderbrand waived their rights to a hearing and agreed to the violation of furnishing alcohol to under age persons at Gate Petroleum #227, 700 Northside Drive East. Mayor Moore then asked for a motion and Mr. McMann 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 Lewis to accept the guilty plea from Mr. McMann. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

For the penalty of the violation, Councilman Lewis made a motion seconded by Councilman Boyum to consider this a first offense with a warning. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Mr. Patel waived his right to a hearing and agreed to the violation of furnishing alcohol to under age persons at Kevin's Food Mart 700 South Zetterower Ave. Mayor Moore then asked for a motion and Mr. Patel 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 Lewis to accept the guilty plea from Mr. Patel. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

For the penalty of the violation, Councilman Lewis made a motion seconded by Councilman Riggs to consider this a first offense with a warning. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Mayor Moore asked if anyone was present to represent Walgreens located at 516 Northside Drive. Lt. Rob Bryan stepped forward and stated that the chief paralegal from Walgreens has been in contact with him and that the document was signed by their licensee who is at their corporate headquarters. The document signed by John Mann was to enter a guilty plea; Mr. Mann waived his right to a hearing and agreed to the violation of furnishing alcohol to under age persons at Walgreens Co. 516 Northside Drive East. Mayor Moore then asked for a motion 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 Lewis made a motion

seconded by Councilman Britt to accept the guilty plea from Mr. Mann. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote. For the penalty of the violation, Councilman Lewis made a motion seconded by Councilman Britt to consider this a first offense with a warning. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Casey Lynn Scarborough from Wings over Boro Inc/Wild Wings entered a plea of not guilty. Lovett Bennett represented Casey Lynn Scarborough Wings Over Boro Inc./Wild Wings. Mr. Bennett presented his case as to why they should be found not guilty in violation of the Chapter 6 Ordinance of the City of Statesboro furnishing alcohol to an underage person. He stated that a minor was served alcohol so in turn the Chapter 6 Alcohol ordinance of the City of Statesboro was violated but that the ordinance does not define a violation. He also stated that the chapter 6 says that you are in violation when you knowingly sell alcohol to a minor. In the young man's statement he admits that he did serve alcohol to the minor by mistake. He looked at the driver's license but for the year of birth he read 1991 instead of what was on the license of 1994. Mr. Bennett says that he did not knowingly sell alcohol to a minor. It was a mistake. Lt. Bryan stated that alcohol was sold to an underage person knowingly. The license that was presented was a GA issued driver's license. Mayor Moore then asked for a motion based on the evidence presented here today Casey Lynn Scarborough from Wings over Boro Inc/Wild Wings 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 Lewis made a motion based on the evidence presented to find Casey Lynn Scarborough from Wings over Boro Inc/Wild Wings guilty of violation of the Chapter 6 Ordinance of the City of Statesboro this motion was seconded by Councilman Britt. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote. For the penalty of the violation, Councilman Lewis made a motion seconded by Councilman Riggs to consider this a first offense with a warning. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve RESOLUTION 2015-08: A Resolution authorizing the waiver of any payment in lieu of taxes (pilot) by the Statesboro Housing Authority to the City of Statesboro for the 2014 tax year in the amount of \$19,021.88.

Councilman Lewis made a motion, seconded by Councilman Britt to approve RESOLUTION 2015-08: A Resolution authorizing the waiver of any payment in lieu of taxes (pilot) by the Statesboro Housing Authority to the City of Statesboro for the 2014 tax year in the amount of \$19,021.88. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to award a contract for a Police records management software system to be funded from SPLOST 2007 and 2013 to SunGard Public Sector in an amount not to exceed \$460,000.00.

Councilman Lewis made a motion, seconded by Councilman Riggs to award a contract for a Police records management software system to be funded from SPLOST 2007 and 2013 to SunGard Public Sector in an amount not to exceed \$460,000.00. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to approve the installation of a fiber optic conduit system to Gregory Electric in the amount of \$149,202.00. This fiber optic conduit system will provide a buried network infrastructure to City buildings and offer GSU a direct connection with the COS/GSU Fab Lab. This project was budgeted in the IT Department for FY 2015 from 2013 SPLOST.

Councilman Boyum made a motion, seconded by Councilman Britt to approve the installation of a fiber optic conduit system to Gregory Electric in the amount of \$149,202.00. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to set the date, time and place for the 2015 Budget Retreat

Councilman Riggs made a motion, seconded by Councilman Britt to set the budget retreat date for April 2, 2015 at 9:00 am in the City Hall Council Chambers. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Other Business from City Council

A) Discussion of holding off-site Council meetings – Councilman Boyum

Councilman Boyum would like for a Council meeting to be held at GSU, Statesboro High School and Luetta Moore Park. There were no objections to the proposal.

City Managers Comments

A) City Clerks Dept. (Notice of alcohol application)

a) 441 Public Kitchen & Bar is applying for alcohol license pending the background investigation. The name is Janetta Alabi-Isama.

b) Sparker's is applying for a change in alcohol license holder pending the background investigation. The name is Nimisha Patel.

Interim City Manager Robert Cheshire announced a reminder of the new time for the evening Council meeting. It will now begin at 5:30pm. Mr. Cheshire also updated Council on the emergency purchase of a compressor for the Fire Department. He also reported Henry Clay has resigned as chairman of the Tree Board Committee. Wesley Parker will be replacing him.

Finance Director Cindy West updated Council on the ribbon cutting for the Arts Center located on W. Main St.

Director of Public Safety Wendell Turner updated Council on planned events such as Public Field Day and the Youth Citizens Academy.

Director of Human Resource Jeff Grant updated Council on Fit by '16 and presented Steve Gravely with a \$100.00 check for having taken the most steps.

Public Comments (General)

A) Mrs. Mary Sue Hodges request to address Council.

Mrs. Hodges cancelled her request before the meeting.

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

At 12:15 pm, Councilman Lewis made a motion, seconded by Councilman Riggs to enter into Executive Session to discuss “Potential Litigation” in accordance with O.C.G.A.§50-14-3 (2012). Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Mayor Moore called the regular sessions back to order.

At 12:25 pm, Councilman Riggs made a motion, seconded by Councilman Britt to come out of Executive Session. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to Adjourn

At 12:25 pm, Councilman Riggs made a motion, seconded by Councilman Britt to adjourn. Councilman Britt, Boyum, Riggs and Lewis voted in favor of the motion. The motion carried by a 4-0 vote.

The meeting was adjourned at 12:25pm.