



March 15th , 2011 6:00 P.M.

1. Call to Order by Mayor Joe Brannen
2. Invocation and Pledge of Allegiance by Councilman Gary Lewis
3. Approval of Minutes:
 - a) March 01, 2011 Council Minutes
 - b) March 01, 2011 Council Work Session Minutes
4. Recognitions/Public Presentations
 - a) Kristine Yager-Rushton request to speak to Council concerning the 5K Run/Fun Walk and the Lifelink of Georgia.
 - b) Statesboro Convention and Visitors Bureau (SCVB) request to speak to Council concerning the 1% increase for Hotel Motel Tax
5. Public Comments (Agenda Item):
6. Consideration of a Motion to approve/deny 1st reading for the application of alcohol license.
 - a) Christian K. Bennett (Van Goughs Pizza)
 - b) Carrie Anne C. Vescio (Mangiamo LLC - adding liquor)
7. Consideration of a Motion to approve 2nd reading to amend **Ordinance 2011-02**: An Ordinance amending the Statesboro Municipal Code regarding traffic and vehicles by increasing the technology surcharge from \$10.00 to \$20.00 per offense for all offenses against the ordinances of the City of Statesboro or laws of the State of Georgia.
8. Consideration of a Motion to approve **APPLICATION # RZ 11-01-01**: Hendley Properties requests a zoning map amendment on behalf of Ray Hendley from R-15 (Single-Family Residential) District to R-3 (Medium Density Multiple Family Residential) District on Gentilly Road.
9. Consideration of a Motion to approve **APPLICATION # RZ 11-02-01**: Divine Deliverance Worship Center requests a zoning map amendment on behalf of JoAnn Washington from O (Office) District to CR (Commercial Retail) District of 1.21 acres of property located at 151 Williams Road.
10. Consideration of a Motion to approve **APPLICATION # V 11-02-02**: Sea Island Bank requests a variance from Section 603 of the *Statesboro Zoning Ordinance* in order to divide property into two (2) parcels for property located at 506 South College Street.

11. Consideration of a Motion to approve awarding of contract to Savannah Paving Company, Inc. to complete sidewalk along Bermuda Run Road.
12. Consideration of a Motion to approve awarding of contract to Southeastern Civil, Inc. to install storm drainage piping in segment of ditch located along Lanier Drive near Paulson Stadium.
13. Consideration of a Motion to approve **Resolution 2011-09**: A Resolution to increase Hotel/Motel Tax by 1% for purposes of marketing the City of Statesboro.
14. Consideration of a Motion to approve 1st reading of **Ordinance 2011-03**: A Ordinance allowing for the creation of a revised City of Statesboro Charter.
15. Consideration of a Motion to approve the April 19th, 2011 City of Statesboro Council meeting to be held on the Georgia Southern University Campus in the Nesmith-Lane Building.
16. Reports from Staff:
 - a) City Manager's Report
 - b) Department Head Reports
17. Other Business from City Council
18. Public Comments (General):
19. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
CITY COUNCIL MINUTES
March 01, 2011**

A regular meeting of the Statesboro City Council was held on March 01, 2011 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Joe R. Brannen, Council Members: Will Britt, Tommy Blich, John Riggs, Gary Lewis and Travis Chance. Also present were City Clerk Sue Starling, Staff Attorney Michael Graves, Director of Community Development Mandi Cody, and City Engineer Robert Cheshire. Absent was Interim City Manager Frank Parker,

Approval of Minutes:

- a) February 15, 2011 Work Session Minutes**
- b) February 15, 2011 Council Minutes**

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to approve the Council Minutes and Work Session minutes of February 15th, 2011. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Recognitions/Public Presentations

- a) Statesboro Convention and Visitors Bureau (SCVB) request to speak to Council concerning the 1% increase for Hotel Motel Tax**

Mayor Brannen stated the Statesboro Convention and Visitors Bureau (SCVB) requested their item to be removed from the agenda until a later date.

- b) Donation from Mr. Mikell Smith in the amount of \$500.00 for the Statesboro Fire Department Fire Prevention Fund. Fire Commander Tim Grams will accept the donation.**

Mr. Smith presented a check in the amount of \$500.00 dollars to the Statesboro Fire Department Fire Prevention Fund in honor of the Fire Department saving one of his children from a house fire.

- c) Retirement of Mr. Bill Mincey, Parks and Tree Maintenance Supervisor for 18 years of service to be effective March 31, 2011**

Senior Assistant City Engineer Jason Boyles spoke of Mr. Bill Mincey's achievements while working with the City. Mr. Mincey thanked Council and his co-workers for their support in the years he has worked with the City. Mayor Brannen presented Mr. Mincey with a retirement plaque as everyone wished him well on his retirement.

Consideration of a Motion to approve a Special Event Permit:

- a) Carolyn Altman (Wine, Moonlight,& Magnolias Benefit for Botanical Gardens)
- b) Tim Chapman (Harvey Show)
- c) Tim Chapman (Justin David Show)
- d) Tim Chapman (Greater Tuna Show)
- e) Tim Chapman (Pres. Pathway Exhibit)

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to approve the special event permits for Carolyn Altman (Wine, Moonlight,& Magnolias Benefit for Botanical Gardens), Tim Chapman (Harvey Show), Tim Chapman (Justin David Show), Tim Chapman (Greater Tuna Show) and Tim Chapman (Pres. Pathway Exhibit). Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve/deny 2nd reading for the application of alcohol license

- a) Tam Doan (Nikko Japanese Restaurant)
- b) Jerry Lamar Morris (Enmark Stations Inc.)

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to approve 2nd reading for the application of alcohol license for Tam Doan (Nikko Japanese Restaurant). Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to approve 2nd reading for the application of alcohol license for Jerry Lamar Morris (Enmark Stations Inc.) Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve a temporary business license for THR & Associates Inc. for the purchase of antiques, gold, silver, gems, etc.

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to approve a temporary business license for THR & Associates Inc. for the purchase of antiques, gold, silver, gems, etc. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve 1st reading to amend Ordinance 2011-02: An Ordinance amending the Statesboro Municipal Code regarding traffic and vehicles by increasing the technology surcharge from \$10.00 to \$20.00 per offense for all offenses against the ordinances of the City of Statesboro or laws of the State of Georgia.

Councilman Blich made a motion, seconded by Councilman Riggs to approve 1st reading to amend Ordinance 2011-02: An Ordinance amending the Statesboro Municipal Code regarding traffic and vehicles by increasing the technology surcharge from \$10.00 to \$20.00 per offense for all offenses against the ordinances of the City of Statesboro or laws of the State of Georgia. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to adopt Resolution 2011-07: Resolution accepting rights of way of two (2) streets located within Whispering Pines Subdivision, as public streets to be owned and maintained by the City of Statesboro.

Councilman Riggs made a motion, seconded by Councilman Lewis to adopt Resolution 2011-07: Resolution accepting rights of way of two (2) streets located within Whispering Pines Subdivision, as public streets to be owned and maintained by the City of Statesboro. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve Resolution 2011-08: A Resolution to Allow the Bulloch County Board of Commissioners to Conduct City Elections for the November 2011 Election Cycle.

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to approve Resolution 2011-08: A Resolution to Allow the Bulloch County Board of Commissioners to Conduct City Elections for the November 2011 Election Cycle. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to allow for an Independent Audit of the Hotel/Motel receipts

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to approve the Independent Audit of the Hotel/Motel receipts. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to allow for an Independent Audit of City Franchise Agreements

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to approve the Independent Audit of City Franchise Agreements. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to set the date for the Budget Retreat which would be for Friday, April 15, 2011 or Friday, April 22, 2011

Councilman Lewis made a motion, seconded by Councilman Blitch to set the budget retreat for April 22nd, 2011. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Reports from Staff:

Staff Attorney Michael Graves spoke on behalf of Interim City Manager Frank Parker to have a Council work session at 4:00 p.m. on March 15th, 2011. The topic for discussion will be the City Charter and the organizational chart for the City of Statesboro.

Public Comments (General):

Mr. Bill Thomas asked for the status on the court case involving the City with Open meetings/Open Records. He also asked for an explanation of how the City was to purchase the building next door at 58 A-B East Main Street.

Consideration of a Motion to Adjourn

Councilman Chance made a motion, seconded by Councilman Blitch to adjourn. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote. The meeting was adjourned at 9:30 a.m.



**CITY OF STATESBORO
CITY COUNCIL WORK SESSION MINUTES
March 01, 2011**

A work session of the Statesboro City Council was held on March 01, 2011 at 9:45 a.m. in the Council Chambers at City Hall. Present were Mayor Joe R. Brannen, Council Members: Will Britt, John Riggs, Tommy Blich, Gary Lewis and Travis Chance. Also present were City Clerk Sue Starling, Staff Attorney Michael Graves, City Engineer Robert Cheshire, Director of Community Development Mandi Cody, Senior Assistant City Engineer Jason Boyles, and Mike Clifton.

The following topics were discussed:

Jason Boyles discussed the yard waste and trash pickups. They would like to clean up the Ordinances for sanitation which would allow Public Works to follow the Ordinances more closely. They would also like to initiate a public awareness program by sending out flyers and publishing ads in the newspaper to make citizens aware of the procedures for picking up trash and what is considered an "over the limit" amount for pickups. There are concerns of excessive trash being placed near the streets.

Councilman Travis Chance asked what could be done to reduce the number of parking complaints in residential neighborhoods. The discussion was based on the issues raised by Dr. Armel who spoke at the previous Council meeting concerning the excessive number of cars parked in single family neighborhoods. Director of Community Development Mandi Cody stated her department has been addressing the issues and trying to resolve some of the problems.

There was no action taken at the meeting.
The meeting was adjourned at 10:45 a.m.

CITY OF STATESBORO, GEORGIA

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

DATE OF APPLICATION 2/23/2011 NEW RENEWAL

TYPE OF BUSINESS TO BE OPERATED:

- RETAIL BEER & WINE PACKAGED ONLY \$1,250.00
- RETAIL BEER & WINE BY THE DRINK \$1,250.00
- BEER, WINE & LIQUOR BY DRINK \$3,750.00
- WHOLESALE LICENSE \$1,000.00
- APPLICATION FEE - PACKAGED SALES \$ 150.00
- APPLICATION FEE - POURING SALES \$ 150.00

APPLICANTS FULL NAME CHRISTIAN K. BENNETT

BUSINESS NAME STATSBORO LIFE RESTAURANT GROUP, INC. dba VAN GOGHS PIZZA

DBA VAN GOGHS PIZZA

BUSINESS ADDRESS 120 LANIER DRIVE STATESBORO, GA 30458

BUSINESS MAILING ADDRESS 120 LANIER DRIVE STATESBORO, GA 30458

BUSINESS TELEPHONE # TBD

APPLICANTS HOME ADDRESS _____

APPLICANTS HOME PHONE # _____

APPLICANTS AGE 42

ARE YOU A CITIZEN OF THE UNITED STATES? YES NO

HAVE YOU EVER BEEN ARRESTED FOR ANYTHING? YES NO

IS THE APPLICANT THE OWNER OF THE BUSINESS? YES NO

IF NO, WHAT IS YOUR TITLE IN THE BUSINESS? _____

HOW MANY PARTNERS, SHAREHOLDERS, ETC. ARE INVOLVED IN THE BUSINESS 1

PLEASE LIST BELOW: CHRISTIAN K. BENNETT

FOR OFFICE USE ONLY: APPROVED DENIED (REASON ATTACHED)

Police Department _____

Community Development _____

Fire Department _____

Building Official _____

CITY OF STATESBORO, GEORGIA

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

DATE OF APPLICATION 03-03-11 NEW RENEWAL

TYPE OF BUSINESS TO BE OPERATED:

- RETAIL BEER & WINE PACKAGED ONLY \$1,250.00
- RETAIL BEER & WINE BY THE DRINK \$1,250.00
- BEER, WINE & LIQUOR BY DRINK \$3,750.00
- WHOLESALE LICENSE \$1,000.00
- APPLICATION FEE - PACKAGED SALES \$ 150.00
- APPLICATION FEE - POURING SALES \$ 150.00

APPLICANTS FULL NAME Carrie Anne C. Vescio

BUSINESS NAME Mangiamo LLC

DBA Mangiamo

BUSINESS ADDRESS 19 S. Main Street

BUSINESS MAILING ADDRESS PO Box 1132 Statesboro GA 3045

BUSINESS TELEPHONE # (912) 489-2332

APPLICANTS HOME ADDRESS _____

APPLICANTS HOME PHONE _____

APPLICANTS AGE 36

ARE YOU A CITIZEN OF THE UNITED STATES? YES NO

HAVE YOU EVER BEEN ARRESTED FOR ANYTHING? YES NO

IS THE APPLICANT THE OWNER OF THE BUSINESS? YES NO

IF NO, WHAT IS YOUR TITLE IN THE BUSINESS? _____

HOW MANY PARTNERS, SHAREHOLDERS, ETC. ARE INVOLVED IN THE BUSINESS 2

PLEASE LIST BELOW:
Carrie Anne C. Vescio Amiee V. San Nicolas

FOR OFFICE USE ONLY: APPROVED DENIED (REASON ATTACHED)

Police Department _____

Community Development _____

Fire Department _____

Building Official _____

ORDINANCE #2011-02: AN ORDINANCE AMENDING THE STATESBORO MUNICIPAL CODE REGARDING TRAFFIC AND VEHICLES

THAT WHEREAS, the Public Safety Director and the City Manager have proposed a technology fee to offset the operating expenses for the mobile data terminals that have been acquired using a federal grant; and

WHEREAS, the use of these in-car computers have improved the productivity of officers and reduce the amount of radio traffic for dispatchers in checking automobile tags; and

WHEREAS, the City Attorney has drafted this ordinance to authorize an adjustment of this fee, and Mayor and City Council desire to adjust this fee;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia in regular session assembled that Chapter 78, Traffic and Vehicles, Section 78-10 of the Statesboro Municipal Code is hereby amended to read as follows:

“Section 78-10. Technology Fee. There shall be imposed by the Municipal Court of the City of Statesboro, Georgia a technology surcharge in the amount of \$20.00 per offense for all offenses against the ordinances of the City of Statesboro or laws of the State of Georgia. The technology surcharge shall be in addition to all other fines and fees imposed by the Municipal Court. The revenue derived from the technology surcharge shall be used by the City to provide technical support for Public Safety and Municipal Court functions. This amendment shall become effective upon its approval by the Mayor and City Council of Statesboro, Georgia.”

All other terms and conditions of the Traffic and Vehicles Ordinance remain unchanged and in full force and effect.

Adopted by a majority vote of Council on two separate readings:

First Reading: March 1, 2011

Second Reading: March 15, 2011

MAYOR AND CITY COUNCIL OF STATESBORO, GEORGIA

By: Joe Brannen, Mayor

Attest: Sue Starling, City Clerk



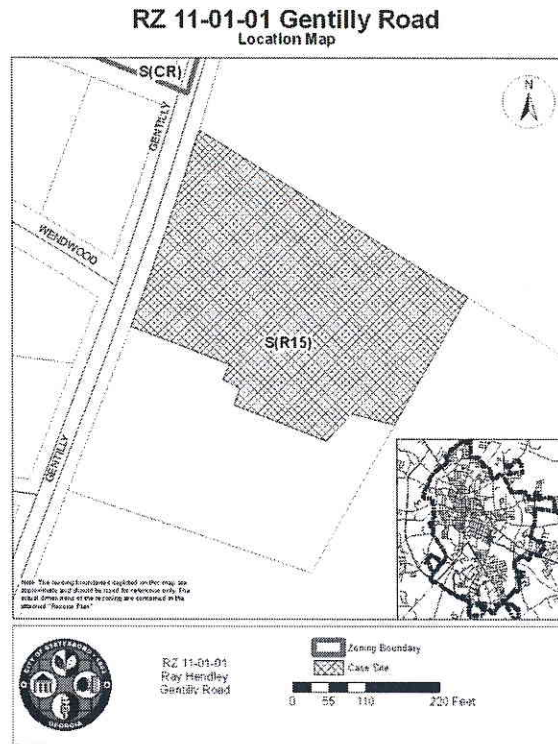
City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

**ZONING MAP AMENDMENT
 RZ 11-01-01 – Gentilly Road**

LOCATION: Gentilly Road
REQUEST: Rezone from R-15 (Single Family Residential) district to R3 (Medium Family Residential) district.
APPLICANT: Hendley Properties
OWNER(S): Robert D. Freeman, Jr. & William Bowen Freeman c/o Ray Hendley
LAND AREA: 2.84 acres
PARCEL TAX MAP #s: MS73 000 001 000
COUNCIL DISTRICT: 4 (Riggs)



PROPOSAL:

The applicant requests a zoning map amendment of 2.84 acres from R-15 (Single Family Residential) District to R3 (Medium Family Residential) District. The intent of the zoning map amendment is to develop three (3) one bedroom one bath duplex units on the currently undeveloped site.

BACKGROUND:

The subject property is an undeveloped lot (**Exhibit A – Location Map and Exhibit C, Figure_**). The applicant intends to develop the lot as duplexes with the units being very similar in size and nature to applicant's one bedroom duplexes at Planters Row.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R 15 (Single Family Residential) and CR (Commercial Retail)	Howard Lumber Company; undeveloped; S&S Greenway Trail.
SOUTH:	R 15 (Single Family Residential)	Gentilly Gardens, New Covenant Church, Single Family Residential units.
EAST:	R 15 (Single Family Residential)	Single Family Residential Units.

WEST	R 15 (Single Family Residential)	Single Family Residential Units.
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The subject property is located on Gentilly Road across from Wendwood Drive. Although the surrounding properties to the south, west, and east are all zoned R 15 (Single Family Residential), actual surrounding land uses include single family homes, student oriented rentals, a senior adult assisted living facility (Gentilly Gardens), and a church (New Covenant Church). Howard Lumber Company and a strip office building (O zoning) are located just to the north of the property, beginning a transition from residential/institutional to Commercial Retail uses and a CR zoning designation at Brannen Road.

COMPREHENSIVE PLAN:

The subject property lies within the "Developing" character area as defined by the *Statesboro Comprehensive Plan*. The *Statesboro Comprehensive Plan* identifies the Developing character areas as being located at "the periphery of the city, adjacent to existing suburban development and highway corridors." The "Developing area" is characterized as being "primarily residential [in nature] consisting largely of single-family homes, although nodal commercial development should also be included to serve the needs of residents." The Plan also notes that "some areas are currently undeveloped or minimally developed but are under pressure to grow in a suburban manner and stresses that "development patterns should be evaluated to maximize opportunities for appropriate blending of residential, office, and commercial development." (*Statesboro Comprehensive Plan, Community Agenda, page 16*).

The *Statesboro Comprehensive Plan* identifies appropriate land uses for the Developing character area as being multi-family residential, single family residential, services, offices, and small to mid-size retail, and commercial. Mixed Use developments may also be appropriate for this character area. Suggested development and implementation strategies for properties within the Developing character area include:

- New development should be designed with respect to the existing landscape and strive to minimize impacts to the mature tree canopy coverage.
- Encourage compatible architecture styles that maintain the regional character, and restrict "franchise" or "corporate" architecture.
- 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.

TRANSPORTATION:

The subject site takes vehicular from Gentilly Road. The Georgia Department of Transportation (GDOT) functionally classes Gentilly Road as a Rural Minor Arterial roadway. The *2035 Bulloch County/City of Statesboro Long Range Transportation Plan* identified Gentilly Road as a deficient roadway having a level of service (LOS) of D. Level of Service ratings are a "qualitative measure of traffic flow describing operating conditions" ranging from A (representing the best operating conditions) to F (representing the worst operating conditions). A rating of C or better indicates that "travel speeds are slightly lower than the posted speed with noticeable delay in intersection areas." A rating of D or worse is considered deficient based on an analysis of the volume of traffic on the roadway compared to the capacity of the roadway. However, the roadway was not identified in the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan* as a prioritized area of needed improvement.

Pedestrian facilities are a recommended attribute of this character area. To that end, the City of Statesboro Capital Improvement Program (CIP) anticipates construction of a sidewalk along Gentilly Road that would serve this subject site.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject property is served by City water and sewer. There are no known issues related to the City's ability to provide public services to this site.

ENVIRONMENTAL:

City of Statesboro reference maps show wetlands and Special Flood Hazard Areas (SFHA) on the subject property. Furthermore, a drainage ditch, which provides a portion of the City's storm water network, lies at the rear of the subject site. The applicant has agreed to formalize the City's existing prescriptive easement for maintenance and access at the drainage ditch. Issues regarding construction within the wetlands and SFHA must be addressed at the permitting stage of any development on the property.

ANALYSIS:

The subject site is currently zoned R 15 (Single Family Residential), which limits permissible uses to detached single family residences. The applicant is requesting that the property be zoned R 3 (Medium Density Multiple Family

Residential District), which allows two-family twins and two family duplexes as well as single family detached dwellings as permissive uses.

The request to rezone the subject property from R 15 (Single Family Residential) to R3 (Medium Density Multiple Family Residential) district 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 cities 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 R3 zoning district 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 as follows:

- (1) Existing uses and zoning or (of) property nearby;
- (2) The extent to which property values are diminished by the particular zoning restrictions.
- (3) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.
- (4) The relative gain to the public, as compared to the hardship imposed upon the property owner.
- (5) The suitability of the subject property for the zoned purposes.
- (6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.
- (7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas; and
- (8) Consistency with other governmental land use, transportation, and development plans for the community.

The subject site of this application has remained undeveloped at an R 15 designation while nearby properties have developed with uses ranging in intensity from single family residential to commercial in nature. The requested zoning designation is not anticipated to negatively impact the living conditions, traffic patterns, or property values in adjacent areas. Environmental issues associated with developing the property must be addressed at the permitting stage of any development of the property.

The applicant’s request to rezone the subject property from R15 (Single Family Residential) to R3 (Medium Density Multiple Family Residential District) is not inconsistent with the vision or land use policies adopted in the *Statesboro Comprehensive Plan* or those articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*. The *Statesboro Comprehensive Plan* adopts a goal of “promot[ing] infill and redevelopment” stating that “infill development, which consists of developing vacant lots dispersed in developed areas, strengthens neighborhoods and reinvests money into infrastructure which is already in place. (*Community Agenda, page 51*). The requested rezoning and subsequent construction proposed for the subject site would achieve this goal of the *Comprehensive Plan*.

The requested zoning map amendment is consistent with the policies articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*.

As illustrated on the sketch plan submittal, the subject property can be developed in conformance with the requirements for the proposed R-3 zoning district as set forth in the *Statesboro Zoning Ordinance*. The subject property is sufficient in size and shape for the development of medium density residential uses that meet the setback and other standards of the R-3 zoning district as well as the parking, buffering, and other development requirements set forth in the *Statesboro Zoning Ordinance*. Staff review of the proposed zoning map amendment found no outstanding safety or site design issues with rezoning this site from R 15 (Single Family Residential) to R3 (Medium Density Multiple Family Residential).

STAFF RECOMMENDATION:

Staff recommends **approval** of the requested zoning map amendment.

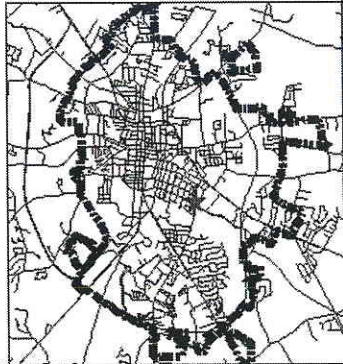
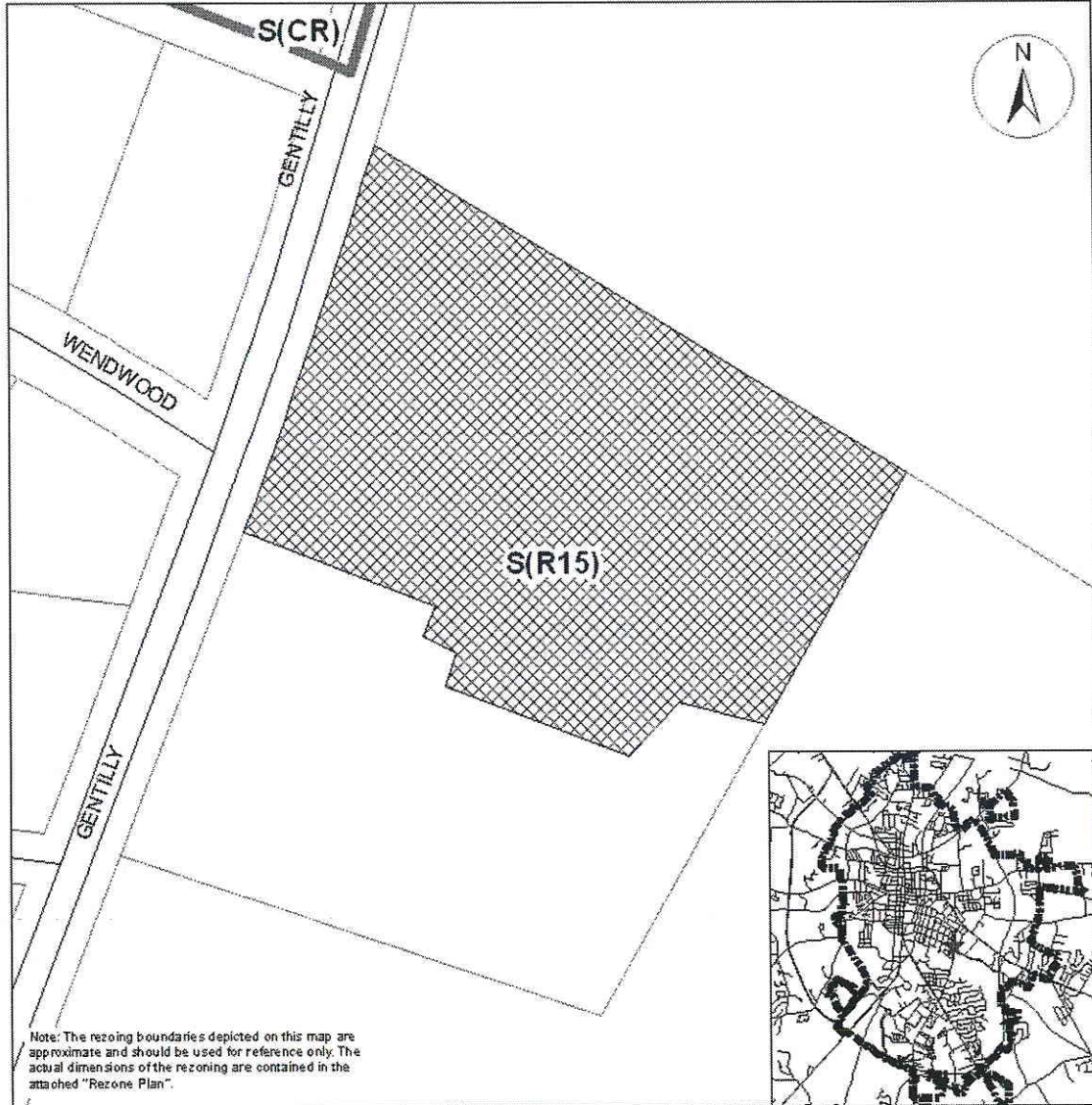
PLANNING COMMISSION RECOMMENDATION:

Commissioner Hendley stepped down due to a conflict of interest and did not participate in the consideration of this case. Planning Commission voted 3 to 0 to recommend approval of the zoning map amendment requested by this application.


(Please note: Sketch plan (Exhibit B) submitted for reference only. Approval of this zoning map amendment request does not constitute approval of any final site plan or variance).



EXHIBIT A: LOCATION MAP

RZ 11-01-01 Gentilly Road Location Map



Note: The rezoning boundaries depicted on this map are approximate and should be used for reference only. The actual dimensions of the rezoning are contained in the attached "Rezone Plan".

 RZ 11-01-01
Ray Hendley
Gentilly Road

 Zoning Boundary
 Case Site

0 55 110 220 Feet

EXHIBIT B: SKETCH PLAN

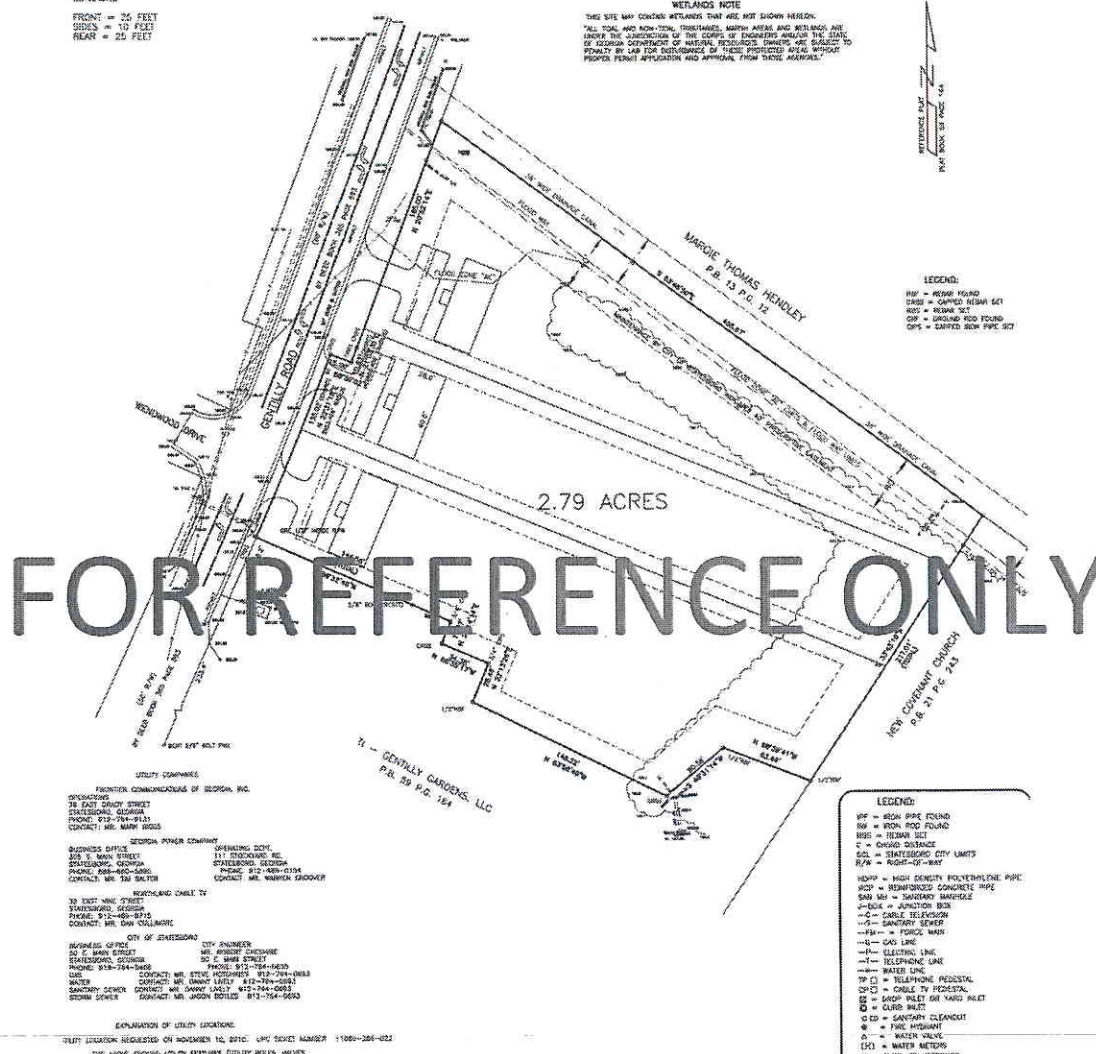
PROPOSED ZONING = R-3
 TWO FAMILY TWINING
 SETBACKS
 FRONT = 35 FEET
 SIDES = 10 FEET
 REAR = 25 FEET

FLOOD CERTIFICATION
 THE FLOODS MAY A FLOODED ZONE LINES ARE SHOWN ACCORDING TO F.I.R.M. COMMUNITY
 NO. 1802102170, PANEL NO. 217, DATED AUGUST 5, 2010.

WETLANDS NOTE
 THIS SITE MAY COVER WETLANDS THAT ARE NOT SHOWN HEREON.
 ALL TALL AND NON-TALL TREES, MARSH AREAS AND WETLANDS ARE
 UNDER THE JURISDICTION OF THE CORPS OF ENGINEERS AND/OR THE STATE
 OF GEORGIA DEPARTMENT OF NATURAL RESOURCES. OWNERS ARE SUBJECT TO
 PENALTY BY LAW FOR VIOLATIONS OF THESE REGULATED AREAS WITHOUT
 PROPER PERMIT APPLICATION AND APPROVAL FROM THESE AGENCIES.



LEGEND:
 R/F = REAR FLOOD
 D/F = DAMAGED REAR SET
 R/S = REAR SET
 C/F = DAMAGED FRONT FLOOD
 D/S = DAMAGED FRONT FLOOD



UTILITY COMPANIES
 FRONTIER COMMUNICATIONS OF GEORGIA, INC.
 25 EAST CHERRY STREET
 STATESBORO, GEORGIA
 PHONE: 912-764-9133
 CONTACT: MR. MARK BRIGGS

GEORGIA POWER COMPANY
 OPERATING DIV.
 111 BROADWAY NE
 STATESBORO, GEORGIA
 PHONE: 912-489-0174
 CONTACT: MR. WARREN SKOOPER

REARLAND CABLE TV
 30 WEST WINE STREET
 STATESBORO, GEORGIA
 PHONE: 912-489-8915
 CONTACT: MR. DAN CHALLGORE

CITY OF STATESBORO
 CITY ENGINEER
 MR. BRADY SUTHERS
 30 S. MAIN STREET
 STATESBORO, GEORGIA
 PHONE: 912-764-0620
 CONTACT: MR. STEVE HUGHES 912-764-0683

WATER
 CONTACT: MR. JAMES LEECH 912-764-0683

SANITARY SEWER
 CONTACT: MR. DANNY LADY 912-764-0683

SEWER LINES
 CONTACT: MR. JASON BOTTLE 912-764-0683

LEGEND:
 R/F = REAR FLOOD
 D/F = DAMAGED REAR SET
 R/S = REAR SET
 C = CHANG DISTANCE
 C/L = STATESBORO CITY LIMITS
 R/W = RIGHT-OF-WAY
 HDPE = HIGH DENSITY POLYETHYLENE PIPE
 RCP = REINFORCED CONCRETE PIPE
 SAN MS = SANITARY MANHOLE
 J-BIN = JUNCTION BIN
 C = CABLE TELEVISION
 S = SANITARY SEWER
 F = FIBER OPTIC
 C = GAS LINE
 E = ELECTRIC LINE
 T = TELEPHONE LINE
 W = WATER LINE
 TP = TELEPHONE TELEPHONE
 C/P = CABLE TV PEDESTAL
 S/P = SANITARY PEDESTAL
 S = SANITARY CLEANOUT
 F = FIBER OPTIC
 V = WATER VALVE
 M = WATER METER
 T = TRANSFORMER

EXPLANATION OF UTILITY LOCATIONS
 UTILITY LOCATIONS REQUESTED ON NOVEMBER 10, 2010. GNY SHEET NUMBER 1100-284-022

THE ABOVE LOCATIONS INCLUDE UTILITIES SUCH AS WATER, SEWER, GAS, TELEPHONE, CABLE, AND FIBER OPTIC. THESE UTILITIES ARE LOCATED BY MAXWELL - REDDICK AND ASSOCIATES, INC.

THE LOCATIONS OF THE UNDERGROUND GAS MAINS, WATER MAINS, OTHER LINES AND SEWER MAINS WERE PROVIDED BY COURTESY OF THE CITY OF STATESBORO.

THE LOCATIONS OF THE UNDERGROUND TELEPHONE LINES WERE NOT MARKED AND THEREFORE NOT SHOWN. NO RESPONSIBILITY FOR FRONTIER COMMUNICATIONS OF GEORGIA, INC.

THE UTILITIES ARE SHOWN AS PER THE LOCATION OF POLES, MANHOLE, VALVES, TRANSFORMERS, ETC. LOCATIONS SHOWN ARE INFORMATION LOCATED BY FIELD PERSONNEL. THE SURVEYOR MAKES NO WARRANTY THAT THE UTILITIES SHOWN CORRESPOND TO ALL UTILITIES IN THE AREA. LINES IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER NOTES AND WARRANTS THAT THE UTILITIES SHOWN ARE IN THE CORRECT LOCATION INDICATED, THROUGH THE BEST EFFORTS THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

GENERAL NOTES
 THIS SURVEY SAMPLED FROM ACTUAL SURVEY DATA. FIELD NOTES ON SITE. CURBING, PAVING, CONCRET AND OTHER SERVICES ARE SHOWN TO NEAREST 0.1'. GROUND ELEVATIONS ARE SHOWN TO NEAREST 0.1'.



DATE: NOV. 04, 2010	TOPOGRAPHIC SURVEY PREPARED FOR RAY HENDLEY 2.79 ACRES IN THE 1200TH C.M.D., BULLOCK COUNTY, STATESBORO, GA
SCALE: 1" = 40'	PREPARED BY: MAXWELL - REDDICK AND ASSOCIATES, INC. ENGINEERS, LAND SURVEYORS & LAND PLANNERS 1303 BRAMPTON AVE. OR P.O. BOX 1808 STATESBORO, GA 30460 PHONE: 912-764-0214 FAX: 912-489-7125
FILE NO: 11-10-000 4E 27	
FILE NAME:	

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



Figure 1: Subject Site.



Figure 2: Surrounding properties – viewing north from subject site.

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



Figure 3: View of surrounding properties – looking south from subject site.



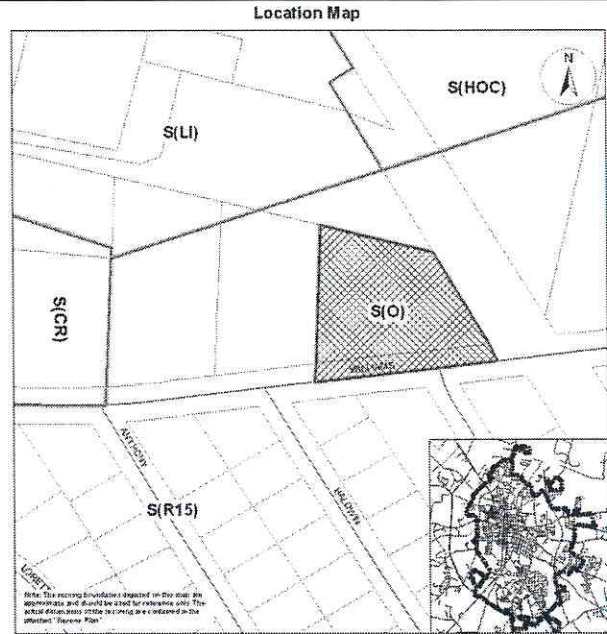
City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

ZONING MAP AMENDMENT
RZ 11-02-01 – 151 Williams Road

LOCATION: 151 Williams Road
REQUEST: Rezoning from O (Office) to CR (Commercial Retail)
APPLICANT: Divine Deliverance Worship Center
OWNER(S): Leslie Wiggins
LAND AREA: .93 Acres
PARCEL TAX MAP #s: MS38000010 002
COUNCIL DISTRICT: 1 (Blitch)



PROPOSAL:

The Divine Deliverance Worship Center, in cooperation with the property owner, Mrs. Leslie Wiggins, is requesting a zoning map amendment for .93 acres of property located at 151 Williams Road (**Exhibit A – Location Map**). The request is a rezoning of the subject parcel from the current zoning designation of O (Office) to the zoning designation of CR (Commercial Retail).

BACKGROUND:

The subject parcel is in the process of being sold by the property owner to the Divine Deliverance Worship Center. The Divine Deliverance Worship Center would like to locate the Divine Deliverance Child Care and Learning Center on the subject parcel. The size of the proposed child care center meets the definition of a "day care center" in the *Statesboro Zoning Ordinance*. The O (Office) zoning district does not allow the zoning administrator any discretion in allowing a use to occur in the district nor does the possibility of a special exception exist for this type of use.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R-15 (Single Family Residential) LI (Light Industrial) HOC (Highway Oriented Commercial)	Split Zoned Area with Industrial Storage Facility Split Zoned Area with Industrial Storage Facility Vacant
SOUTH:	R-15 (Single Family Residential)	Residential Neighborhood
EAST:	R-15 (Single Family Residential)	Vacant
WEST:	R-15 (Single Family Residential)	Day Care Center

The subject parcel is surrounded by three distinct land uses. The adjacent property to the north is split zoned (one parcel containing two zoning designations) R-15 (Single Family Residential) and LI (Light Industrial) and contains EZ Storage Mini Warehouse Storage and B&S Steel Incorporated. B&S Steel Incorporated currently has several derelict vehicles directly behind the building as they are used for scrap metal. The area south of the subject parcel is a residential area containing single family homes. The adjacent property to the west contains the playground equipment for the Child Care Network group day care center located at 155 Williams Road. The adjacent property to the east of the subject parcel contains vacant land comprised mostly of wetlands.

COMPREHENSIVE PLAN:

The subject parcel is located in the "Established" character area as identified by the *Statesboro Comprehensive Master Plan 2009-2029*. The "Established" character area is identified as areas in which consideration is given to the appropriate redevelopment of existing area in order to maintain neighborhoods and reduce issues of blight and decline. The vast majority of properties in the "Established" character area are developed and not all implementation strategies suggested in the *Statesboro Comprehensive Master Plan 2009-2029* are applicable to this site. Applicable suggested development and implementation strategies of the "Established" character area include, but are not limited to, the following:

- Uses should typically transition across the rear of properties instead of across the street to soften the transition between uses and maintain appropriate streetscapes.
- Enhance existing pedestrian connectivity by repairing/replacing sidewalks and adding new ones where necessary
- Plant shade trees along streets and sidewalks.
- Streets, especially thoroughfares, should incorporate Context Sensitive Solutions to provide traffic calming and protect community character.

The "Established" character area lists neighborhood-scale retail and commercial as an appropriate use in this character area.

TRANSPORTATION:

The subject parcel is located on Williams Road, from which it has sole vehicular access. The nearest major intersection is Williams Road and Stockyard Road to the west of the subject parcel. Williams Road is a two-lane city maintained road.

The Georgia Department of Transportation has data available for the Annual Average Daily Traffic (AADT) for a point on Williams Road approximately 1,157 feet from the entrance of the subject parcel. This information was retrieved from the State Traffic and Report statistical website. The AADT for this portion of Williams Road was 1,650 in 2009. The AADT count has decreased on this portion of Williams Road by 90 since 2005. The Institute of Transportation Engineers Trip Generation Manual states that a day care center, with an average of 10 employees, would produce an average of 28 trips per weekday.

There is a sidewalk currently located on Williams Road on the opposite side of the street from the subject parcel. The *Bulloch County / City of Statesboro 2035 Long Range Transportation Plan (LRTP)* sites evidence of pedestrian use along Williams Road where no sidewalk currently exist. The LRTP has targeted Williams Road for the addition of a striped bicycle lane and the integration of the abandoned railway line into a pedestrian multi-use trail. If the subject parcel is rezoned, the proposed improvements on Williams Road would allow modes of pedestrian access.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject parcel is served by City water and sewer. There are no known issues related to the City's ability to provide public services to this site. There is no direct correlation between the variance being requested and the ability to provide public services to this site.

ENVIRONMENTAL:

The City's reference maps show wetlands and Special Flood Hazard Areas (SFHA) on the subject property. The request is not expected to have an environmental impact on the property.

ANALYSIS:

The zoning designation of the subject parcel, O (Office), does not allow a day care center as an allowable use. The zoning administrator does not have the authority to allow a use of this type in this district nor does the City Council have the ability to allow a use, in the O (Office) zoning district, as a "Special Exception." The *Statesboro Zoning Ordinance* only allows "group day care" and "day care centers" in zoning districts designated CR (Commercial Retail), HOC (Highway Oriented Commercial), CBD (Central Business District), or LI (Light Industrial).

The O (Office) zoning district is intended for single-use oriented buildings which have less intensive employee / area ratios such as bank branches, professional offices, and studios as examples. The subject property was spot zoned O (Office) prior to 1999 and is the only parcel zoned O (Office) within a one-half mile radius. The City of Statesboro does not allow a "group day care" or "day care center" in the O (Office) district, however; these uses are allowed in the O (Office) district or similar districts in several other municipalities.

The CR (Commercial Retail) designation is intended for more general commercial uses which have more intense patronage. These uses include, but are not limited small to medium size retail stores, restaurants, and places of entertainment. The CR (Commercial Retail) zoning district would allow an intensification of use on the subject parcel; however, the subject parcel serves as a buffer between a LI (Light Industrial) zoning district to the north and a R-15 (Single-Family Residential) zoning district to the south.

The rezoning of this parcel from the current designation of O (Office) to (CR) Commercial Retail would allow the day care center to operate on the subject parcel. The subject parcel currently contains two (2) buildings containing 2,400 square feet. The east building is currently being used by the Divine Deliverance Church as a sanctuary and the west building is currently being used as the church office with a child care center operating for church services and events. The west building would be used for the day care center. The area between the buildings is paved and is currently used as a parking area.

The current property owner, Mrs. Leslie Wiggins, owns four (4) parcels along Williams Road which includes all parcels west of the subject parcel to Stockyard Road. The corner parcel at the intersection of Stockyard Road and Williams Road is currently zoned CR (Commercial Retail). The two parcels between the corner parcel and the subject parcel are zoned R-15 (Single-Family Residential) but, are used in a CR (Commercial Retail) fashion (as a day care center).

STAFF RECOMMENDATION (OCTOBER 21, 2010):

The rezoning of the subject parcel from an (O) Office to a (CR) Commercial Retail zoning district would complement the surrounding zoning districts and serve as an appropriate zoning designation for existing and future land use patterns in the area for this parcel.

Staff recommends **APPROVAL** of the request to rezone a .93 acres parcel located at 151 Williams Road from O(Office) to CR(Commercial Retail).

(Please note: Unless otherwise stated in any formal motion by City Council, staff considers the conceptual sketch plan (Exhibit D) 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).

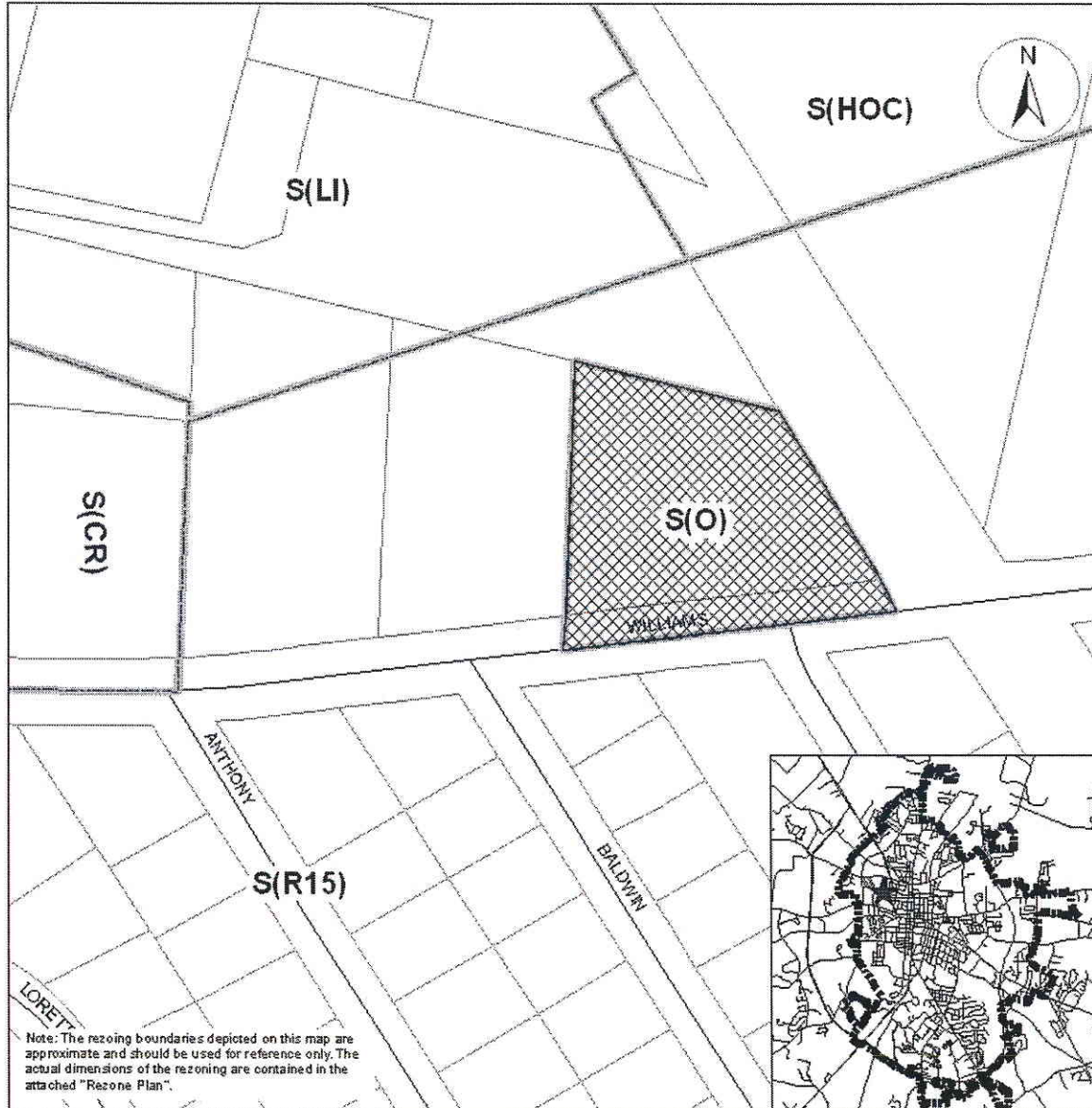
PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 4-0 to recommend approval of the zoning map amendment requested by this application.

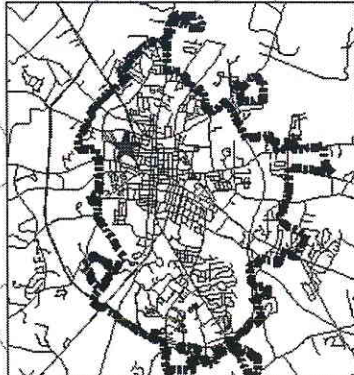
EXHIBIT A: LOCATION MAP

RZ 11-02-01 151 Williams Road

Location Map



Note: The rezoning boundaries depicted on this map are approximate and should be used for reference only. The actual dimensions of the rezoning are contained in the attached "Rezone Plan".



RZ 11-02-01
Divine Deliverance Worship
151 Williams Road

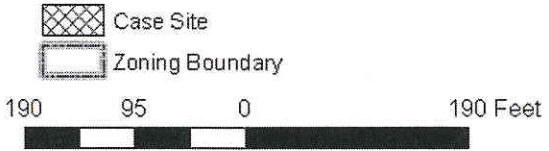
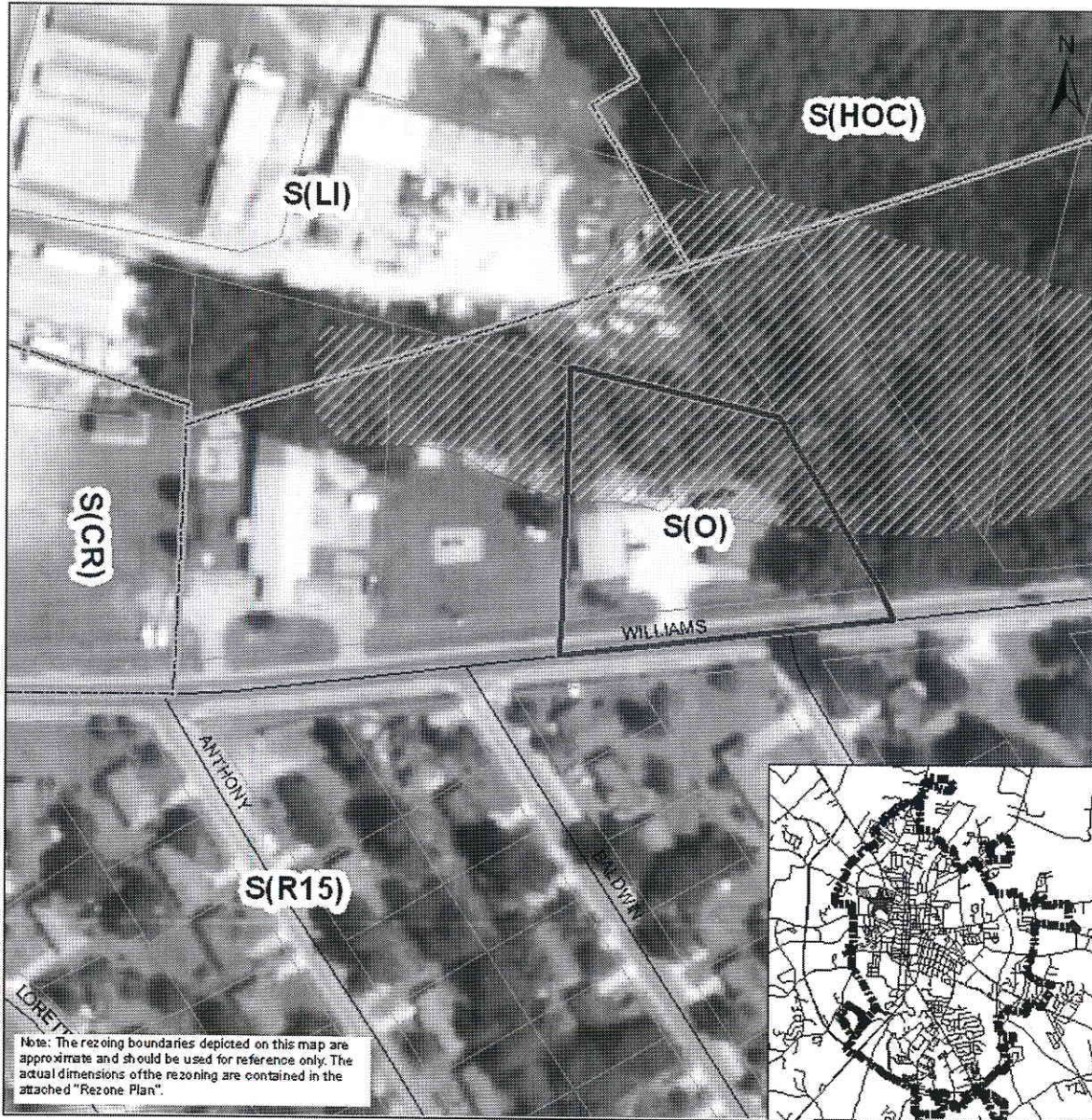


EXHIBIT B: AERIAL MAP

RZ 11-02-01 151 Williams Road

Aerial Map







	RZ 11-02-01 Divine Deliverance Worship 151 Williams Road	 Case Site
		 Zoning Boundary
		175 87.5 0 175 Feet
		

EXHIBIT D: PHOTOS OF THE SUBJECT PROPERTY AND VICINITY



Figure 1a: Subject Property



Figure 1b: Subject Property West Building



Figure 1c: Subject Property East Building

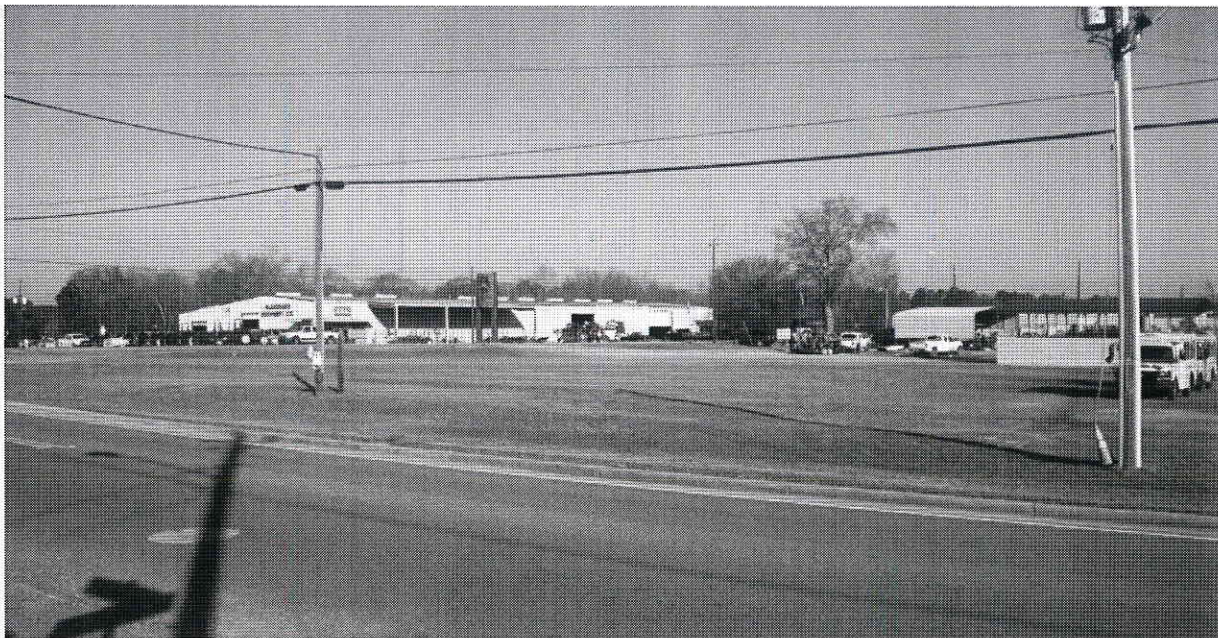


Figure 2a: Surrounding Land Uses: Vacant Parcel (CR) at Williams Road and Stockyard Road



Figure 2b: Surrounding Land Use: B&S Steel (LI) located directly behind the subject parcel



Figure 2c: Surrounding Land Uses: Child Care Network Day Care (R-15) west of subject property



Figure 2d: Surrounding Land Uses: Child Care Network Day Care Play area (R-15) west of subject property



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

VARIANCE
V 11-02-02 – 506 South College Street

LOCATION: 506 South College Street

REQUEST: Variance from Section 603 (B) of the *Statesboro Zoning Ordinance*.

APPLICANT: Sea Island Bank (A Division of Synovus)

OWNER(S): Sea Island Bank (A Division of Synovus)

LAND AREA: .399 Acres

PARCEL TAX MAP #s: S22 000017 000

COUNCIL DISTRICT: 3 (Britt)



PROPOSAL:

Sea Island Bank is requesting a variance in order to sub-divide the existing parcel, located at 506 South College Street, which currently contains two structures, into two separate parcels which will contain one of each of the existing structures. In order to meet the requirements of Article VII, Section 703, which directly references Article VI, Section 603 (B) of the *Statesboro Zoning Ordinance*, a variance is necessary for the subject property to be sub-divided.

BACKGROUND:

The subject property is being split into two separate parcels in order to obtain long term financing for the property. The bank has told the applicant that in order to obtain the financing option desired; the parcel must have one building per parcel. The variance will allow this to occur while meeting the requirement of the *Statesboro Zoning Ordinance*.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R-4 (High Density Residential) R-20 (Residential)	Duplexes Single Family Residential
SOUTH:	PUD/R-4 (Planned Unit Development / High Density Residential)	Multi-Family Residential (Apartments / Townhomes)
EAST:	R-4 (High Density Residential) HOC (Highway Oriented Commercial)	Duplexes / Offices / Residential
WEST:	R-4 (High Density Residential) R-20 (Residential)	Multi-Family Residential (Apartments) / Duplexes Single Family Homes

The subject property is surrounded by residential districts. The HOC (Highway Oriented Commercial) district is located near South Main Street. The adjacent property to the north currently contains a duplex that has recently been abandoned due to a fire. The adjacent property to the south contains Tillman Park Condominiums with the main entrance located on Tillman Road. The property located west of the subject property contains the Bonnie Glen apartment complex. The adjacent property to the east of the subject parcel is the rear yard of a duplex located on Tillman Street and is currently not developed.

COMPREHENSIVE PLAN:

The subject property is located in the "Established" character area as identified by the *Statesboro Comprehensive Master Plan 2009-2029*. The "Established" character area is identified as areas in which consideration is given to the appropriate redevelopment of existing area in order to maintain neighborhoods and reduce issues of blight and decline. The subject property is located in a residential area in which many of the dwelling units are non-owner occupied.

The vast majority of properties in the "Established" character area are developed and not all implementation strategies suggested in the *Statesboro Comprehensive Master Plan 2009-2029* are applicable to this site. Applicable suggested development and implementation strategies of the "Established" character area include, but are not limited to, the following:

- Uses should typically transition across the rear of properties instead of across the street to soften the transition between uses and maintain appropriate streetscapes.
- Enhance existing pedestrian connectivity by repairing/replacing sidewalks and adding new ones where necessary.
- Plant shade trees along streets and sidewalks.
- Streets, especially thoroughfares, should incorporate Context Sensitive Solutions to provide traffic calming and protect community character.

TRANSPORTATION:

The subject property is located on South College Street, from which the subject property has sole vehicular access. The subject property is located between the intersections of Tillman Road and South College Street and Tillman Street (Vista Circle) and South College Street. South College Street is classified as a local road.

The Georgia Department of Transportation has data available for the Annual Average Daily Traffic (AADT) count for a point on South College Street approximately 2,000 feet from the entrance of the subject parcel. This information was retrieved from the State Traffic and Report statistical website. The AADT for this portion of South College Street was 1,540 in 2009. The AADT count has increased on this portion of South College Street by 570 since 2005. The granting of this variance would not impact the number of trips for this section of South College Street.

There are no pedestrian facilities located between the intersections of Tillman Road and South College Street and Tillman Street (Vista Circle) and South College Street. The *Bulloch County / City of Statesboro 2035 Long Range Transportation Plan* (LRTP) does not target South College Street for any improvements (although South College Street is referred to in the LRTP, this is a mistake as the LRTP is referring to South College Boulevard not South College Street).

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject property is served by City water and sewer. There are no known issues related to the City's ability to provide public services to this site. There is no direct correlation between the variance being requested and the ability to provide public services to this site.

ENVIRONMENTAL:

The City's reference maps do not show wetlands, but do show Special Flood Hazard Area (SFHA) on the subject site. The request is not expected to have an environmental impact on the subject property. Issues regarding construction within the SFHA must be addressed at the permitting stage of any development on the property.

ANALYSIS:

The applicant is requesting a variance from Article VII, Section 703, which directly references Article VI, Section 603 (B) of the *Statesboro Zoning Ordinance* in order to split the existing single parcel which has an area of .399 acres (17380.31 square feet) into two smaller parcels. This section of the zoning ordinance specifies that a variance may be considered if the size of the lot is less than 12,000 square feet or a width of less than 75 feet. The subject parcel currently contains one two story, two family, twin residence which has a shared paved parking area and one single story, two family, twin residence with each unit having an individual driveway. The proposed variances articulates dividing the existing parcel into two parcels, each housing a single structure.

Section 603 (B) of the *Statesboro Zoning Ordinance* requires a minimum lot size 12,000 square feet for each lot. The proposed site plan would allocate 8,357 square feet to the north parcel - 3,643 square feet less than the required minimum area. 7,360 square feet would be allocated to the south parcel - 4,640 square feet less than the required minimum area. Section 603 (B) of the *Statesboro Zoning Ordinance* requires a parcel to have a width of no less than 75 feet. The proposed south parcel will have a width of 73.6 feet which is 1.4 feet less than the required minimum width.

This variance is being requested so that the property may be eligible for sale and long-term financing. The parcel is a banked owned parcel under foreclosure. The request of splitting the properties in order to have one (1) building per property is at the behest of the financial institution and is a policy that has been recently instated. The granting of this variance should not impact the surrounding area as no physical changes to the property or buildings located on the property have been proposed.

STAFF RECOMMENDATION:

The request may meet the standard for grant of a variance. Staff's recommendation is based on the following findings of fact:

- A) **There are no special conditions pertaining to the land or structure in question because of its size, shape, topography, or physical condition...** The property is of uniform shape and of fairly level topography.
- B) **Special conditions and circumstances being considered (variances) result from the actions of the applicant.** In order to obtain long term financing for the property, the applicant has been told that each parcel may have only one residential structure.
- C) **The application of the Ordinance to this particular piece of property would create an unnecessary hardship.** The application of the *Ordinance* may not allow the applicant to receive long term financing for the property and may severely harm the property if foreclosed upon.
- D) **Relief, if granted, would cause substantial detriment to the public good and impair the purposes and intent of the zoning regulations.** As proposed at this particular location, the variance would not directly impact surrounding properties.

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

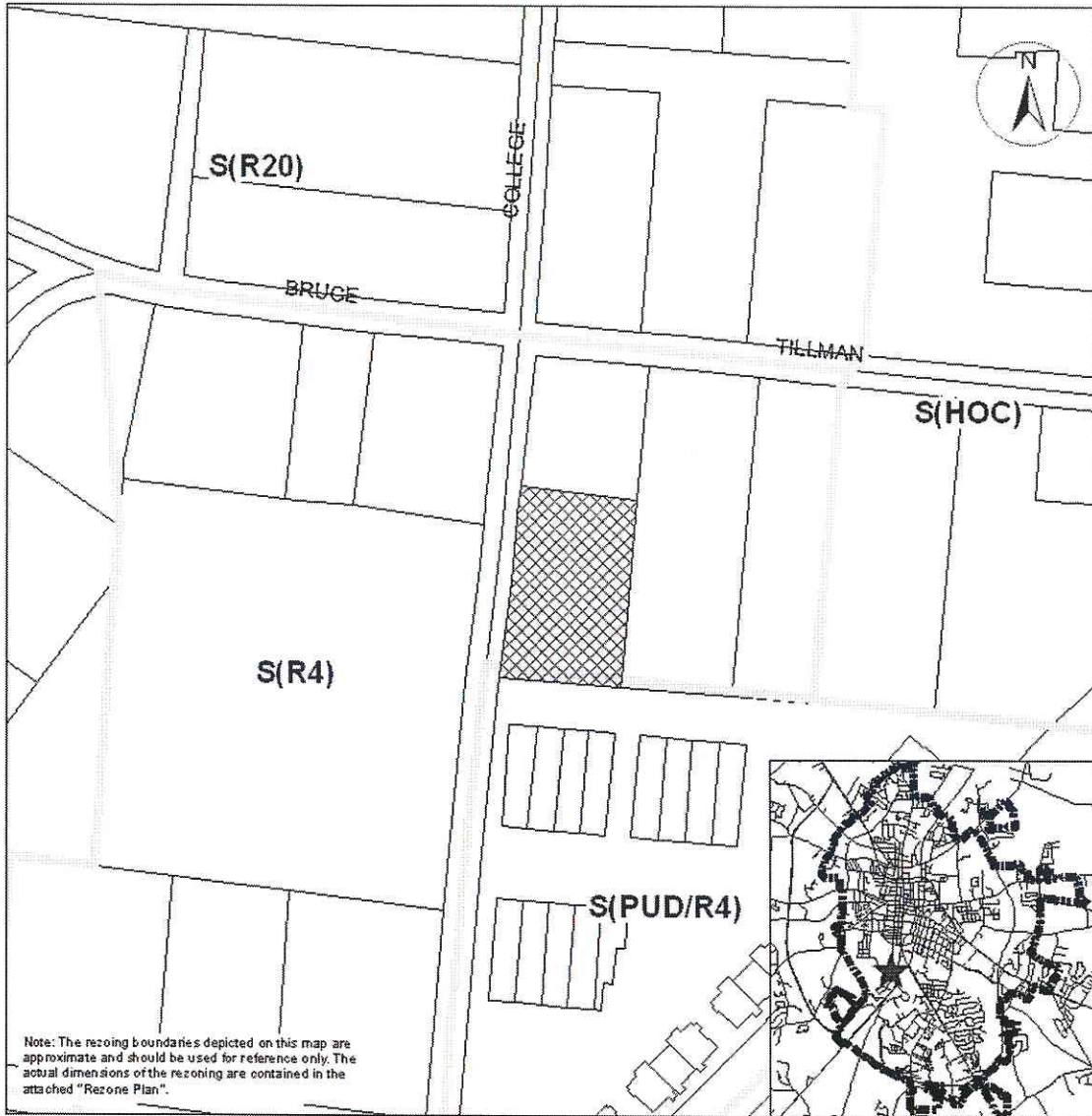
PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 3-1 to recommend approval of the requested variance. Commissioners Karrh, Hendley, and Hansen voted in favor of the recommendation. Commissioner Concannon voted in opposition of the recommendation.


EXHIBIT A: LOCATION MAP



V 11-02-02 506 South College Street

Location Map



Note: The rezoning boundaries depicted on this map are approximate and should be used for reference only. The actual dimensions of the rezoning are contained in the attached "Rezoning Plan".

 V 11-02-02
Sea Island Bank
506 South College Street

 Zoning Boundary
 Case Site

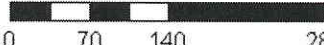
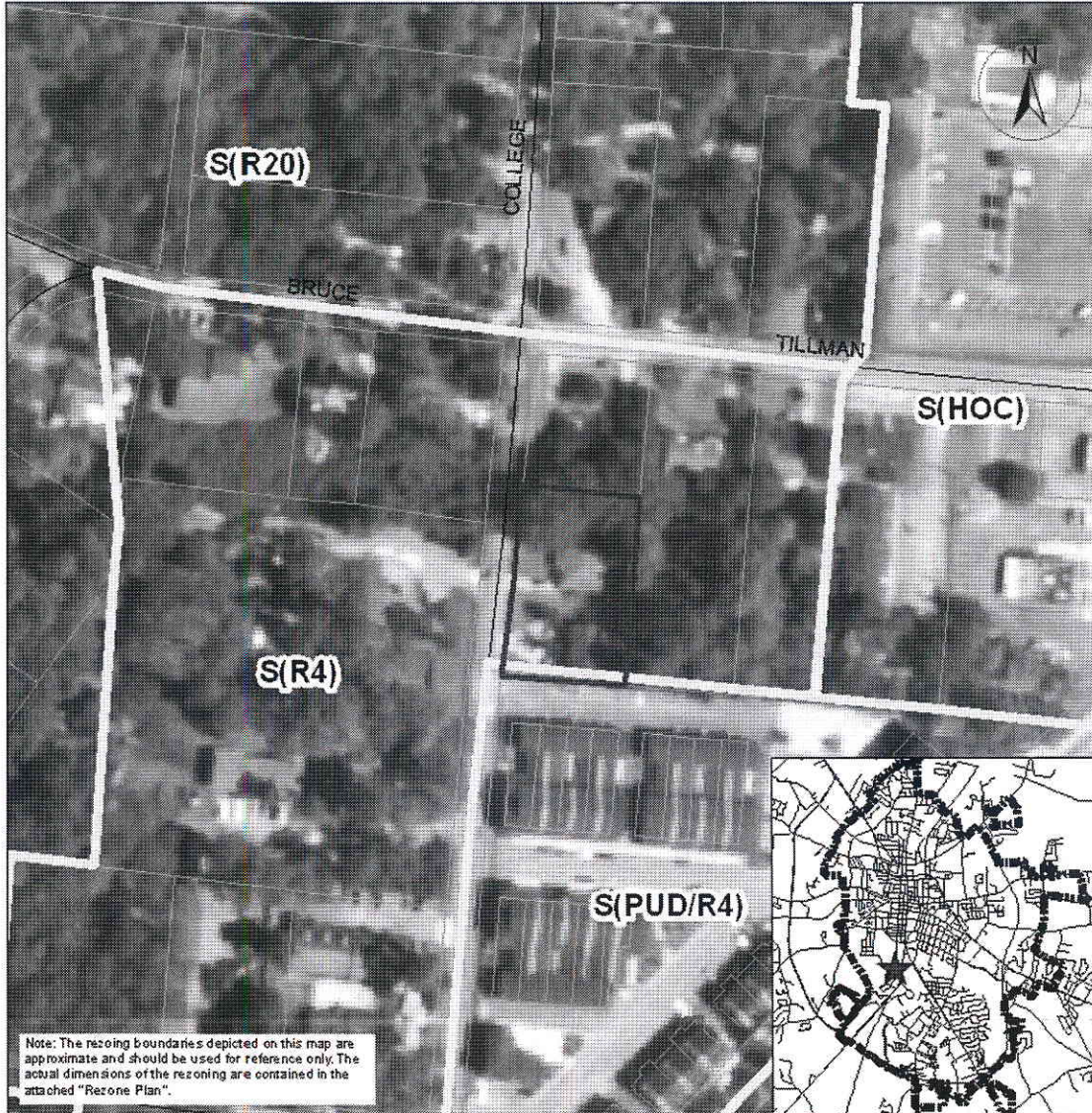

 0 70 140 280 Feet


EXHIBIT B: AERIAL MAP

V 11-02-02 506 South College Street

Aerial Map



 V 11-02-02
Sea Island Bank
506 South College Street

 Zoning Boundary
 Case Site

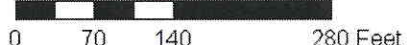

0 70 140 280 Feet

EXHIBIT C: SITE SURVEY

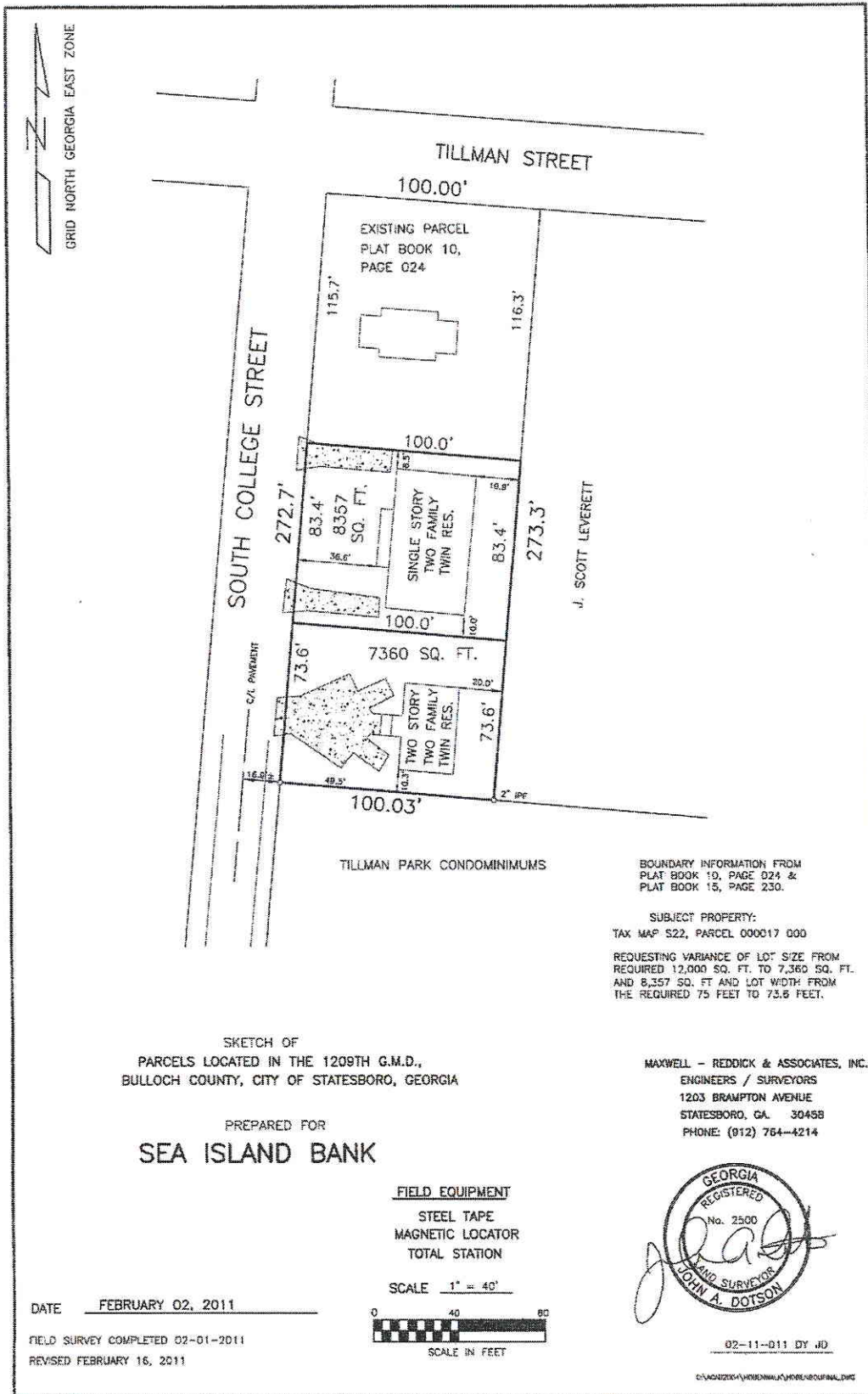


EXHIBIT F: PHOTOS OF THE SUBJECT PROPERTY AND VICINITY



Figure 1a: Subject Property (Proposed North Parcel Left, Proposed South Parcel Right)



Figure 1b: Subject Property (Proposed North Parcel)



Figure 1c: Subject Property (Proposed South Parcel)



Figure 1d: Subject Property (Rear of proposed north parcel)



Figure 1e: Subject Property (Rear of proposed south parcel)



Figure 2a: Surrounding Land Uses: Bonnie Glen Apartments (west of subject parcel)



Figure 2a: Surrounding Land Uses: Tillman Park (south of subject parcel)



Figure 2b: Surrounding Land Uses: Abandon Duplex (north of subject parcel)



City of Statesboro
Engineering Department

P.O. Box 348
Statesboro, Georgia 30459

912.764.0655
912.764.0664 (Fax)

Memorandum

To: Robert Cheshire, P.E., City Engineer

From: ^{BD} Brad Deal, Assistant City Engineer

Re: Recommendation of Low Bidder for "Bermuda Run Road Sidewalk Construction"
(See attached map for project location)

Date: March 7, 2011

Bids for the above referenced project were received on March 1, 2011. Our estimate for this work was \$25,000.00. The bid results are as follows:

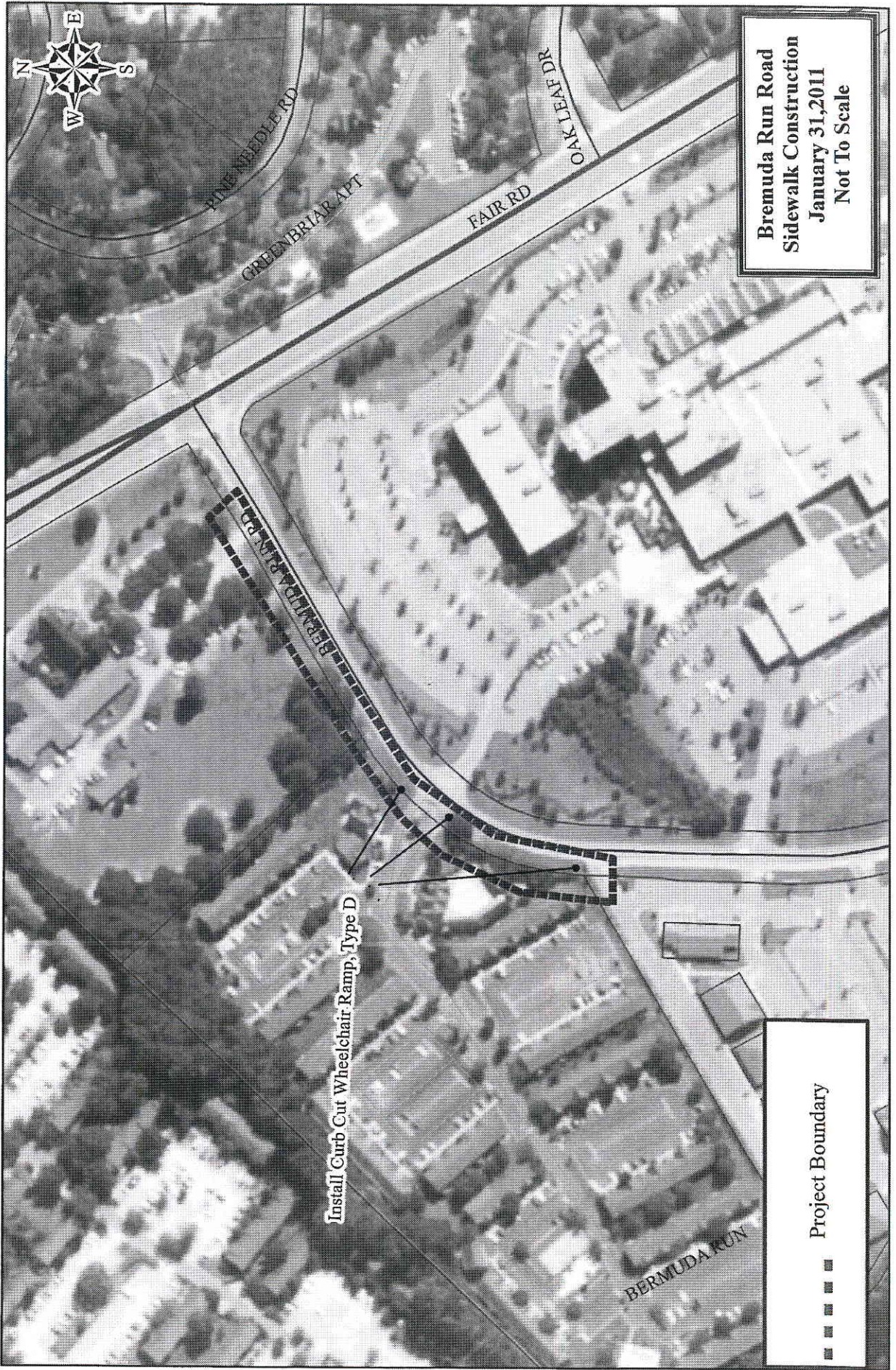
Savannah Paving Company, Inc.: \$16,986.30
Jerry D. Rushing Construction Company, Inc.: \$17,485.00
Tucker Utilities: \$18,980.00
Y-Delta: \$36,690.55

The low bidder, Savannah Paving Company, meets all requirements of the bid package and submitted an acceptable bid bond. This contractor performed sidewalk and curb installation at the intersection of Chandler Road and Georgia Avenue in 2005 for the City of Statesboro, and has also worked on numerous projects for the City of Savannah.

Savannah Paving Company was the low bidder and meets all requirements of the bid package. Their bid of \$16,986.30 was below our estimate of \$25,000.00. Thus, I recommend awarding the contract for the "Bermuda Run Road Sidewalk Construction" to Savannah Paving Company for a sum of \$16,986.30.

Attachment

Site Location Map





City of Statesboro
Engineering Department

P.O. Box 348
Statesboro, Georgia 30459

912.764.0655
912.764.0664 (Fax)

Memorandum

To: Robert Cheshire, P.E., City Engineer
From: Marcos Trejo Jr., Engineer I M.T.
Re: Recommendation of Low Bidder for "Lanier Drive Storm Water Drainage Improvements"
Date: March 3, 2011

Bids for the above referenced project were received on March 1, 2011. Our estimate for this work was \$27,500.00. The bid results are as follows:

Southeastern Civil, Inc. \$16,950.00
Tucker Utilities, LLC. \$20,946.00
Tyson Utilities Construction, Inc. \$21,774.40
Savannah Paving, Co., Inc.: \$27,056.75
Y-Delta, Inc. \$37,327.00

The low bidder, Southeastern Civil, Inc., met all requirements of the bid package and submitted an acceptable bid bond. This contractor has been in business since 2004 and has completed several projects in the Statesboro area.

Southeastern Civil, Inc., bid of \$16,950.00 was below our estimate of \$27,500.00. Thus, I recommend awarding the contract for the Lanier Drive Storm Water Drainage Improvements to Southeastern Civil, Inc. for a sum of \$16,950.00.

Resolution 2011-09

Resolution Calling for Increase of Hotel/Motel Tax

WHEREAS, the City of Statesboro, Georgia levies an excise tax of 5% upon the value of the rentals of public lodgings pursuant to O.C.G.A. § 48-13-51 (a)(3); and

WHEREAS, the Mayor and Council have determined that additional funding is needed to promote and market the City of Statesboro to strengthen the tourism industry in the City; and

WHEREAS, additional funds for such purposes could be realized by increasing the excise tax rate charged for public lodgings within the City to 6%, and providing that the 1% increase in said tax be allocated for the purposes of marketing the City of Statesboro.

NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED, by the Mayor and council of the City of Statesboro, Georgia, that this resolution be delivered to all state legislators representing the City of Statesboro as a request to said legislators to introduce legislation in the current session of the legislature that would amend O.C.G.A. § 48-13-51 (a)(3) to provide for the levy of a 6% excise tax upon the value of the rentals of public lodgings within the City, and to provide further that the 1% increase in said excise tax be allocated as stated herein.

ADOPTED AND APPROVED, this _____ day of _____, 2011.

CITY OF STATESBORO, GEORGIA

Joe R. Brannen, Mayor

ATTESTED TO:

Sue Starling, City Clerk

**ORDINANCE #2011-03: AN ORDINANCE AMENDING THE
CHARTER OF THE CITY OF STATESBORO**

THAT WHEREAS, the City has previously adopted a City Charter to govern the authority of the City of Statesboro;

WHEREAS, over time, the Charter of the City of Statesboro has been amended to expand and establish its duties and powers;

WHEREAS, a comprehensive review of the City Charter revealed that the City Charter requires updating and that such an update will provide further clarification and organization of the City Charter;

WHEREAS, the Staff Attorney and the City Manager have proposed amendments to address such revisions in the City Charter;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia in regular session assembled that the City Charter be amended in accordance with the proposed City Charter attached hereto.

That upon two separate readings and its subsequent adoption, the City Charter of the City of Statesboro shall reflect the changes proposed herein.

Readings of this ordinance were held as follows:

First Reading: March 15, 2011 at 6:00 p.m.

Second Reading: April 5, 2011 at 9:00 a.m.

CITY OF STATESBORO, GEORGIA

Joe R. Brannen, Mayor

ATTESTED TO:

Sue Starling, City Clerk

THE CHARTER OF THE CITY OF STATESBORO

ARTICLE I – IN GENERAL

Section 1-101. Incorporation.

The City of Statesboro, in the County of Bulloch, is hereby incorporated.

Section 1-102. Corporate limits.

(a) The corporate limits and boundaries of the City of Statesboro shall consist of the limits and boundaries existing on the date of the original Charter of the City of Statesboro (1987).

(b) In addition to the area embraced within the corporate limits of the City of Statesboro on April 30, 1987, the following described property shall likewise be embraced within the corporate limits of the city:

Beginning at a point on the Northern edge of the right of way of U.S. Highway 80 at a point common to Bel-Air Estates and lands of Naughton Beasley which said point is located at the Southeastern extremity of the proposed new limits of the City of Statesboro, the line runs North 20 degrees 34 minutes East 629.7 feet; thence North 7 degrees 02 minutes East 1600 feet; thence 12 degrees 58 minutes East 1200 feet; thence North 72 degrees 02 minutes West 660.5 feet to a point at lands of William Bland; thence continuing on a line between lands of Bel-Air Estates and William Bland South 41 degrees 50 minutes West 2259.75 feet; thence South 54 degrees 12 minutes West 874.05 feet to a point of the Northern edge of said U.S. Highway 80; thence continuing along the Northern edge of said Highway North 53 degrees 25 minutes West 85.5 feet; thence North 51 degrees 52 minutes West 284 feet; thence North 50 degrees 59 minutes West 300 feet; thence North 49 degrees 33 minutes West 347.5 feet to a point on the Northern edge of said Highway at lands of John W. Johnson; thence North 46 degrees 59 minutes East 2481.4 feet; thence North 41 degrees 29 minutes West 704.39 feet crossing a county road at lands of Lester; thence North 25 degrees 23 minutes West 3134.82 feet to a point on the Northern edge of East Main Street on a line common to lands of Dr. Ed Smart and Lawrence Williams; thence North 0 degrees 20 minutes West 1994.24 feet to a point common with lands of Remer Mickell Estate and Dr. Ed Smart; thence South 84 degrees 25 minutes West 996.73 feet to a point common to lands of Rushing and Murphy, W. A. Bowen and W. R. Altman; thence North 4 degrees 17 minutes West 1952.97 feet to a point common to lands of C. P. Olliff Estates and Lester Olliff; thence South 83 degrees 20 minutes West 1299.82 feet to a point on the Western edge of the Packing House Road; thence North 61 degrees 36 minutes West 320.2 feet to a point at lands of Davis Barnes; thence North 34 degrees 32 minutes West 422.1 feet to a point on the Eastern edge of U.S. Highway 301; thence crossing said Highway the line runs North 81 degrees 01 minutes West 2662.2 feet across lands of Mrs. J. G. Kennedy estate to a point on the Western edge of the right of way of the Central of Georgia Railway; thence following the curvature of said Railroad North 14 degrees 04 minutes East 211.72 feet; thence North 17 degrees 32 minutes

East 205.6 feet; thence North 20 degrees 46 minutes East 205.46 feet; thence North 24 degrees 00 minutes East 205.32 feet; thence North 27 degrees 13 minutes East 205.18 feet; thence North 30 degrees 41 minutes East 205.04 feet; thence North 33 degrees 46 minutes East 204.9 feet; thence North 36 degrees 36 minutes East 204.76 feet to a point on the Western edge of the right of way of said Railroad; thence continuing along the Western edge of said Railroad North 38 degrees 02 minutes East 1409.36 feet to a point at lands of Cleve Love; thence North 24 degrees 20 minutes West 224.5 feet; thence crossing Fletcher Drive North 9 degrees 56 minutes East 428.5 feet to a point in the center line of a county road; thence North 76 degrees 35 minutes West 434.9 feet; thence North 16 degrees 06 minutes West 775.9 feet to a point common to lands of Mrs. F. F. Fletcher and Cleve Love; thence on a line separating lands of Mrs. F. F. Fletcher and J. G. Fletcher North 86 degrees 34 minutes West 634.6 feet; thence North 3 degrees 56 minutes East 11.3 feet thence North 86 degrees 34 minutes West 920.2 feet to a point on the Eastern edge of Lakeview Road and lands of J. G. Fletcher; thence North 2 degrees 28 minutes East 2008.65 feet; thence continuing along the Eastern edge of said road North 3 degrees 36 minutes East 430.1 feet; thence crossing said Lakeview Road in a Westerly direction North 86 degrees 42 minutes West 1211.2 feet at lands of Sally Zetterower; thence South 39 degrees 16 minutes West 732.6 feet; thence South 6 degrees 57 minutes East 1082.25 feet; thence South 16 degrees 57 minutes West 600 feet; thence crossing a pond South 34 degrees 35 minutes West 955.07 feet to lands of Mooney Estate and Francis W. Allen; thence South 31 degrees 14 minutes West 585.0 feet to a point at the old Statesboro City Limits; thence continuing along said old city limits line South 28 degrees 23 minutes West 1400.74 feet; thence continuing along the same line South 10 degrees 22 minutes West 1463.14 feet; thence crossing U.S. Highway 25 and U.S. Highway 80 in a Westerly direction the line runs North 84 degrees 29 minutes West 634.02 feet; thence continuing along the existing city limits of said city South 18 degrees 27 minutes East 999.9 feet to lands of F. C. Parker; thence leaving the existing city limits of said city the line runs South 72 degrees 31 minutes West 2641.0 feet to a point on the Southern edge of a county road; thence continuing the crossing West Main Street [sic] in a Southerly direction the line runs South 0 degrees 16 minutes East 4299.2 feet; thence South 3 degrees 04 minutes West 3573.0 feet to a point just South of the Country Club Road and just West of the intersection of said Country Club Road and the Riggs Mill Road South of the residence of Mrs. W. G. Neville; thence on a line through lands of Mrs. Bruce Olliff South 32 degrees 21 minutes East 3329.5 feet; thence South 27 degrees 24 minutes East 1018.1 feet to a point on the Northern edge of the right of way of the Central of Georgia Railway running from Statesboro to Metter; thence bisecting lands of W. W. Brannen the line runs South 38 degrees 20 minutes East 1128.3 feet; thence crossing U.S. Highway 301 South 31 degrees 35 minutes East 2109.4 feet, said line bisecting lands of Nath Foss and Georgia Southern College [University]; thence continuing on a line common to Georgia Southern College [University] and Sam Johnston Estate South 52 degrees 58 minutes East 2442.0 feet; thence North 32 degrees 09 minutes East 16.0 feet; thence crossing a new paved highway South 65 degrees 37 minutes East 748.44 feet to a point on the Eastern edge of said new paved highway at lands common to B. W. Knight and Inman Lanier; thence South 65 degrees 17 minutes East 2623.9 feet to a point at lands of Mrs. Willie O. Cobb; thence crossing Highway 67 in an Easterly direction the line runs

North 78 degrees 13 minutes East 2980.2 feet to an off-set point in said line; thence continuing on the same bearing a distance of 1340 feet to a point in the center of Little Lotts Creek; thence continuing along the meanderings of said Little Lotts Creek in a general Northwesterly direction to a point common to Henry Brannen and Mrs. Katheryn Lovett marked by a concrete monument in the center of said creek; thence continuing along a line bisecting lands of Mrs. Katheryn Lovett North 9 degrees 46 minutes West 1125.0 feet; thence North 38 degrees 02 minutes East 1632 feet to a point at lands of Mrs. Lovett; thence South 52 degrees 33 minutes East 2025.07 feet to a point common to lands of Mrs. Katheryn Lovett and Henry Brannen; thence North 56 degrees 23 minutes East 300 feet to a point on the Southern edge of the right of way of U.S. Highway 80; thence continuing along the Southern edge of said Highway the line runs South 54 degrees 19 minutes East 248.3 feet; thence South 58 degrees 27 minutes East 200 feet; thence South 61 degrees 54 minutes East 138.5 feet; thence South 63 degrees 31 minutes East 889.9 feet to a point on the Southern edge of said Highway; thence crossing said Highway North 31 degrees 49 minutes East 100.3 feet to the point of beginning, according to plat of same by Lamar O. Reddick, Surveyor, dated February 15, 1967 and recorded in Plat Book 7, page 51, Bulloch County records.

(c) The City of Statesboro shall provide for the amendment and redrawing of the Official Map of the City of Statesboro through the passage of ordinances. Any such amended maps shall supercede earlier maps for which it was designated to replace.

Section 1-103. Form of Government.

The municipal government of the City of Statesboro shall consist of a mayor and five members of the council who are constituted a body corporate under the name and style of the "Mayor and City Council of Statesboro," and by such name they shall have perpetual succession, with power and authority to contract and to be contracted with; to bring and defend actions; to plead and be impleaded; to have and use a common seal; shall be able in law or equity to purchase, have, hold and enjoy, receive, possess, and retain to themselves and their successor in office, for the use and benefit of the City of Statesboro, in perpetuity or for any term of years, any estate or estates, real or personal, of every kind and nature, inside or outside the corporate limits for corporate purposes; to have and to hold all property now belonging to the city either in its own name or the name of others for the use of the city for the purpose and intents for which the same was given, granted, dedicated, or purchased; to use, manage and improve, sell, convey, rent, or lease the same; shall have like power over the property hereinafter acquired; and shall succeed to all the rights and liabilities of the present corporation. They shall have the power to borrow money and give evidence of indebtedness for the same; to issue bonds from time to time; and to do and perform all and every act or acts necessary or incidental to the raising of funds for the legitimate use of the city. They shall have the right, power, and authority to govern themselves by such rules, bylaws, regulations, ordinances, or other orders as they may deem proper, not in conflict with this Charter or the Constitution and laws of this state or of the United States.

Section 1-104. Terms of officers.

(a) The mayor and members of the city council shall serve for terms of four years and until their respective successors are duly elected and qualified. No person shall be eligible to serve as councilmember unless he or she has been a resident of the district which he or she seeks to represent for 12 months immediately preceding the election. Each member of the city council shall continue to reside within the district he or she is representing during his or her entire term of office and shall be registered and qualified to vote in the municipal elections of the city.

(b) Persons qualifying for the city council must have attained the age of 25 years.

(c) Persons qualifying for the position of mayor shall have attained the age of 30 years and must have been a resident of the City of Statesboro for at least two years.

(Ga. L. 2000, p. 3786, § 1)

Section 1-105. Meetings, minutes, proceedings.

(a) The city council of the city shall be presided over at its meetings by the mayor or, in his absence, by the mayor pro tem, and a majority of the council shall be necessary to form a quorum for the transaction of business. The council shall cause to be kept in a well-bound book an accurate record of all its proceedings, bylaws, acts, orders, ordinances, and resolutions, which book shall be fully indexed and open to the inspection of anyone who is required to pay taxes in the city. The council shall hold monthly, semimonthly, or weekly sessions as it may determine, and the mayor or mayor pro tem may cause to be held such other and additional meetings as emergencies may, in his discretion, require.

(b) Three councilmembers shall constitute a quorum and shall be authorized to transact the business of the council. Voting on the adoption of ordinances shall be taken by a voice vote and shall be recorded in the official minutes, but any member of the council shall have the right to request a roll-call vote. The affirmative vote of a majority of the members present shall be required for the adoption of any ordinance, resolution, or motion, except as otherwise provided in this Charter.

(Ga. L. 2000, p. 3786, § 3)

Section 1-106. Boards, commissions and authorities.

(a) The city council shall create by ordinance such boards, commissions and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties and powers thereof.

(b) All members of boards, commissions and authorities shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, term of office or manner of appointment is prescribed by this charter or general state law.

(c) The city council may provide by ordinance for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission or authority.

(d) No member of any board, commission or authority created by and appointed solely by the city council shall hold any elective office of the city. This prohibition specifically does not include the downtown development authority of the City of Statesboro; nor to any joint board, commission or authority created by the city with any other governmental entity or agency including, but not limited to, joint library boards, joint airport authorities, joint solid waste authorities and area planning and development authorities.

(e) Any vacancy on a board, commission or authority shall be filled for the unexpired term in the manner prescribed in this charter for the original appointment, except as otherwise provided by this charter or general state law.

(f) No member of a board, commission or authority shall assume office unless he has executed and filed with the city clerk an oath obligating that official to perform faithfully and impartially the duties of office. Such oath shall be prescribed by ordinance and shall be administered by the mayor.

(g) Any member of a board, commission or authority may be removed from office for cause by a vote of three (3) members of city council.

(h) Except as otherwise provided by this charter or by general state law, each board, commission or authority of the city shall elect one of its members as chairman and one member as vice chairman and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission or authority of the city government may establish such bylaws, rules and regulations, not inconsistent with this charter, ordinances of the city or general state law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of any such bylaws, rules or regulations shall be filed with the city clerk.

Section 1-6. Limitation of civil liability for unlawful or unauthorized detentions.

In no case shall the city be liable for damages to any person or persons for any unlawful or unauthorized arrest or false imprisonment made or effected by the marshal, chief of police, or any other policeman of the city; but if damages are ever thus sustained, they can only be recovered out of the officer or officers whose unlawful and unauthorized conduct may have produced them.

Section 1-7. Interest in contracts, nepotism, prohibited.

No mayor of the city nor member of city council nor any other officer of the city shall be personally interested, directly or indirectly, in any contract made by the city or receive any profit or emolument for any purchase or sale of material or other article sold to the city or paid for out of the public revenues of the city; and nepotism in any of the board[s] or officers of the city is expressly forbidden.

ARTICLE II – ELECTIONS

Section 2-101. Application of general laws.

All municipal general or special elections or referendums and primaries shall be held and conducted in accordance with the Georgia Municipal Election Code, Title 34A of the Code of Georgia [O.C.G.A. § 21-3-1 et seq.] (1968 Ga. Laws, page 885), as now or hereafter amended.

Section 2-102. Special elections; vacancies.

(a) In the event that the office of mayor or any council member shall become vacant for any cause whatsoever, the council or those remaining shall, by resolution, order a special election to fill the balance of the unexpired term of that office.

(b) If, however, the vacancy in any council seat occurs within twelve (12) months of the expiration of the term of that office, the council or those remaining may, within twenty (20) days of the occurrence of the vacancy, appoint a successor for the remainder of the term.

(c) If, however, a vacancy in the office of the mayor occurs, the president of the council shall be acting mayor with all the powers and duties of that office until a successor is elected and qualified, and if the vacancy in the office of the mayor occurs within twelve (12) months of expiration of the term of that office, the president shall succeed to the office of the mayor for the remainder of the term.

(d) Any special election necessary under this section shall be held at the same time as any general state election if the vacancy occurs more than thirty (30) but less than ninety (90) days before the general election.

Section 2-104. Council districts, adjustments.

(a) There shall be five (5) election districts for council members in the city, the boundaries of which may be shown on the official map of the city and an official description by federal census tracts and blocks shall be retained permanently in the office of the City Clerk and to be designated the "Official Description of the Council Election Districts of the City of Statesboro, Georgia".

(b) The council may, by ordinance, provide for the redrawing of the official map and description to reflect lawful adjustments in the districts.

(c) Until such time as the boundaries of election districts are altered as provided in this section, residents of annexed territory shall be deemed to be residents of the election district closest to which they reside for purposes of city elections.

(d) Subject to the limitations of state law, the council shall reapportion the council election districts from which members of the council are elected following publication of the 2010 United States decennial census or any future such census. Such reapportionment of districts shall be effective for the election of members to council at the next regular general municipal election following the publication of the decennial census.

(e) The council shall reapportion the council election districts in accordance with the following specifications:

- (1) Each reapportioned district shall be formed of contiguous territory, and the boundary lines of said district shall be the center lines of streets or other well-defined boundaries;
- (2) Variation in population between such districts shall comply with the one person-one vote requirements of the United States Constitution; and
- (3) The reapportionment shall be limited to adjusting the boundary lines of the existing districts only to the extent reasonably necessary to comply with the requirements of paragraph (2) above, and the number of members of the council and the manner of electing such members, except for the adjustment of district boundary lines, shall not be changed by the council.

(f) In addition to the reapportionment following publication of the decennial census, the council shall reapportion election districts pursuant to this section if the annexation of additional territory to the corporate boundaries of the City of Statesboro deny electors residing within the newly annexed territory the right to vote for the election of members of the council on substantially the same basis that the other electors of the City of Statesboro vote for members of the council. The reapportionment provided for herein shall meet the criteria specified in subsection (e) of this section and shall be further limited to making only those adjustments in district boundary lines as may be reasonably necessary to include the newly annexed territory within such districts. Reapportionment under this subsection shall be effective for the next regular general municipal election following the annexation.

Section 2-105. Election by district.

Each election district shall be represented by a council member, who shall continue to reside in the election district the member represents during the entire term of office.

Section 2-106 Registration cards of voters to be safeguarded by city clerk; time for registration.

It shall be the duty of the city clerk to safeguard the uniform registration cards, issued by the Secretary of State, at city hall for the proper registration of the qualified voters of the City of Statesboro. Registration shall be during normal business hours on each business day with the exception of the period of 30 days before an election, and during the 30 day period, the registration shall remain closed insofar as registration of voters for the pending election is concerned.

Section 2-107 Registration of voters; oath of registrant.

Any person desiring to register as an elector shall apply to a registrar or city clerk and shall furnish such officer with proper identification and information which will enable such person to fill in all blanks appearing on the registration card.

On completion of the form, the officer shall administer the oath to the applicant and then have the applicant sign it, and the officer shall attest it.

Section 2-108. Appeal from decision as to right to register; correcting, purging registration list.

Any person to whom the right of registration is denied by the registration officer shall have the right to take an appeal to the superior court of the county; and any elector may enter an appeal to such court from the decision of the registration officer allowing any person to register. All appeals must be filed in writing with the city clerk within ten days from the date of the decision complained of and shall be returned by the city clerk to the office of the clerk of such court to be tried, de novo, as are appeals from the probate court. Pending an appeal and until the final judgment of the case, the decision of the registration officer shall remain in force.

The city clerk or registrar shall have the authority to purge the list of electors of all illegal voters such as (1) persons convicted of a crime, the penalty of which is disfranchisement, (2) persons disqualified by reason of an adjudication of idiocy or insanity, or (3) names of persons who have died, also (4) any person who has not voted in at least one general or special election or primary in the preceding three years or has not requested a continuation of registration. Persons who have not voted or requested continuation shall be given notice by first-class mail at their last known address within ten days after removal of their names, such notice to state substantially as follows:

"You are hereby notified that according to state law, your registration as a qualified voter will be canceled for having failed to vote within the past three years, unless you request a continuance of your registration in writing by

_____/_____/_____ (month)
_____/_____/_____ (date)
_____/_____/_____ (year)."

Electors shall be given 20 days from removal date to request in writing a continuance of their registration.

Section 2-109. List of voters to be furnished to, used by election managers.

At least three days prior to the primary or election, the registrar shall file with the city clerk a certified copy of a list containing the names, addresses, and ZIP codes of all the electors found to be qualified. The list shall be alphabetically arranged by precincts, and it shall be the list of electors for the municipal election to be held in such year. The list shall be kept by the managers before them for their inspection during the election, and they shall not permit anyone to vote whose name does not appear on the list.

Section 2-110. Special elections.

All elections held at any other time than the regular elections, as above provided for, such as for the issuing of bonds by the mayor and city council, and in all special elections for any purpose whatever, shall be conducted in accordance with the provisions of Georgia Municipal Election Code, O.C.G.A. § 21-3-1 et seq.

Section 2-111. Election, terms of mayor and councilmembers.

All elections for mayor and city council members shall be conducted and scheduled according to the mandates of the Georgia Municipal Election Code, O.C.G.A. § 21-3-1 et seq. The mayor and each member of the city council shall be elected for terms of four years. The municipal corporate limits shall be divided into five voting districts, with one council member being elected from each district.

Section 2-112. Eligibility requirements of mayor, councilmembers.

No person shall be eligible for the office of mayor of the city who has not been a resident thereof for one year or more continuously preceding the election, and who is not a qualified elector to vote in the city elections of the city. Nor shall any person be eligible for the office of councilmember of the city who is not eligible for the office of mayor, and who has not resided in the district which such person seeks to represent for at least six months immediately preceding the date of election.

Section 2-113. Entrance fees for candidates for office of mayor, councilmember, qualification date.

All candidates for council posts shall qualify for the office they seek not more than 52 days nor less than 22 days prior to the election. All candidates for the office of councilman shall pay an entrance fee of \$15.00, the fees to be paid to the city clerk at the time of qualification of candidates.

Section 2-114. Candidate for city council; election districts.

For the purpose of electing said members of the council of the City of Statesboro, the city shall be divided into election districts, as described herein. The election districts shall also include properties annexed into districts which are in addition to the properties listed in the election districts described below:

District 001

Beginning at the intersection of the eastern right-of-way of North Main Street (Lakeview Road) and the run of the branch (existing City Limits) running thence southerly along the eastern right-of-way of North Main Street (Lakeview Road) to the existing City Limits (located on the northern side of Ladd Circle); running thence easterly, southerly and easterly along the existing City Limits to its intersection with the western right-of-way of Francis Scott Drive; running thence southeasterly, easterly, southerly and southeasterly along the existing City Limits to the intersection of the western right-of-way of the Norfolk Southern Railroad; running thence northeasterly along the western right-of-way of the Norfolk Southern Railway to the intersection of a projection of the southern property line of James Newsome and Smith; running thence southeasterly along the property line common to James Newsome and Smith to a corner; running thence northeasterly along the property line common to James Newsome and Smith to a corner common to Willie Frink; running thence southeasterly along the property line common to Willie Frink and Smith to a corner common to the Bulloch County Correctional Institute; running thence southerly along the property line of the Bulloch County Correctional Institute to a corner; running thence southeasterly along the property line of the Bulloch County Correctional Institute to a corner common to the Georgia Department of Transportation; running thence southeasterly along the property line common to the Bulloch County Correctional Institute and the Georgia Department of Transportation to the northern right-of-way of U.S. Highway 301; running thence northeasterly along the northern right-of-way of U.S. Highway 301 to the intersection of a projection of the eastern right-of-way of Veterans Memorial Parkway; running thence along the eastern right-of-way of Veterans Memorial Parkway to its intersection with the center line of East Main Street (Georgia Highway 24); running thence westerly along the center line of East Main Street to its intersection with the center line of Turner Street; running thence southerly along the center line of Turner Street to its intersection with the center line of Thomas Street; running thence westerly along the center line of Thomas Street to its intersection with the center line of Gordon Street; running thence southwesterly along the center line of Gordon Street to its intersection with the center line of South Crescent Street; running thence northwesterly along the center line of South Crescent Street to its intersection with the center line of Crescent Circle; running thence southwesterly along the center line of Crescent Circle to its intersection with the center line of Savannah Avenue; running thence northwesterly along the center line of Savannah Avenue to its intersection with the center line of South Zetterower Avenue; running thence northerly along the center line of South Zetterower Avenue to its intersection with the center line of East Main Street; running thence westerly along the center line of East Main Street to its intersection with the center line of the Norfolk Southern Railroad; running thence southerly along the center line of the Norfolk Southern Railroad to its intersection with the center line of

East Grady Street; running thence westerly along the center line of East Grady Street to its intersection with the center line of South Main Street; running thence southerly along the center line of South Main Street to its intersection with the center line of West Inman Street; running thence westerly along the center line of West Inman Street to its intersection with the center line of South Walnut Street; running thence southerly along the center line of South Walnut Street to its intersection with the center line of Inman Lane; running thence westerly along the center line of Inman Lane to its intersection with the center line of South College Street; running thence northerly along the center line of South College Street to its intersection with the center line of West Main Street; running thence northerly along the center line of North College Street to its intersection with the center line of Northside Drive; running thence westerly along the center line of Northside Drive to its intersection with the center line of Carver Street; running thence westerly along the center line of Carver Street to its intersection with the center line of Williams Street; running thence northerly and westerly along the center line of Williams Street to its intersection with the center line of North Foss Street; running thence southerly along the center line of North Foss Street to its intersection with the center line of West Main Street; running thence southerly along the center line of South Foss Street to its intersection with the center line of Denmark Street; running thence westerly along the center line of Denmark Street to its intersection with the existing City Limits; running thence northerly along the existing City Limits to its intersection with the property line common to W. Z. Brown and Olliff and Aldred; running thence westerly along the property line common to W. Z. Brown and Olliff and Aldred to a corner; running thence northerly along the property line common to W. Z. Brown and Olliff and Aldred to a corner common to F. Everett Williams; running thence northeasterly along the property line common to F. Everett Williams and Quail Run Subdivision to a corner; running thence northeasterly along the property line common to F. Everett Williams and Quail Run Subdivision to the southern right-of-way of Williams Road; running thence northwesterly across Williams Road to the property corner common to F. Everett Williams and Lewis Hook; running thence northeasterly along the property line common to F. Everett Williams and Lewis Hook to a corner; running thence northwesterly along the property line common to F. Everett Williams and Lewis Hook to a corner; running thence northeasterly along the property line common to F. Everett Williams and Lewis Hook to a corner common to Ernest Williams; running thence northeasterly along the property line common to Lewis Hook and Ernest Williams and extending to the northern right-of-way of Miller Street Extension; running thence southeasterly along the northern right-of-way of Miller Street Extension to the property line common to Rosa Lee Flannel and Charles Robbins; running thence northeasterly along the property line common to Rosa Lee Flannel and Charles Robbins to a corner common with Cardell Thompson; running thence northeasterly

along the property line common to Cardell Thompson and Charles Robbins to a corner common to Gordon Lowe; running thence northeasterly along the property line common to Gordon Lowe and Charles Robbins to the southwest right-of-way of U.S. Highway 80; running thence northeasterly across U.S. Highway 80 to a property corner common to Roscoe Laircey and Mary Lind M. Saussy; running thence northeasterly along the property line common to Roscoe Laircey and Mary Lind M. Saussy to a corner; running thence northwesterly along the property line common to Roscoe Laircey and Mary Lind M. Saussy to the property corner common to Westchester Subdivision; running thence in a northeasterly direction along the run of the branch which is the property line common to Westchester Subdivision, Northlake Subdivision, and the City of Statesboro Landfill to the eastern right-of-way of Lakeview Road which is the Point of Beginning.

District 002

Beginning at the intersection of the existing City Limits and the center line of Denmark Street running thence easterly along the center line of Denmark Street to the intersection with the center line of South Foss Street; running thence northerly along the center line of South Foss Street to its intersection of the center line of West Main Street; running thence northerly along the center line of North Foss Street to its intersection with the center line of Williams Street; running thence easterly and southerly along the center line of Williams Street to its intersection with the center line of Carver Street; running thence easterly along the center line of Carver Street to its intersection with the center line of Northside Drive; running thence easterly along the center line of Northside Drive to its intersection with the center line of North College Street; running thence southerly along the center line of North College Street to its intersection with the center line of West Main Street; running thence southerly along the center line of South College Street to its intersection with the center line of the Norfolk Southern Railroad; running thence southwesterly along the center line of the Norfolk Southern Railroad to its intersection with the center line of Bruce Drive; running thence easterly along the center line of Bruce Drive to its intersection with the center line of Vista Circle; running thence southerly and easterly along the center line of Vista Circle to its intersection with the center line of South College Street; running thence southwesterly along the center line of South College Street to its intersection with the center line of Azalea Drive; running thence southeasterly along the center line of Azalea Drive to its intersection with the center line of South Main Street (U.S. Highway 301); running thence southwesterly along the center line of South Main Street to its intersection with the center line of Parrish Drive; running thence southeasterly along the center line of Parrish Drive to its intersection with the center line of Forest Drive; running thence southwesterly along the center line of Forest Drive to its intersection with the center line of Old Register Road; running thence southwesterly along the center line of Old Register Road to its

intersection with the center line of Forest Drive; running thence southeasterly along the center line of Forest Drive to its intersection with the center line of Plant Drive; running thence southeasterly along the center line of Plant Drive to its intersection with the center line of Chandler Road; running thence southeasterly along the center line of Chandler Road to its intersection with the center line of Lanier Drive; running thence southerly along the centerline of Lanier Drive to its intersection with the centerline of Robin Hood Trail; running thence southeasterly along the center line of Robin Hood Trail to its intersection with a projection of the southeastern property line of a parcel that provides access to the Statesboro Place Apartments; running thence northeasterly along the property line common to the access and property of T. E. Rushing, et al., to the property corner common to Statesboro Place Apartments and T. E. Rushing, et al.; running thence southerly along the property line common to Statesboro Place Apartments and Sherwood Forest Subdivision to the property corner common to Statesboro Place Apartments and T. E. Rushing, et al.; running thence easterly along the property line common to Statesboro Place Apartments and T. E. Rushing, et al., to its intersection with the center line of Statesboro Place Circle; running thence southerly along the center line of Statesboro Place Circle to its intersection with the northern right-of-way of Veterans Memorial Parkway; running thence southerly along the projection of the center line of Statesboro Place Circle to its intersection with the southern right-of-way of Veterans Memorial Parkway (existing City Limits); running thence westerly along the southern right-of-way of Veterans Memorial Parkway to the property corner common to Park Place Apartments and T. E. Rushing, et al.; running thence southerly, easterly and southeasterly along the property lines common to Park Place Apartments and T. E. Rushing, et al., to the property corner common to T. E. Rushing, et al., and R. A. Clark; running thence southeasterly along a property line common to R. A. Clark and T. E. Rushing, et al., to a property corner common to the City of Statesboro; running thence southwesterly and southerly along the property lines common to R. A. Clark and the City of Statesboro to a property corner common to parcel 1 and parcel 2 of a plat prepared for R. A. Clark dated July 19, 1994; running thence westerly along the property line common to parcel 1 and parcel 2 to its intersection with the center line of County Road #525 (A.K.A. Bird Lane); running thence northerly along the center line of County Road #525 to the property corner common to parcel 1 and lands now or formerly of Dorothy D. Knight; running thence northerly along the property line common to now or formerly Dorothy D. Knight, C. P. Spell, Sr. and parcel 1 to the property corner common to parcel 1 and Park Place Apartments; running thence westerly, northerly and westerly along the property lines common to Park Place Apartments, St. Charles Place and nor or formerly Bob Patray (existing City Limits) to the western right-of-way of Lanier Drive; running thence northerly along the western right-of-way of Lanier Drive which is the existing City Limits to the southern right-

of-way of Veterans Memorial Parkway; running thence northwesterly along the southwestern right-of-way of Veterans Memorial Parkway (existing City Limits) to its intersection with the western right-of-way of U.S. Highway 301; running thence southwesterly along the right-of-way of U.S. Highway 301 to the property corner common to Nash Finch Company and Strickland Investments, LLC; running thence northwesterly along the property line common to Nash Finch Company and Strickland Investments, LLC to the southeastern right-of-way of the Norfolk Southern Railroad; running thence northeasterly along the right-of-way of the Norfolk Southern Railroad to the southwestern right-of-way of Veterans Memorial Parkway (existing City Limits); running thence northeasterly along the right-of-way of the Norfolk Southern Railroad to a projection of the property line common to Louisiana-Pacific Corporation and Natalie G. Rucker; running thence northwesterly along the property line common to Natalie G. Rucker, Louisiana-Pacific Corporation, Melrose Perkins and John R. Altman to the property corner common to Natalie G. Rucker and Hugh Doyle Washington; running thence northeasterly along the property lines common to Natalie G. Rucker, Hugh Doyle Washington and John W. Harris Subdivision to the property corner common to Daniel Bruce Olliff, et al.; running thence southeasterly and southerly along the property line common to Natalie G. Rucker and Daniel Bruce Olliff, et al. to the western right-of-way of the Norfolk Southern Railroad; running thence southeasterly in a projection of the line common to Natalie G. Rucker and Daniel Bruce Olliff, et al., to the eastern right-of-way of the Norfolk Southern Railroad (existing City Limits); running thence southeasterly along the right-of-way of the Norfolk Southern Railroad to a point on the existing City Limits; running thence along the existing City Limits through the lands of Daniel Bruce Olliff, et al., lands formerly of Aulbert J. Brannen, Jr. and lands of the Neville Estate to its intersection with the property line common to the Neville Estate and the area known as Sugar Hill; running thence westerly along the property line common to the Neville Estate and Sugar Hill to a corner common to B. J. Williams; running thence northerly along the property line common to B. J. Williams and Sugar Hill to a corner common to the B. V. Page Estate; running thence northeasterly along the property line common to the B. V. Page Estate and Sugar Hill to the existing Statesboro City Limits; running thence along the existing City Limits through lands of the B. V. Page Estate and the Bulloch County Commissioners to its intersection with the center line of Denmark Street which is the Point of Beginning.

District 003

Beginning at the intersection of the center lines of East Main Street and South Zetterower Avenue; running thence southerly along the center line of South Zetterower Avenue to its intersection with the center line of Savannah Avenue; running thence southeasterly along the center line of Savannah Avenue to its intersection with the center line of Donehoo

Street; running thence southerly along the center line of Donehoo Street to its intersection with the center line of East Jones Avenue; running thence southeasterly along the center line of East Jones Avenue to its intersection with the center line of Gentilly Road; running thence southerly along the center line of Gentilly Road to its intersection with the center line of Brannen Street; running thence northwesterly along the center line of Brannen Street to its intersection with the center line of Prince Way; running thence southerly along the center line of Prince Way to its intersection with the center line of Gentilly Drive; running thence westerly, southerly and easterly along the center line of Gentilly Drive to its intersection with the center line of Gentilly Road; running thence southerly along the center line of Gentilly Road to its intersection with the center line of Wendwood Drive; running thence westerly along the center line of Wendwood Drive to its intersection with the center line of Bell-Lane Avenue; running thence southerly along the center line of Bell-Lane Avenue to its intersection with the center line of Pitt-Moore Road; running thence westerly along the center line of Pitt-Moore Road to its intersection with the center line of Fair Road (Georgia Highway 67); running thence southeasterly along the center line of Fair Road to its intersection with the center line of Chandler Road; running thence southwesterly along the center line of Chandler Road to its intersection with the center line of Georgia Avenue; running thence southeasterly along the center line of Georgia Avenue to its intersection with the center line of Knight Drive; running thence southwesterly and northwesterly along the center line of Knight Drive to its intersection with the center line of Chandler Road; running thence northeasterly along the center line of Chandler Road to its intersection with the center line of Plant Drive; running thence northerly along the center line of Plant Drive to its intersection with the center line of Forest Drive; running thence westerly and northwesterly along the center line of Forest Drive to its intersection with the center line of Old Register Road; running thence northeasterly along the center line of Old Register Road to its intersection with the center line of Forest Drive; running thence northeasterly along the center line of Forest Drive to its intersection with the center line of Parrish Drive; running thence northwesterly along the center line of Parrish Drive to its intersection with the center line of South Main Street; running thence northeasterly along the center line of South Main Street to its intersection with the center line of Azalea Drive; running thence northwesterly along the center line of Azalea Drive to its intersection with the center line of South College Street; running thence northeasterly along the center line of South College Street to its intersection with the center line of Vista Circle; running thence westerly and northeasterly along the center line of Vista Circle to its intersection with the center line of Bruce Drive; running thence northwesterly along the center line of Bruce Drive to its intersection with the center line of the Norfolk Southern Railroad; running thence northeasterly along the center line of the Norfolk Southern Railroad to its intersection with the center line

of South College Street; running thence northerly along the center line of South College Street to its intersection with the center line of Inman Lane; running thence easterly along the center line of Inman Lane to its intersection with the center line of South Walnut Street; running thence northerly along the center line of South Walnut Street to its intersection with the center line of West Inman Street; running thence easterly along the center line of West Inman Street to its intersection with the center line of South Main Street; running thence northerly along the center line of South Main Street to its intersection with the center line of East Grady Street; running thence easterly along the center line of East Grady Street to its intersection with the center line of the Norfolk Southern Railroad; running thence northeasterly along the center line of the Norfolk Southern Railroad to its intersection with the center line of East Main Street; running thence easterly along the center line of East Main Street to its intersection with the center line of South Zetterower Avenue which is the Point of Beginning.

District 004

Beginning at the intersection of the center lines of Fair Road and Pitt-Moore Road; running thence easterly along the center line of Pitt-Moore to its intersection with the center line of Bell-Lane Avenue; running thence northerly along the center line of Bell-Lane Avenue to its intersection with the center line of Wendwood Drive; running thence easterly along the center line of Wendwood Drive to its intersection with the center line of Gentilly Road; running thence northerly along the center line of Gentilly Road to its intersection with the center line of Little Lotts Creek; running thence southeasterly along the center line of Little Lotts Creek to the property corner common to Woodlawn Terrace and Greenbriar Subdivision; running thence westerly along the property line common to Woodlawn Terrace and Greenbriar Subdivision and extending to the center line of Fair Road; running thence southeasterly along the center line of Fair Road to its intersection with the center line of Grady Johnson Road; running thence westerly and southerly along the center line of Grady Johnson Road to its intersection with the center line of Terry Lane; running thence westerly along the center line of Terry Lane and extending to the property line common to Grady Johnson and T. E. Rushing, et al.; running thence southerly along the property lines common to Grady Johnson, T. E. Rushing, et al., and Kingdom Hall of Jehovahs Witness Church to the northern right-of-way of Veterans Memorial Parkway; running thence southeasterly along a projection of the property line common to T. E. Rushing, et al., and Kingdom Hall of Jehovahs Witness Church to the southern right-of-way of Veterans Memorial Parkway (City Limits); running thence westerly along the southern right-of-way of Veterans Memorial Parkway to its intersection with a projection of the center line of Southern Place Circle; running thence northerly along a projection of the center line of Southern Place Circle to its intersection with

the northern right-of-way of Veterans Memorial Parkway; running thence northerly along the center line of Southern Place Circle to its intersection with the property line common to Statesboro Place Apartments and T. E. Rushing, et al.; running thence westerly along the property line common to Statesboro Place Apartments and T. E. Rushing, et al., to a corner common to Sherwood Forest Subdivision; running thence northeasterly along the property line common to Sherwood Forest Subdivision and Statesboro Place Apartments to a corner common to Statesboro Place Apartments and a parcel providing access to Statesboro Place Apartments; running thence southeasterly along the property line common to the parcel providing access to Statesboro Place Apartments and T. E. Rushing, et al. to its intersection with a projection of the center line of Robin Hood Trail; running thence westerly along the center line of Robin Hood Trail to its intersection with the center line of Lanier Drive; running thence northerly along the centerline of Lanier Drive to its intersection with the center line of Chandler Road; running thence northerly along the center line of Chandler Road to its intersection of the center line of Knight Drive; running thence southeasterly and northeasterly along the center line of Knight Drive to its intersection with the center line of Georgia Avenue; running thence northwesterly along the center line of Georgia Avenue to its intersection with the center line of Chandler Road; running thence northeasterly along the center line of Chandler Road to its intersection with the center line of Fair Road; running thence northwesterly along the center line of Fair Road to its intersection with the center line of Pitt-Moore Road which is the Point of Beginning.

District 005

Beginning at the intersection of the center line of East Main Street (GA Highway 24) and the northeastern right-of-way of Veterans Memorial Parkway, running thence northwesterly along the northeastern right-of-way of Veterans Memorial Parkway to the existing City Limits line, running thence easterly along the existing City Limits through lands now or formerly of Stephen M. Jordan and now or formerly William D. Franklin; running thence easterly along the property line common to now or formerly William D. Franklin and now or formerly Ken Bennett to the corner common to Oakcrest Subdivision; running thence northeasterly along the property line common to Oakcrest Subdivision and now or formerly William D. Franklin to a corner common to Gates Peed; running thence northeasterly along the property line common to Oakcrest Subdivision and Gates Peed to a corner; running thence southerly along the property line common to Oakcrest Subdivision and Gates Peed to the northern right-of-way of Georgia Highway 24 (East Main Street); running thence easterly along the northern right-of-way of Georgia Highway 24 to the intersection of a projection of the eastern right-of-way of Beasley Road; running thence southerly along the eastern right-of-way of Beasley Road to the southern right-of-way of Jones Mill Road; running thence southerly along the

eastern right-of-way of Beasley Road to the property line common to Bel-Air Subdivision and Chester Hood; running thence southeasterly along the property line common to Bel-Air Subdivision and Chester Hood to the corner common to Merrywood Subdivision; running thence southeasterly along the northern property line of Merrywood Subdivision to a corner; running thence southwesterly along the eastern property line of Merrywood Subdivision to a corner; running thence northwesterly along the property line of Merrywood Subdivision to a corner; running thence southwesterly along the property line common to Merrywood Subdivision and Doy Boyd and extending to the southern right-of-way of U.S. Highway 80; running thence northwesterly along the southern right-of-way of U.S. Highway 80 to the eastern right-of-way of East Sandy Way which is common to the property line of Joseph E. Marshall; running thence southwesterly along the eastern right-of-way of East Sandy Way which is common to the property line of Joseph E. Marshall to a corner common to George M. Brannen; running thence northwesterly along the southern right-of-way of East Sandy Way which is common to the property line of George M. Brannen to a corner common to Lynnhaven Estates; running thence northwesterly along the property line common to Lynnhaven Estates and George M. Brannen to the eastern right-of-way of Cawana Road; running thence southwesterly along the eastern right-of-way of Cawana Road to a projection of the property line common to Bernard Olliff, et al., and George M. Brannen; running thence northwesterly, southwesterly and westerly along said projection and the property lines common to Bernard Olliff, et al., and George M. Brannen to the eastern right-of-way of Veterans Memorial Parkway; running thence southerly and southwesterly along the eastern right-of-way of Veterans Memorial Parkway to its intersection with the western right-of-way of Briarwood Road; running thence southerly and westerly along the western right-of-way of Briarwood Road to its intersection with the northeastern right-of-way of Georgia Highway 67; running thence northwesterly along the northeastern right-of-way of Georgia Highway 67 to its intersection with the southeastern right-of-way of Veterans Memorial Parkway; running thence southwesterly along the right-of-way of Veterans Memorial Parkway to a property corner common to Robert Stambuk and Garden District Apartments; running thence southeasterly along the property line common to Robert Stambuk and Garden District Apartments to a corner; running thence northeasterly along the property line common to Robert Stambuk and Garden District Apartments to the southwestern right-of-way of Georgia Highway 67; running thence southeasterly along the right-of-way of Georgia Highway 67 to a property corner common to Garden District Apartments and Robert Stambuk; running thence southwesterly and northwesterly along property lines common to Garden District Apartments and Robert Stambuk to a property corner common to T. E. Rushing, et al., Robert Stambuk and Garden District Apartments; running thence northwesterly along the property line common to T. E. Rushing, et

al., and Garden District Apartments to the southern right-of-way of Veterans Memorial Parkway; running thence northwesterly along a projection of the property line common to T. E. Rushing, et al., and Garden District Apartments to the northern right-of-way of Veterans Memorial Parkway; running thence northwesterly along the property line common to T. E. Rushing, et al., Kingdom Hall of Jehovahs Witness Church and Grady Johnson to its intersection with a projection of the center line of Terry Lane; running thence northeasterly along said projection and the center line of Terry Lane to its intersection with the center line of Grady Johnson Road; running thence northerly and easterly along the center line of Grady Johnson Road to its intersection with the center line of Fair Road (Georgia Highway 67); running thence northwesterly along the center line of Fair Road to its intersection with the projection of the property line common to Woodlawn Terrace and Greenbriar Subdivision; running thence northeasterly along the property line common to Woodlawn Terrace and Greenbriar Subdivision to its intersection with the center line of Little Lotts Creek; running thence northwesterly along the center line of Little Lotts Creek to its intersection with the center line of Gentilly Road; running thence northerly along the center line of Gentilly Road to its intersection with the center line of Gentilly Drive; running thence northwesterly, northerly and southeasterly along the center line of Gentilly Drive to its intersection with the center line of Prince Way; running thence northerly along the center line of Prince Way to its intersection with the center line of Brannen Street; running thence southeasterly along the center line of Brannen Street to its intersection with the center line of Gentilly Road; running thence northerly along the center line of Gentilly Road to its intersection with the center line of East Jones Avenue; running thence northwesterly along the center line of East Jones Avenue to its intersection with the center line of Donehoo Street; running thence northeasterly along the center line of Donehoo Street to its intersection with the center line of Savannah Avenue; running thence northwesterly along the center line of Savannah Avenue to its intersection with the center line of Crescent Circle; running thence northeasterly along the center line of Crescent Circle to its intersection with the center line of South Crescent Street; running thence southeasterly along the center line of South Crescent Street to its intersection with the center line of Gordon Street; running thence northeasterly along the center line of Gordon Street to its intersection with the center line of Thomas Street; running thence easterly along the center line of Thomas Street to its intersection with the center line of Turner Street; running thence northerly along the center line of Turner Street to its intersection with the center line of East Main Street; running thence easterly along the center line of East Main Street to its intersection with the northeastern right-of-way of Veterans Memorial Parkway which is the Point of Beginning.

(Amend. of 8-17-93; Amend. of 8-21-01)

Section 2-115. Qualifications of electors.

All persons who are bona fide residents of the city, who are 18 years of age, who are citizens of the state and the United States, who shall have registered as an elector in the manner prescribed by law, and possess all other qualifications prescribed by law, shall be qualified electors.

Section 2-116. Election managers; functions, oath of office, selection, compensation.

All elections shall be conducted in each election district by a board consisting of a chief manager, who shall be chairman of such board, and two assistant managers, assisted by clerks as provided in O.C.G.A. § 21-3-33. The managers of each election district shall be appointed by the governing authority. Before entering on their duties, managers of the elections shall subscribe to the following oath:

"All and each of us do swear that we will faithfully superintend this day's election; that we will make a just and true return thereof and will not knowingly permit anyone to vote in this election unless we believe that such person is entitled to vote accordingly to the law of the City of Statesboro; nor will we knowingly prohibit anyone from voting who is by law entitled to vote; so help us God"; the oath to be signed by each manager in the capacity in which such person acts. The oath may be administered by any person in the County of Bulloch authorized by law to administer oaths. The managers of such elections shall receive such compensation as may be fixed by the city council of the city.

Section 2-117. Conduct of election; hours for polls to remain open, certification of results.

The polls at the elections held in and for the city shall be open from 7:00 a.m. to 7:00 p.m. when they shall be closed, and the managers of the election shall proceed to count the ballots and consolidate the returns of the election and certify the same. The managers shall prepare in ink three copies of a return showing the official count. One copy of such returns shall be immediately posted outside of the polling place or place of tabulation.

A second copy of the district returns, together with the write-in ballots, one or more of the paper proof sheets if the type of voting machine used is equipped with a mechanism for printing them, the oaths and certificates of poll officers, and the numbered list of voters shall be sealed in a separate envelope addressed to the city clerk and bearing a list of its contents on the outside. The envelope, together with an unsealed third copy of such returns and other election supplies, shall be immediately delivered by the managers into the custody of the superintendent of elections.

Immediately upon completing the returns required by this article, the superintendent shall deliver in sealed containers to the city clerk the used, unused, and void ballots and the stubs of all ballots used; the oaths of poll officers; and one copy of each numbered

list of voters, tally papers, voting machine paper proof sheets, and returns involved in the primary or election. Such ballots and other documents shall be preserved under seal in the office of the city clerk for at least 24 months; and then they may be destroyed unless otherwise provided by order of the mayor and council if a contest has been filed or by court order, provided that the electors list, voter's certificates, and duplicate oaths of assisted electors shall be immediately returned by the superintendent to the county or municipal registrar as appropriate.

Section 2-118. Illegal voting.

Any person who votes or attempts to vote at any primary or election, knowing that he does not possess all the qualifications of an elector at such primary or election as required by law, or who votes or attempts to vote at any primary in violation of O.C.G.A. § 21-3-136 shall be guilty of a misdemeanor.

Section 2-119. Procedure to contest the results of election for mayor and councilmembers.

A petition to contest the results of a primary or election shall be filed in writing with the city clerk within five days after the results of the election are declared by the governing authority. Upon the filing of the contest petition, a hearing shall be set before the governing authority of the municipality. Reasonable notice of the hearing shall be either personally delivered or forwarded by mail to all parties involved. The notice shall include a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing is to be held; and a short and plain statement of the grounds for contest. Opportunity shall be afforded all parties to be represented by legal counsel and to respond and present evidence on all issues involved. The hearing shall be presided over by the mayor or such other individuals as the governing authority may appoint. Any member of the governing authority involved in the contest shall disqualify himself from judging the contest. The governing authority shall render its decision in writing within a reasonable time after such hearing and a copy of the decision shall be provided to all parties involved. The decision of the governing authority shall be considered a final determination of the contest unless appealed. If all members of the governing authority must disqualify themselves from judging the contest, the contestant may, within ten days of official notice of their disqualification, file an action in superior court.

The decision of the governing authority may be appealed to the superior court in the manner of appeal from a probate court, except that appeals shall be made within ten days after determination of the contest by the governing authority. The appeal of the decision of the governing authority shall be tried and determined in the county in which the city hall is located.

Section 2-120. Effect of filing notice of contest of election.

In the event notice of a contest is filed as provided in the previous section, the mayor and councilmembers of the city then in office shall continue to perform their duties as

such officers until the contest is settled and determined and until their successors are legally elected and qualified.

Section 2-121. Absentee voting.

The City of Statesboro shall adopt and provide for absentee voting as prescribed in the Georgia Municipal Election Code, O.C.G.A. § 21-31-1 et seq.

Section 2-122. Write-in candidate.

No person elected on write-in vote shall be eligible to hold office unless notice of his intention of candidacy was given 20 or more days prior to the election by the person to be a write-in candidate, or by some other person or group of persons qualified to vote in the subject election, to the mayor or similar officer thereof, and by publication in the official organ of the municipality holding the election.

ARTICLE III -- CITY COUNCIL

Chapter 1. General Provisions

Section 3-101. Oath of office.

Before entering upon the discharge of their respective offices, members of the city council shall each make and subscribe the following oath:

"I do solemnly swear that I will faithfully discharge all duties devolving on me as a member of the city council of the City of Statesboro, during my continuance in office, according to the best of my ability and understanding, so help me God."

The oath signed by each member of council shall be entered upon the records of the city.

Section 3-102. Creation, composition and term of office.

There shall be a city council composed of five (5) council members elected as provided in Article IX of this Charter for four-year terms of office and until a successor is duly elected and qualified for service.

Section 3-103. Qualifications.

To be eligible for election or appointment as a member of the city council, a person, at the time of election or appointment, must:

- (a) Have attained the age of twenty-five (25) years;
- (b) Reside within the city limits of the City of Statesboro and the particular district in which the person seeks to represent, as required by the provisions of this Charter;

(c) Be a qualified elector of the city; and

(d) Meet any other requirement specified by federal and state laws, as well as the provisions specified in the the City Charter and relevant ordinances of the City of Statesboro.

Section 3-104. Compensation.

Members of council shall receive, as compensation for their services, an amount fixed by ordinance as provided by general state law. In addition, the members of council shall receive their expenses incurred in the performance of their official duties in the manner provided by ordinance.

Section 3-105. Vacancy declared due to a change in residency.

Each member of city council shall reside within the corporate limits of the city during their terms of office. If any member of council changes residency to a residence outside of the city limits of the City of Statesboro, such elected official's office shall be declared vacant.

Section 3-106. Filling vacancy in office of a member of council.

(a) In the event a vacancy occurs on the city council for any reason other than the expiration of the term of office, a special election to fill the unexpired term shall be held in accordance with O.C.G.A, Tit. 21, Ch. 2, the "Georgia Election Code," and the applicable terms of this Act in respect to residency and qualification. In the event a councilmember moves his or her residency from the district he or she represents, his or her office shall be automatically vacated and shall be filled in the same manner as for other vacancies.

(b) The members of council elected as provided in this section shall take the oath of office prescribed in section 2-1 of this Act before entering upon the duties of office.

Chapter 2. – Powers of Council

Section 3-201. General powers.

Unless otherwise provided by this Charter, the legislative power of the city shall be vested in the city council.

Section 3-202. Execution of powers.

The council shall provide by ordinance for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, departments or employees as provided by this Charter or general state and federal regulations, laws and statutes.

Section 3-203. Specific powers and duties.

Without limiting the general legislative powers of the council, the council is empowered to:

- (a) Adopt annual budgets and fiscal guidelines for the city by ordinance and any supplements or amendments that the council deems necessary from time to time during the fiscal year;
- (b) Adopt ordinances establishing city personnel policies;
- (c) Establish electoral districts and makes adjustments to electoral districts through the passage of ordinances pursuant to the powers reserved in this Charter;
- (d) Establish boards, commissions and committees for legislative, investigative, advisory or other purposes. Said boards, commissions and committees may consist of any combination of elected officials, citizens, area experts or other persons which council determines may contribute to the purposes of such board, commission or committee.
- (e) Establish provisions for governmental reorganization, including the establishment, alteration or abolishment of any and all non-elective offices, positions, departments and agencies of the city unless otherwise established or provided by this Charter.
- (f) Adopt any other ordinance, resolution or amendment to this Charter as permitted and exercise any other power as outlined in general state law, this Charter or any ordinance approved by council.

Section 3-204. Independent audits.

The council shall be authorized to provide for an independent annual audit of all city accounts and may provide for more frequent or continuing audits as it deems necessary. Audits shall be made by a certified public accountant or firm of certified general accountants who have no personal interest or relationship, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may, without requiring competitive bids, designate an accountant or firm annually or for a period not exceeding three (3) years, provided that the designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of the fiscal year. The council may also provide for special independent audits of any office, department, board, commission or agency of the city.

Section 3-205. Inquiries and investigations.

The council, by a majority vote of the entire council, may make inquiries and investigations into the affairs of the city and the conduct of any department, office or agency of the city or any joint or independent commission, board, or authority of the city and county. Such authority may be vested in a committee of not less than three (3) members. For this purpose, the council or its authorized committee, may request or subpoena witnesses, administer oaths, take testimony, and require the production of evidence in the same manner as the Superior Court of Bulloch County; provided, however, that in the event the inquiry or investigation is being conducted by council's authorized committee, subpoenas of witnesses or evidence must be authorized by a majority vote of the entire council and issued by the chairman of the authorized

committee, or authorized by a majority vote of the authorized committee and approved and issued by the mayor or mayor pro tem. Any person who fails or refuses to obey a subpoena issued in the exercise of this power by the council or its authorized committee may be held in contempt of the council by a majority vote of all council members and punished as provided in this Charter for contempt of a municipal court. Appeals to the Superior Court of Bulloch County from a council contempt conviction is allowed as for any conviction in the municipal court. Any participant in any hearing authorized herein may require that such hearing be closed to the public and all reports to council of the result of any inquiry or investigation by an authorized committee shall be closed to the public. Any action taken by council as a result of such inquiry or investigation shall be taken at and during an open meeting.

Chapter 3 – Organization and procedures of council.

Section 3-301. Mayor pro tempore; appointment; term; and removal

The city council shall, at its first meeting after election and qualification, elect one of its members as mayor pro tempore, who shall, in the absence or disqualification of the mayor, be the presiding officer of the city council, shall be allowed to vote on all questions, and shall, in the absence or disqualification of the mayor, exercise all the functions of the office of mayor; and all the duties, powers, rights, and privileges conferred by this Charter upon the mayor may and shall be exercised by the mayor pro tempore in the absence or disqualification of the mayor or when the mayor, from sickness or from other reasons, is unable to act. The mayor pro tempore shall serve for the same term as other council members, subject to removal from the position of mayor pro tempore by a majority vote of council. In the event the office of mayor tempore becomes vacant for any reason, a new mayor tempore shall be selected pursuant to the provisions of this section.

Section 3-302. Rules of procedure.

(a) The council, at any regular or special meeting called for that purpose, by a majority vote of all members, may adopt rules of procedure and have the power to punish its members for disorderly behavior and misconduct by censure or fine, may adopt an order of business or amendments thereto that are consistent with this Charter, without the need for approval by the mayor.

(b) A quorum for all council meetings shall be a majority of all council members and no business shall be transacted by the council in the absence of a quorum except to adjourn a meeting.

(c) Except as otherwise provided in this Charter, all actions of the council shall require the affirmative vote of a majority of all council members. The council, by ordinance, shall prescribe procedures to govern the manner of introduction and passage of ordinances and resolutions.

(d) Minutes of all council meetings shall be maintained and every official action of the council shall be recorded therein. Minutes of meetings shall be considered public record.

Section 3-303. Council meetings.

(a) The council may fix the date and time of regular meetings in the council rules of procedure but there shall be at least one regular meeting each month.

(b) Special meetings of the council may be held pursuant to the call of the mayor or by a majority of all members of the council. The purpose of a special meeting is to deal with emergency matters that may arise between regular meetings and that urgently require action by the council before the next regular meeting. Notice of a special meeting shall be served on all members personally, or by telephone personally, at least forty-eight (48) hours in advance of the meeting. If, after diligent effort, personal service is not possible, notice shall be deemed to have been served if delivered to the residence of record of the member by a police officer who certifies that such delivery was at least twenty-four (24) hours prior to the convening of the meeting. This notice to council members shall not be required if all council members are present when the special meeting is called. This notice of any special meeting may be waived by a council member in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in the council member's presence. Only the business stated in the call may be transacted at the special meeting. Whoever calls a special meeting shall have the discretion to determine what business shall be stated in the call.

(c) All meetings of the council shall be public to the extent required by general state law and notice to the public of special meetings shall be made fully as is reasonably possible, forty-eight (48) hours prior to the meetings.

(d) To meet a public emergency affecting life, health, property or public peace, the council may convene on call of the mayor or a majority of all council members and promptly adopt an emergency ordinance, but this ordinance may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services, or authorize the borrowing of money except for loans to be repaid within thirty (30) days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. It shall become effective upon adoption and approval or at any later time as it may specify. Every emergency ordinance shall automatically stand repealed thirty (30) days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing

ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 3-304. Approval by the mayor

Every ordinance and resolution adopted by council and every other council action requiring the signature of the mayor shall, before it takes effect, be presented and certified by the city clerk, and presented to the mayor within two (2) days of its adoption. The mayor, within ten (10) calendar days of the adoption by council, shall sign and return the document to be signed to the city clerk for recording purposes.

ARTICLE IV – MAYOR

Chapter 1 – Generally.

Section 4-101. Oath of office.

Before entering upon the discharge of the office, the mayor shall make and subscribe the following oath:

"I do solemnly swear that I will faithfully discharge all duties devolving on me as the mayor of the City of Statesboro, during my continuance in office, according to the best of my ability and understanding, so help me God."

The oath signed by the mayor shall be entered upon the records of the city.

Section 4-102. Election; term; succession

The mayor shall be elected for a term of four (4) years and shall maintain the office of mayor until a successor is elected and qualified.

Section 4-103. Qualifications.

To be eligible for election to the office of the mayor of the city, a person, at the time of election must:

- (a) Have attained the age of thirty (30) years;
- (b) Have continuously resided within the city limits of Statesboro for a period of two years prior to the election.
- (c) Be a qualified elector of the city; and
- (d) Meet any other requirements as may be established by general state law and this Charter.

Section 4-104. Compensation.

The mayor of the city shall receive compensation for the services performed as mayor in accordance with the amount of salary affixed to the position by city ordinance and general state law. In addition, the mayor shall be entitled to reimbursement of expenses

incurred in the performance of the mayor's official duties in a manner consistent with the city's ordinances.

Section 4-105. Filing a vacancy in office of the mayor.

(a) In case of a vacancy in the office of mayor caused by death, resignation, failure to elect, or removal of residency from the city, or for any other reason, the city will hold an election to elect a mayor for the unexpired term, in accordance with O.C.G.A. Tit. 21, Ch. 2, the "Georgia Election Code."

(b) The mayor elected as provided in this section shall take the oath of office prescribed in section 3-1 of this Act before entering upon the duties of office of mayor.

Chapter 2 – Powers of the Mayor.

Section 4-201. Vesting of executive powers.

All executive powers of the city are vested in the mayor.

Section 4-202. Chief Executive Officer

Under the mayor and council form of government established by the city, the mayor shall be considered the chief executive officer of the city and shall be responsible for execution of the laws and policies of the city and applicable state and federal laws.

Section 4-203. Duties and responsibilities

The mayor has the following powers, duties and responsibilities:

- (a) To preside over all council meetings.
- (b) To see that all ordinances, resolutions and regulations of the city and all federal and state laws are faithfully executed and enforced;
- (c) To exercise supervision over the executive and administrative functions of the city and serve as the official spokesperson for the city;
- (d) To sign and approve deeds, bonds, contracts and other legal instruments and documents in which the documents or legal instruments must be in writing or upon such circumstances as the general federal or state regulations, or ordinance of the city require such signature;
- (e) To approve council action by signature;
- (f) To conduct studies and investigations and to make recommendations to council concerning legislation which pertains to the welfare of the citizen of Statesboro;
- (g) To represent the city in intergovernmental relations;

- (h) Accept service of process on behalf of the city;
- (i) Administer oaths and conduct the taking of affidavits as needed; and
- (h) To perform such other duties as may be required by law, ordinance or resolution.

ARTICLE V. OFFICERS AND EMPLOYEES

Chapter 1 – City Manager

Section 5-101. Appointment and qualifications.

The council, upon a majority vote, shall appoint a city officer whose title shall be “City Manager.” The city manager shall be appointed solely on the basis of executive and administrative qualifications. Such person need not be a resident of the city or state at the time of appointment, but shall reside within the city limits of the City of Statesboro while in office.

Section 5-102. Duties and Responsibilities.

The city manager shall have the following powers, duties and responsibilities:

- (a) Serve as the head of the department of administration;
- (b) Advise and assist the mayor and city council in the performance of designated duties;
- (c) Coordinate the activities of the various city departments;
- (d) Serve as a point of contact for communications between mayor and city council and the departments of city government;
- (e) Carry out written directives of mayor and city council;
- (f) Produce periodical financial and status reports and associated recommendations to mayor and city council concerning the affairs of the City; and
- (g) Perform other such duties as required by mayor and city council.

Chapter 2 – City Attorney.

Section 5-201. Appointment and qualifications.

The city council shall appoint a city attorney together with such assistant city attorneys as may be authorized and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation involving the city; may be the prosecuting officer in the municipal court; shall attend meetings of the council as directed; shall advise the city council, mayor and city manager, boards, commissions and authorities appointed solely by the city and other officers and employees of the city concerning legal aspects of the city’s affairs; and shall perform such other duties as may be required. Such person

shall be an active member of the State Bar of Georgia and shall have been a practicing attorney for at least five (5) years prior to the date of appointment.

Section 5-202. Duties and responsibilities.

The city attorney shall be legal counsel to the city and perform any other duties as may be provided by city ordinance. Such person shall be responsible to the mayor and council.

Chapter 3 – City Clerk.

Section 5-301. Creation of office; appointment.

There shall be a city clerk who shall be appointed and removed by a majority vote of city council, pursuant to the voting provisions set forth in this Charter.

Section 5-302. Duties and responsibilities.

The city clerk shall be the custodian of all official records and archives of the city, shall keep the official seal of the city and shall affix it to all documents which the city clerk shall attest and certify, and shall perform such other duties as provided for by city ordinance.

Chapter 5 – City Organization.

Section 5-401. City departments.

(a) It shall be the duty of the city manager to recommend to from time to time, organizational changes in the city departments and agencies of the city. Such changes shall be presented to council for consideration.

(b) All departments shall be responsible for the performance of the functions and services as required by ordinance and/or per the directives of mayor and city council. The operations. The operations or responsibilities of these departments may be distributed to subdivisions consisting of officers and employees consistent with the directives of mayor and city council.

Section 5-402. Administrative organization.

The city council may, by ordinance, create, organize, consolidate or discontinue departments, agencies or divisions of the city government as it may from time to time deem desirable for the efficient execution of government services.

Chapter 5 – Personnel.

Section 5-501. Personnel management.

The mayor and city council shall adopt personnel policies to establish the parameters of employment for all city employees. After adoption, it shall be the duty of the city manager and/or his designated representative to recommend to council, changes in the personnel policy. The personnel policies shall set forth a system to recruit, select, train, evaluate performance, promote, demote, discipline, suspend and terminate city employees. Said personnel policies shall be developed in compliance with all state and federal employment and labor regulations.

Section 5-502. Prohibited activities.

(a) All city employees may exercise their constitutional right of freedom of association, including but not limited to civic, social and fraternal organizations; however, no city employee shall become or remain a member of any organization which exercises its right to demand of any of its members obedience to an order to strike or engage in a work stoppage or slowdown for any cause. If any city employee violates any provision of this subsection, such person may be subject to discharge from employment with the city.

(b) If any city employee participates in any strike, work stoppage or slowdown, such person shall be automatically discharged.

Chaper 6 – Standards of Conduct

Section 5-601. Generally.

In order to maintain the trust and respect of the citizens of the City of Statesboro, it is imperative that elected officials, city officers and employees conduct themselves in a professional and ethical manner. As such, representatives of the City of Statesboro must perform their duties for the benefit of the public, regardless of their own personal interest. The interest of the public is the primary concern of the operation of the City of Statesboro.

Section 5-602 - Conflict of interest.

No elected official, city officer, employee of the city or any agency or political entity to which this Charter applies shall knowingly:

(a) Engage in any business or transaction in which the person has a financial interest, which is incompatible with the proper discharge of official duties;

(b) Disclose confidential information concerning the property, government, or affairs of the governmental body by which such person is engaged or is a member of without proper legal authorization, or use that information to advance the financial or other private interest of such person or others;

(c) Accept any valuable gift from any person, firm or corporation which to his or her knowledge is interested, directly or indirectly, in business dealings with the governmental body he or she is a member of or by which such person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any campaign;

(d) Represent private interests, other than his or her own, in any action or proceeding against the city or any portion of its government;

(e) Vote or otherwise actively participate in the negotiation or the making of any contract between the city and any business or entity in which he or she has a substantial financial interest.

Section 5-603. Disclosure of interest.

Any elected official, city officer or employee who possesses or who acquires any financial interests as might reasonably tend to create a conflict with the public interest shall make full disclosure in writing to the appointing authority or the council, in the case of a member of the council, at any time a conflict becomes apparent. The disclosure statements shall be made a matter of public record and be filed with the city clerk. Any member of the council who has any personal or private interest, indirect, financial or otherwise, in any proposal before the council, shall disclose the interest in writing to the council. The disclosure shall be made a matter of public record prior to the taking of any vote on the proposal.

Section 5-604. Use of public property.

No elected official, city officer, or employee of the city or any agency or entity to which this Charter applies shall use property owned by the city for financial benefit, convenience, or profit except in accordance with policies of the city.

Section 5-605. Contracts voidable and rescindable.

Any violation of this chapter which occurs with the knowledge, express or implied, of another party to a contract or sale shall render the contract or sale involved voidable and rescindable as to that party, at the option of city council.

Section 5-606. Ineligibility of elected officials.

Except where authorized by law, neither the mayor nor any city council member shall hold any other elective or compensated appointive office in the city or otherwise be employed by the city or any agency thereof during the term for which such official was elected, provided the provisions of this section shall not apply to any city elective office holder in office on the effective date of this Charter.

Section 5-607. Disqualifying relationship.

No person shall be hereafter appointed or employed by the mayor, city council, or any member thereof, to any office, agency, or employment who is related within the third degree by consanguinity or affinity to the mayor or any member of city council, nor shall any other board created by the Charter of the city or department head of the city hereafter, appoint or employ any person who is so related to any member of the board, or head of the department; nor shall any person be hereafter appointed or employed in any capacity on behalf of the city who is so related to the person so appointing or employing him.

Section 5-608. Participation in elections.

Municipal employees may individually exercise their right to vote and privately express their views as citizens, but no city employee shall:

- (a) Use his or her official authority or capacity for the purpose of interfering with or affecting the result of an election or nomination for office; or
- (b) Directly or indirectly coerce, attempt to coerce, or command a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

Section 5-609. Penalties for violation.

- (a) A knowing violation of this Charter shall constitute a misdemeanor.
- (b) Any city officer or employee who knowingly violates any requirement of this Charter shall upon conviction, be guilty of malfeasance in office or position and shall forfeit the office or position.
- (c) The appointing authority may reprimand, put on probation, demote, suspend or discharge an employee or city officer found to have violated the standards of conduct established by the Charter.

Chapter 7. Miscellaneous Provisions.

Sec. 5-701. Bonds; faithful performance.

The council, by ordinance, shall prescribe the amount and terms of surety bonds conditioned upon the faithful performance of the duties of office of any officer or employee of the city charged with the responsibility of handling moneys on a regular basis.

ARTICLE VI. MUNICIPAL COURT

Section 6-101. Establishment, jurisdiction.

There is established a municipal court for the City of Statesboro, which shall be presided over by a municipal court judge and have jurisdiction over offenses against the laws and ordinances of the City of Statesboro. The court shall be known as the "Municipal Court of Statesboro, Georgia."

Section 6-102. Authority of municipal court.

The municipal court shall have the power to preserve order; to compel the attendance of witnesses; to compel the production of books and papers to be used as evidence; to punish for contempt; to punish witnesses for nonattendance; and to punish all persons who shall counsel, advise, aid, encourage, or intimidate a witness whose testimony is material or desired before the court. The court shall have the power to enforce its judgment by inflicting such penalties as may be provided by the ordinances of the city.

Section 6-103. Limit upon penalties which may be imposed by municipal court.

Punishment for any violation of a city law or ordinance, not otherwise provided in this article or by ordinance, and the punishment for contempt shall be one or more or all of the following punishments at the discretion of the court: a fine not exceeding \$1,000.00; imprisonment in the city jail or in the county jail by permission of the county authorities for a period not exceeding 30 days; or work on the street, or such other places where the offender may be lawfully placed at work under the provisions of this Charter, for a period not exceeding 30 days.

Section 6-104. Review of decisions of municipal court.

A review of a decision of the court shall be by certiorari to the Superior Court of Bulloch County as provided by law for certiorari in other cases.

Section 6-105. Time for municipal court to begin to function.

The municipal court shall begin to function upon the completion of the legal requirements setting up the court.

Section 6-106. Selection, term, qualifications of municipal court judge.

The mayor and council of the City of Statesboro shall appoint a municipal court judge. The municipal court judge shall be a resident of Bulloch County and shall be at least 21 years of age and a practicing attorney who has practiced law for two years prior to the date of appointment..

Section 6-107. Compensation of municipal court judge.

The municipal court judge shall be compensated in an amount determined each year by the mayor and city council, to be paid in equal monthly installments.

Section 6-108. Appointment of temporary judge.

In the event the municipal court judge is disqualified from serving or is required to be absent from the bench for any other reason, the Chief Judge of the Superior Court of Bulloch County shall select a member of the Bulloch County Bar Association possessing all proper qualifications to serve as interim municipal court judge.
(Ga. L. 2000, p. 3786, § 7)

Section 6-109. Procedure for removal of municipal court judge; written charges, hearing required.

The municipal court judge shall be subject to removal at any time by a vote of the majority of the mayor and city council. Before removal, however, written charges must be preferred against him, setting out in detail the nature of the charges against him, which charges must be signed by one or more of the mayor and council. The municipal court judge must be furnished with a copy of such charges and of the time when same will be heard, which must not be less than five days after a copy of such charges has been furnished him. Such hearings shall be public and the municipal court judge shall have the right to be present and to call the witnesses he may desire in his own defense, but the action of the mayor and council in removing or in refusing to remove the municipal court judge after such hearing or after he is given the opportunity to be heard shall be final, and there shall be no appeal from the action of the mayor and council.

Section 6-110. Clerk of municipal court; designation, function.

The mayor and city council, or their designee, may appoint one or more municipal court clerks to aid in the administration of the Municipal Court of Statesboro. The municipal court clerk or clerks shall be responsible for the performance of all duties of officer to the Municipal Court Judge and to the Mayor, and shall faithfully perform these duties.

Section 6-111. Authority to issue warrants for arrest, to fix bail.

The municipal court judge or other authorized official designated under Georgia law, of the city is authorized to issue warrants for the arrest of all persons charged, upon affidavits made before him, with having committed within the limits of the City of Statesboro offenses against any penal law of the state, and to take examination of such persons, and the same to discharge or commit to prison or to let to bail, according to law, to answer such charge before the court having jurisdiction in the same manner as justices of the peace of the counties of the state, now or hereafter may have by law, all of which warrants shall be addressed to a Statesboro police officer or to a sheriff, deputy sheriff or constable of the State of Georgia to the extent that any such officer shall have the same authority to execute the warrants as the sheriffs of this state.

Section 6-112. Arrest without warrant; authority to summon assistance.

It shall be lawful for the police commander, or any regular or special policeman thereof, to arrest without warrant any and all persons if the offense is committed in his presence or within his immediate knowledge, if the offender is endeavoring to escape, if the officer has probable cause to believe that an act of family violence, as defined in O.C.G.A. § 19-13-1, has been committed, or for other causes if there is likely to be a failure of justice for want of a judicial officer to issue a warrant. The offender so arrested shall be held until a hearing of the matter before the proper officer can be had, and to this end the arresting officers are authorized to imprison and confine any person arrested by them in the city jail or in the county jail of Bulloch County for a reasonable length of time.

Any regular or special police officer shall have the power and authority to call for assistance, in order to arrest and detain such offenders, the sheriff of the county or his deputies, any constable of the county, or members of other law enforcement agencies both state and federal.

Section 6-113. Forfeiture of appearance bond.

If any person who has been arrested, charged with a violation of any law or ordinance of the City of Statesboro, and has given bond for his or her appearance before the proper corporate authorities to answer such charge, fails to appear at the time and place specified in the bond, the bond shall be declared forfeited and a rule nisi directed to the principal and security shall issue directing and requiring them to show cause before the municipal court, at a sitting of the court to be held not less than 60 days from the time of the forfeited nisi, why the bond should not be absolutely forfeited, copies of which rule nisi shall be served upon the principal and sureties on the bond at least 20 days before the sitting to which it is made returnable, either personally or by leaving same at the most notorious place of abode of the person upon whom service is perfected, or by publishing same once a week for four weeks prior to the sitting of the court, to which the same is returnable in the official organ of Bulloch County. If at such return term no sufficient cause be shown to the contrary, the forfeiture shall be made final and absolute, and execution shall issue against the principal and securities on the bond, or such of them as have been served, for the full amount thereof and all costs, which shall include the cost of publication, if service by that method is used, which execution shall be signed by the clerk of the council and mayor of the city, and shall have the same lien and binding effect upon the property of the defendants therein as executions issued upon judgments in the justice and superior courts of this state. The execution shall be directed to the Statesboro police commander, and to the sheriffs, deputy sheriffs, and constables of the state, by any one of whom the same may be levied.

ARTICLE VII. FINANCE AND FISCAL

Chapter 1. Taxation and Revenue.

Section 7-101. General taxing power.

The City of Statesboro shall have the general power to levy and collect taxes upon all property, real and personal, with the limits of the city; upon banking, insurance and

other capital employed therein. This tax is for the purpose of raising revenue to defray the costs associated with the operation of the city government; providing governmental services; and repayment of principal and interest on general obligations; and for any such public purpose as determined by city council in its sound discretion.

Section 7-102. Mileage rate, due dates; payment methods.

(a) The council, by ordinance, shall establish the mileage rate for the city within the limits provided by Section 7-101 for the city property tax, a due date; and what length of time a person or entity has to pay.

(b) The council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as to authorize the voluntary payment of taxes prior to the time when due and provide for interest on late installments.

Section 7-103. Occupation and business taxes.

(a) The city shall have the power to levy any occupation or business taxes as are not prohibited by general state law. These taxes may be levied on both individuals and corporations who transact business in the city or who practice or offer to practice any profession or calling therein to the extent the persons have a constitutionally sufficient nexus to the city to be so taxed. These taxes may be levied and imposed on a fixed rate or gross receipts basis or any combination thereof. The council may classify businesses, occupations, professions or callings for the purpose of these taxes in any manner as is reasonable and payment of these taxes may be compelled as provided in section 7-109 of this chapter.

(b) Notwithstanding any other provisions of this section, no occupation or business tax based on gross receipts shall be levied and imposed prior to the holding of a special public hearing thereon, and in no event shall the total revenue received from the imposition of an occupation or business tax based on gross receipts exceed in its first year the total revenue received the immediately preceding year from the occupation and business taxes levied.

Section 7-104. Licenses; permits; fees.

The city shall have the power to require individuals or corporations who transact business in the city or who practice or offer to practice any profession or calling therein to obtain a license or permit for these activities from the city and to pay a reasonable fee for the license or permit where the activities are not now regulated by general state law in such a way as to preclude city regulation. These fees may reflect the total cost to the city of regulating the activity and if unpaid shall be collected as provided in section 6-109. The council by ordinance, may establish reasonable requirements for obtaining or keeping

Section 7-105. Insurance premium taxes and licenses.

The city shall have power and authority to impose and collect license fees and taxes on life insurance companies in the manner provided by an Act of the General Assembly of Georgia approved February 20, 1964 (1964 Ga. Laws, page 122), as now or hereafter amended, and on fire and casualty insurance companies in the manner provided by an Act of the General Assembly approved April 12, 1968 (1968 Ga. Laws, page 3706), as now or hereafter amended. Sec. 6-106. - Service charges.

The city shall have the power to assess and collect fees, charges, and tolls for sewer, sanitary and health services, and garbage and solid waste collection and disposal services, or any other services rendered within and without the corporate limits of the city for the total cost to the city of providing these services. If unpaid, these charges or fees shall be collected as provided in section 6-109.

Section 7-106. Special assessments.

The city shall have the power to assess and collect the cost of constructing, reconstructing, widening or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under any terms and conditions as are reasonable. If unpaid, these charges shall be collected as provided in section 6-109.

Section 7-107. Construction; other taxes.

The city shall be empowered to levy any other tax allowed now or hereafter by state law and the specific mention of any right, power or authority in this chapter shall not be construed as limiting in any way the general powers of this city to tax or otherwise govern its local affairs.

Section 7-108. Collection of delinquent taxes and fees.

The council, by ordinance, may provide generally for the collection of delinquent taxes, fees or other revenue due the city under this Charter or general state law by whatever reasonable means as are not precluded by general state law. This shall include providing for the dates when the taxes, fees or other revenues are due; late penalties or interest; issuance and execution of fi. fas.; creation and priority of liens; making delinquent taxes, fees and other revenues, personal debts of the persons required to pay the taxes, fees or other revenues imposed; revoking city licenses for failure to pay any city taxes, fees or other revenues; allowing exceptions for hardship; providing for the assignment or transfer of executions and collection of transferred executions; providing for the billing and collecting of principal, interest and costs of delinquent executions as an addition to and a part of the annual ad valorem tax bill issued by the Macon-Bibb County Tax Commissioner.

Chapter 2. Indebtedness.

Section 7-201. General obligation bonds.

The city shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this Charter or the general laws of the state. This bonding authority shall be exercised in accordance with the laws governing bond issuances by municipalities in effect at the time the issue is undertaken.

Section 7-202. Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program or venture for which they were issued.

Section 7-203. Short term notes.

The city may issue short term notes as now or hereafter provided by state law.

Section 7-204. Improvement bonds.

(a) In order to facilitate the financing of any municipal improvements authorized by law, the city may issue bonds of the city in the aggregate amount of assessments for the improvement then unpaid, which bond or bonds and the interest thereon shall in no event become a liability of the city or the mayor and council issuing them.

(b) These bonds shall mature at a date and bear an interest rate as the council may determine by ordinance but in no event shall the rate of interest exceed that which the assessments are to bear.

(c) These bonds shall be signed by the mayor and attested by the city clerk, and shall have the impression of the corporate seal of the city thereon, and shall be payable at a place designated by ordinance.

(d) These bonds shall be designated as "improvement bonds," and shall, on the face thereof, recite the nature and location of the improvement for which they have been issued, and shall recite that they are payable solely from assessments which have been levied upon the lots and tracts of land abutting upon or being the situs of the improvement made.

(e) These bonds shall be sold at not less than par, and the proceeds thereof applied to the payment of the costs and expense of the improvement for which the bonds were issued, or the bonds, in the amount that shall be necessary for that purpose, may be turned over and delivered to the contractor, in respect to the improvement at par value, in payment of the amount due on the contract, and the portion thereof which shall be necessary to pay other expenses, incident to and incurred in providing for the improvements, shall be sold or otherwise disposed of as the council by ordinance shall direct.

Chapter 3. Fiscal Management and Control.

Section 7-301. Preparation of budgets.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget.

Section 7-302. Supplemental appropriations.

(a) In addition to the appropriations made by the municipal appropriations ordinance and amendments thereto, the council may make additional appropriations in the same manner as provided in the ordinances relating to the preparation of the annual operating budget, which shall be known as supplementary appropriations ordinances, provided no supplementary appropriation shall be made unless there is an unappropriated surplus in the city treasury or the revenue necessary to pay the appropriation has been collected into the general fund of the city treasury as provided by law.

(b) In no event shall a supplementary appropriations ordinance continue in force and effect beyond the expiration of the municipal budget ordinance in effect when the supplementary appropriations ordinance was adopted and approved.

Section 7-303. Fiscal Year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency and activity of the city government, unless otherwise provided by general state or federal law.

Chapter 4. Purchasing , Contracting and Property Management.

Section 7-401. Procedures for contracting.

The council shall prescribe, by ordinance, the procedures to be followed in regard to contracts binding the city. All contracts and all ordinances which shall make or authorize contracts shall be approved as to form by the city attorney. The mayor shall sign and authorize all contracts; provided, however, the council may authorize the mayor, by ordinance, to designate another appropriate official to sign any type contract. The city clerk shall authenticate all contracts. The original of all contracts shall be maintained on file in the office of the city clerk.

Section 7-402. Purchasing procedures.

The council shall prescribe, by ordinance, the procedures for all purchases of real and personal property by the city. Competitive bidding shall be required for purchases and contracts and awards shall be made to the lowest and/or best bidder, provided that, where not inconsistent with state or federal law, the council may provide for preferences for local bidders and contractors; provided further that the council, by ordinance, may authorize the purchase of goods, materials, supplies, equipment and services without the receipt of formal sealed bids where the price does not exceed a specified dollar

amount. Prior to the making of purchases and contracts, the availability of adequate funds shall be certified as provided by ordinance.

Section 7-403. Sale and disposition of property.

The council shall prescribe, by ordinance, the procedures for all sales and other disposition of real and personal property by the city.

ARTICLE VIII – GENERAL PROVISIONS

Section 8-101. Eminent domain.

The city council is empowered to acquire, construct, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, sewer treatment facilities, water works, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities, and any other public improvements, whether insider or outside of the city limits of Statesboro, and to regulate the use thereof, and for such purposes, property may be taken pursuant to the provisions of federal and state law.

Section 8-102. Sale of City lands.

The mayor and city council shall have the authority and power to lease or sell any portion of lands owned by the City of Statesboro.

Section 8-103. Ordinances and regulations.

Existing ordinances, resolutions, rules and regulations of the city and its agencies now in effect not inconsistent with the provisions of this Charter, shall remain effective until they have been repealed, modified or amended.

Section 8-104. Contracts and obligations; proceedings and compensation.

(a) All contracts, orders, leases, bonds and other obligations or instruments entered into by the city or for its benefit prior to the effective date of this Charter shall continue in effect according to the terms thereof, as obligations and rights of the city.

(b) No action or proceeding of any nature (whether civil or criminal), judicial or administrative, or otherwise, pending at the effective date of this Charter, by or against the city or its departments and agencies, shall be abated or otherwise affected by the adoption of this Charter.

(c) The departmental organization of the city existing immediately prior to adoption of this Charter shall continue in effect upon the effective date of this Charter until such organization is changed or reorganized as provided by ordinance of the council and administrative regulations consistent therewith.

(d) The provisions of section 2-103 of this Charter notwithstanding, the compensation of the mayor and council members for the remainder of their present terms of office shall be the same compensation as such offices received in the calendar year immediately preceding the date of adoption of this Charter.

Section 8-105. Governing body defined.

For the purpose of all laws requiring action of the governing body of the City of Statesboro, such action shall be accomplished by ordinance or resolution unless specifically provided otherwise by the particular law involved.

Section 8-106. Construction.

(a) The captions of the several sections of this Charter are informative only and are not to be construed as a part thereof;

(b) The word "shall" is intended to be mandatory and the word "may" is intended to be permissive; and

(c) The singular shall include the plural and masculine shall include the feminine and vice versa.

Section 8-107. Severability.

If any provisions of this Charter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Charter which can be given effect without the invalid provision or application, and to this end the provisions of this Charter are declared to be severable.

Section 8-108. Specific repealer.

All acts or portions of acts creating, reenacting or amending any and all charters of the City of Statesboro are hereby repealed, except for any acts or portions of acts as amended which are incorporated in this Charter by reference and continued in full force and effect upon the adoption of this Charter, except for the provisions of an ordinance to amend the Charter of the City of Statesboro adopted under the authority of the Municipal Home Rule Act of 1965 and as set forth in Georgia Laws 1975, page 4841 et seq., and the provisions of an Act of the General Assembly approved March 22, 1974 (1974 Ga. Laws, page 3129); the provisions of Section 57 of an Act of the General Assembly approved August 27, 1872 (1872 Ga. Laws, page 239), and the provisions of Section 2 of an Act of the General Assembly approved January 7, 1971 (1971 Ga. Laws, page 2485).

Section 8-108. General repealer.

All laws and clauses of laws in conflict with this act are hereby repealed.