



July 16, 2013 6:00 pm

1. Call to Order by Mayor Joe Brannen
2. Invocation and Pledge of Allegiance by Councilman Travis Chance
3. Recognitions/Public Presentations
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 07-02-2013 Council Minutes
 - B) Notification of alcohol license application:
 - a) Licensee: Joseph F. Cason Jr.
DBA: The Blue Bean Bistro LLC
Location: 721 South Main Street Blg 2 Suite 8
Type of Alcohol License: Pouring – Beer & Wine
Type of Business: Restaurant
 - C) Consideration of a Motion to approve “Vehicle for Hire”
 - a) Boro D.D. LLC – Richard Johnson (Driver)
6. Public Hearing and Consideration of a Motion to approve the following:
 - A) **APPLICATION # SE 13-03-03:** Venus Mack requests a special exception be granted pursuant to the *Statesboro Zoning Ordinance* to allow the operation of a hair salon in the R-20 (Single-Family Residential) District for property located at 316 Fletcher Drive (Tax Parcel Number S35000009 000).
7. Public Hearing and Consideration of a Motion to approve the following:
 - A) **APPLICATION # RZ 13-04-02:** Greg Parker, Drayton Parker, LLC, requests a zoning map amendment pursuant to the Statesboro Zoning Ordinance from R-15 (Single Family Residential) District to CR (Commercial Retail) District for property located at 104 Catherine Avenue (Tax Parcel Number S44000001 000).
 - APPLICATION # RZ 13-04-03:** Greg Parker, Drayton Parker, LLC, requests a zoning map amendment pursuant to the Statesboro Zoning Ordinance from R-15 (Single Family Residential) District to CR (Commercial Retail) District for property located at 300 Catherine Avenue (Tax Parcel Number S44000044 000).

APPLICATION # RZ 13-04-04: Greg Parker, Drayton Parker, LLC, requests a zoning map amendment pursuant to the Statesboro Zoning Ordinance from R-15 (Single Family Residential) District to CR (Commercial Retail) District for property located at northeast corner of Herty Drive @ Fair Road (Tax Parcel Number S44000045 000)

8. Consideration of a Motion to approve **Resolution 2013-25:** A Resolution Allocating Excise Tax on Rooms, Lodging and Accommodations.
9. Consideration of a Motion to Authorize the Mayor to execute a contract for services with the Statesboro Arts Council, Inc. to market downtown Statesboro by operating and managing the Averitt Center for the Arts, using proceeds from the Hotel/Motel Tax.
10. Public Hearing and Consideration of a Motion to Authorize the Mayor to execute a contract for services with the Downtown Statesboro Development Authority/Main Street to market downtown Statesboro, using proceeds from the Hotel/Motel Tax.
11. Public Hearing and Consideration of a Motion to Authorize the Mayor to execute a contract for services with the Statesboro Convention and Visitors Bureau, Inc. to market Statesboro and Bulloch County, using proceeds from the Hotel/Motel Tax.
12. Consideration of a Motion to enter into agreements with Norfolk Southern and Georgia Southern Railway.
13. Consideration of a motion to approve a pay grade change from a 23L to 24I for Police Department Major Brunson in an effort to bring both FD and PD operation positions in line with current levels of responsibility. This item was not added to the new FY14 Budget.
14. Other Business from City Council
15. Public Comments (General)
16. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
CITY COUNCIL MINUTES
July 02, 2013**

A regular meeting of the Statesboro City Council was held on July 02, 2013 at 9:00 am in the Council Chambers at City Hall Present were Mayor Joe R. Brannen, Council Members: Will Britt, Phil Boyum, John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Attorney Alvin Leaphart, City Engineer Robert Cheshire and Director of Community Development Mandi Cody.

The meeting was called to order by Mayor Joe Brannen
The Invocation and Pledge of Allegiance was led by Councilman Gary Lewis.

Recognitions/Public Presentations

A) Retirement – George Daniels, 11 years of Service, Leaf and Limb Collection Driver, Public Works Department

Mayor Brannen presented George Daniels with a plaque for his retirement and 11 years of service with the City of Statesboro

B) “Recognition of the City of Statesboro 2nd Quarter Biggest Loser Winner”

Human Resource Coordinator Flavia Starling gave an update on the biggest loser contest. She stated that Terrell Evans from the Water Department was the biggest loser for the 2nd quarter. Mayor Brannen and City Manager Frank Parker presented Terrell with a check for \$250.00.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) 06-18-2013 Council Minutes

B) Notification of alcohol license application:

Licensee: Heath Robinson

DBA: NYC Pizzeria DBA Big Shows Burgers

Location: 1212 Brampton Avenue

Type of Alcohol License: Pouring – Beer, Wine & Liquor

Type of Business: Restaurant

C) Consideration of a Motion to approve “Vehicle for Hire”

a) Boro D.D. LLC – Robert A. Oellerich(Driver)

b) Boro D.D.LLC – Amanda Korponay (Driver)

c) D W Yellow Cab – Michael Clamion Groomers (Driver)

d) D W Yellow Cab – Isaac Kitching (Driver)

- D) Consideration of a Motion to approve 1st reading of Ordinance 2013-14: George Terrell Beasley requests annexation by the 100 percent method of 57.50 acres of property located at Cawana Road into the City of Statesboro and for said property to be zoned from R40 (Single Family Residential Bulloch County) to CR (Commercial Retail) and PUD - Residential (Planned Unit Development) City of Statesboro (Tax Parcel Number 107 000005 000).**
- E) Consideration of a Motion to approve 1st reading of Ordinance 2013-15: Walter Ray Beasley requests annexation by the 100 percent method of 60.92 acres of property located at Josh Hagin Road into the City of Statesboro and for said property to be zoned from R40 (Single Family Residential Bulloch County) to R-8 and R-10 (Single Family Residential) City of Statesboro (Tax Parcel Number 107 000009 000).**
- F) Consideration of a Motion to approve 1st reading of Ordinance 2013-16: George Terrell Beasley requests annexation by the 100 percent method of 68.08 acres of property located at Josh Hagin Road into the City of Statesboro and for said property to be zoned from R40 (Single Family Residential Bulloch County) to R-10 (Single Family Residential) City of Statesboro (Tax Parcel Number 107 000012 000).**
- G) Consideration of a Motion to approve 1st reading of Ordinance 2013-17: George Terrell Beasley requests annexation by the 100 percent method of 38.73 acres of property located at S and S Railroad bed Road into the City of Statesboro and for said property to be zoned from R40 (Single Family Residential Bulloch County) to R-15 (Single Family Residential) City of Statesboro (Tax Parcel Number 107 000014 000).**

Councilman Chance pulled items D, E, F and G from the consent agenda for further discussion. Councilman Chance asked if these were the largest pieces of property that will be annexed into the City at this time. Director of Community Development Mandi Cody replied this was the largest tracts but there would be smaller tracts in the future. She also stated the 1st reading was basically to notify Council and to begin the first step in the process of completing the annexation of the properties. Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to approve items D, E, F and G. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Chance made a motion, seconded by Councilman Boyum to approve the remaining items on the consent agenda. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve 2nd reading of Ordinance 2013-13: An Ordinance Amending Certain Sections of ARTICLE II of Chapter 74 of the Statesboro Code of Ordinances to increase the excise tax on public lodging.

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to approve 2nd reading of Ordinance 2013-13: An Ordinance Amending Certain Sections of ARTICLE II of Chapter 74 of the Statesboro Code of Ordinances to increase the excise tax on public lodging.

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

Public Hearing and Consideration of a Motion to approve Resolution 2013-23: A Resolution Exempting Certain Vehicles from Marking Requirements for One Year

Councilman Chance made a motion, seconded by Councilman Riggs to approve Resolution 2013-23: A Resolution Exempting Certain Vehicles from Marking Requirements for One Year. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to Authorize the Mayor to execute a contract for services with the Statesboro Arts Council, Inc. to market downtown Statesboro by operating and managing the Averitt Center for the Arts, using proceeds from the Hotel/Motel Tax

Public Hearing and Consideration of a Motion to Authorize the Mayor to execute a contract for services with the Downtown Statesboro Development Authority/Main Street to market downtown Statesboro, using proceeds from the Hotel/Motel Tax

Public Hearing and Consideration of a Motion to Authorize the Mayor to execute a contract for services with the Statesboro Convention and Visitors Bureau, Inc. to market Statesboro and Bulloch County, using proceeds from the Hotel/Motel Tax

Councilman Chance made a motion, seconded by Councilman Riggs to postpone the approval of the contracts for Statesboro Arts Council, Downtown Development Authority and the Convention and Visitors Bureau until the second meeting in July. Councilman Chance stated there was some new language that needed to be added to the contracts. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to convert the section of Seibald St, from Hill Street to Sharpe Street, to a one way street.

Director of the Downtown Statesboro Development Authority Allen Muldrew asked for the approval from Council to change a section of Seibald St. to a one way street. City Engineer Robert Cheshire supported the proposal but also stated he would like to see support from the County. Councilman Boyum stated he would only want the street converted if a developer bought the property. Councilman Boyum made a motion, seconded by Mayor Pro Tem Will Britt to authorize the Mayor to present a letter for the change of the street to a one way, if necessary, for a developer to improve the property. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve application for the 2013 BJA Justice Assistance Grant (JAG) in the amount of \$19,643.00. \$10,803.65 to be utilized by the Statesboro Police Department and \$8,839.35 to be utilized by the Bulloch County Sheriff's Office

Councilman Boyum made a motion; seconded by Mayor Pro Tem Will Britt to approve the application for the 2013 BJA Justice Assistance Grant (JAG) in the amount of \$19,643.00. The Statesboro Police Department will utilize \$10,803.65 and the Bulloch County Sheriff's Office will utilize \$8,839.35. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to award the contract to R. Roese Construction for the Gas System Expansion in the area of Hwy 67 & Joe Hodges Hill in the amount of \$159,790.50

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Chance to award the contract to R. Roese Construction for the Gas System Expansion in the area of Hwy 67 & Joe Hodges Hill in the amount of \$159,790.50. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to Approve cost proposals from Georgia Power and Frontier Communications in the total amount of \$49,000.00 to relocate existing utilities along Gentilly Road as part of the Gentilly Road Sidewalk Installation Project. Cost included in the project budget which is funded by 2007 SPLOST.

Councilman Riggs made a motion, seconded by Councilman Chance to approve cost proposals from Georgia Power and Frontier Communications in the total amount of \$49,000.00 to relocate existing utilities along Gentilly Road as part of the Gentilly Road Sidewalk Installation Project. Cost included in the project budget which is funded by 2007 SPLOST. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to award the bid contract to Complete Sitework Services LLC in the amount of \$2,249,999.87 for the I-16/U.S. Highway 301 Utility Infrastructure for the City of Statesboro contingent upon the written approval from the Bulloch County Board of Commissioners.

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to award the bid contract to Complete Sitework Services LLC in the amount of \$2,249,999.87 for the I-16/U.S. Highway 301 Utility Infrastructure for the City of Statesboro contingent upon the written approval from the Bulloch County Board of Commissioners. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to award the bid contract to CB&I Inc. in the amount of \$2,093,000.00 for the alternate composite elevated storage tank for the I-16 Highway 301 One Million Gallon Elevated Storage Tank contingent upon the written approval from the Bulloch County Board of Commissioners

Mayor Brannen stated the City of Statesboro- Bulloch County Water-Sewer Technical Review Committee would be meeting to discuss the bid contracts for Complete Sitework Services LLC and CB&I Inc. on Wednesday July 3rd, 2013 at 11:00 am in the Statesboro Development Annex.

Councilman Riggs made a motion, seconded by Councilman Boyum to award the bid contract to CB&I Inc. in the amount of \$2,093,000.00 for the alternate composite elevated storage tank for the I-16 Highway 301 One Million Gallon Elevated Storage Tank contingent upon the written approval from the Bulloch County Board of Commissioners. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Other Business from City Council

City Manager Frank Parker explained the condition of the cooling system at City Hall. He also asked Council for a motion to authorize the City Manager to purchase a new air conditioner, thru the bid process, for City Hall not to exceed \$99,000.00 and to authorize the Mayor to sign a contract if the bid comes in under \$99,000.00. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Safety Director Wendell Turner explained **Resolution 2013-24**: A Resolution to accept the \$5,000.00 Homeland Security Grant. Mayor Pro Tem Will Britt made a motion, seconded by Councilman Boyum to approve the acceptance of **Resolution 2013-24**: A Resolution to accept “2012 State Homeland Security Grant” for the City of Statesboro Georgia. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Comments (General)

Mr. Bill Thomas request to speak with Council

Bill Thomas spoke to Council concerning what he believed to be an unauthorized decision made by a sworn constitutional officer involving a utility account in the amount of \$5,000.00. He stated the incident should be investigated. He also stated, as he has in the past, he would like to see the GBI called in to do an audit and a complete investigation of the City.

Consideration of a Motion to Adjourn

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

The meeting was adjourned at 9:55 am.

CITY OF STATESBORO, GEORGIA

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

DATE OF APPLICATION 7/1/2013 NEW ☒ RENEWAL _____

TYPE OF BUSINESS TO BE OPERATED:

<input type="checkbox"/>	RETAIL BEER & WINE PACKAGED ONLY	\$1,250.00
<input checked="" type="checkbox"/>	RETAIL BEER & WINE BY THE DRINK	\$1,250.00
<input type="checkbox"/>	BEER, WINE & LIQUOR BY DRINK	\$3,750.00
<input type="checkbox"/>	WHOLESALE LICENSE	\$1,000.00
<input type="checkbox"/>	APPLICATION FEE - PACKAGED SALES	\$ 150.00
<input checked="" type="checkbox"/>	APPLICATION FEE - POURING SALES	\$ 150.00

APPLICANTS FULL NAME Joseph F Cason Jr.

OWNERS NAME Joseph F Cason Jr.

DBA (BUSINESS NAME) THE Blue BEAN Bistro LLC.

CHECK THE TYPE OF ALCOHOL LICENSE YOU ARE APPLYING FOR:

RESTAURANT ☒ SPORTS RESTAURANT _____ PRIVATE CLUB _____ PACKAGE _____

BUSINESS ADDRESS 721 South Main Street Bldg 2 Suite 8 Statesboro, GA 30458

BUSINESS MAILING ADDRESS 721 South Main Street Bldg 2 Suite 8 Statesboro GA 30458

BUSINESS TELEPHONE # 912-681-BEAN

APPLICANTS HOME ADDRESS

APPLICANTS HOME PHONE

ARE YOU A CITIZEN OF THE UNITED STATES? ☒ YES _____ NO

HAVE YOUR EVER BEEN ARRESTED FOR ANYTHING? _____ YES ☒ NO

IF YES, WHEN AND WHY N/A

IS THE APPLICANT THE OWNER OF THE BUSINESS? ☒ YES _____ NO

IF NO, WHAT IS YOUR TITLE IN THE BUSINESS? N/A

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

PLEASE LIST BELOW:

KAS Burriess / Co-Owner / chef

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

APPLICATION FOR VEHICLE FOR HIRE PERMIT - DRIVER

DATE 06/17/2013

NAME OF BUSINESS BORO D.D. LLC

OWNER OF BUSINESS Nick Lavan

BUSINESS ADDRESS 2075 Old Register Rd Lot #74

CITY, STATE & ZIP Statesboro, GA 30458

BUSINESS TELEPHONE 912-678-2421

NAME OF DRIVER Richard Johnson

HOME ADDRESS

CITY, STATE & ZIP

HOME TELEPHONE

ALIASES _____

AGE OF DRIVER

HAVE YOU EVER BEEN ARRESTED? YES _____ NO ☒

SIGNATURE R. Johnson

DATE 6/17/2013

Response Body

Registration ID:	GA136RC00373927
Applicant Name:	RICHARD JOHNSON
Applicant Address:	
Applicant Phone No.:	7069513672
Applicant email:	rj00184@georgiasouthern.edu
LS TCN:	9133Z00695
Response Type:	STATE RESPONSE
Response Time:	2013-06-28 19:23:07
FBI Number:	
GBI TCN:	31792592089994
SAN:	
RCode:	
RLiteral:	
IDent:	NO GEORGIA CRIMINAL HISTORY IS
Name:	JOHNSON, RICHARD ANDREW JR
OCA:	
SID:	NoRecord
ORI:	GA923004Z
Reason:	GA Check Only
Agency Name:	CITY OF STATESBORO
Agency Address:	50 East Main Street, Statesboro, GA, 30458
Agency Phone:	(912)764-0625
Response Body:	TYPE:mid LSTCN:9139094956 GBITCN:31792592089994 DATE/TIME:2013-06-28 22:35:20 NAME:JOHNSON, RICHARD ANDREW JR SID:NoRecord OTN: OCA: IDENT:NO GEORGIA CRIMINAL HISTORY IS AVAILABLE FOR THIS REQUEST
Printed:	No

Close

Print



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

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

SE 13-03-03
SPECIAL EXCEPTION REQUEST
316 FLETCHER DRIVE

LOCATION: 316 Fletcher Drive

REQUEST: Special Exception to allow a salon in the R20 (Single Family Residential) District.

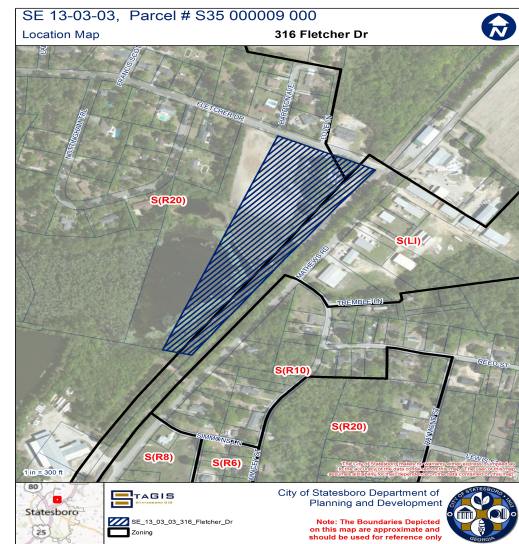
APPLICANT: Venus Mack

OWNER(S): Minnie Faye Newport

LAND AREA: 6.98 Acres

PARCEL TAX MAP #s: S35 000009 000

COUNCIL DISTRICT: 1 (Boyum)



PROPOSAL:

The applicant requests a Special Exception to allow for the utilization of a vacant accessory building on property located at 316 Fletcher Drive as a hair salon. The subject site is zoned R20 (Single Family Residential), which does not permit hair salons by right. (See **Exhibit A – Location Map**)

BACKGROUND:

There is no past zoning history on this property. This 6.98 single lot contains a single family home along with a vacant accessory building (to be utilized in this request).

It should be noted that the purpose of this application is to consider whether the property may qualify for a zoning recommendation for the requested use.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R25 (Single Family Residential – Bulloch County) & LI (Light Industrial – Bulloch County)	Storage Warehouse
SOUTH:	R20 (Single Family Residential)	Warehouses and Single Family Homes
EAST:	LI (Light Industrial)	Industrial Warehouses and Businesses
WEST:	R20 (Single Family Residential)	Single Family Homes

The subject property is located along a line separating manufacturing facilities from single family homes to the west and the northern and eastern property lines are surrounded by predominately industrial uses. (See **Exhibit B**)

COMPREHENSIVE PLAN:

The subject site lies within the "Developing" character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The Developing character area is primarily residential in nature, but is "under pressure to grow in a suburban manner." "These developing areas can be found at the periphery of the city, adjacent to existing suburban development and highway corridors." *Statesboro Comprehensive Plan, Community Agenda*, page 16.

To achieve the *Comprehensive Plan's* policy of protecting existing infrastructure by encouraging infill, redevelopment, and compact development, the community should promote small scale retail uses when possible - such as this one. "Whenever possible, existing structures should be preserved and/or renovated to accommodate changing land uses in order to protect both the neighborhood and overall community character."

Statesboro Comprehensive Plan, Community Agenda page 7.

The *Comprehensive Plan* also lists mixed use as a preferred development strategy but also recognizes that the Developing Character area is primarily residential consisting largely of single family homes. The Comprehensive Plan also adopts the strategies of protecting existing residential neighborhoods and their character. The plan recognizes that commercial and residential can co-exist in residential areas if the design of the establishment is properly considered. *Statesboro Comprehensive Plan, Community Agenda* page 7.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

The subject property does contain wetlands and is located in a special flood hazard zone but neither should impact this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The 6.98 acre site is currently zoned R20 (Single Family Residential) and contains a single family home with a small brick accessory building which is the focus of this request. The R20 (Single Family Residential) district has a stated purpose of establishing reasonable standards of performance and selection of uses permitted in order to maintain and protect the desirable benefits that single family residential uses have throughout the community.

The *Statesboro Zoning Ordinance* allows for the operation of home occupations in the R20 (Single Family Residential) district by specifically listing the permissible uses. However, the ordinance also states that beauty salons and barbershops are not permitted or defined as a home occupation. Regardless, the applicant does not intend to live in the structure that the salon will be operated from; therefore, this use could not be considered as a home occupation otherwise.

The applicant is requesting a Special Exception to permit the use of a hair salon in the existing accessory structure located in the R20 (Single Family Residential) district. Special Exceptions allow for a land use that are not permitted as right within a zoning district but which may be granted where the requested use may be deemed appropriate and compatible with the surrounding neighborhood. In this case, a hair salon is not a use permitted by right within the R20 (Single Family Residential) zoning district; thus necessitating this request for approval of the proposed use by the Mayor and Council.

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

- A. Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.**
 - Staff is unaware of any environmental impacts this request would cause.
 - This building is becoming dilapidated; therefore, use of the vacant building will be an improvement to this site.
- B. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.**
 - The proposed use in this size structure is not expected to cause a significant impact on vehicular traffic.
- C. Off street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.**

- Although staff does not have the exact square footage of the structure that the proposed use will be located in, it is believed to be approximately 400 square feet in size. According to Article XVI of the *Statesboro Zoning Ordinance*, the applicant must have one (1) parking space for every 500 square feet of area accessible to patrons. This site has adequate room for the required parking and may utilize alternative surface material such as gravel, grass, dirt, etc. The site currently contains gravel.
- D. Public facilities and utilities are capable of adequately serving the proposed use.**
 - The applicant intends to hire a licensed contractor to replace much of the interior of the building and install a handicap accessible bathroom and handrails.
 - Building Inspections by the Building Official and Fire Department have been conducted and the applicant is aware of the changes that may be required in the permitting stage.
- E. The proposed use will not have significant adverse effect on the level of property values or the general character of the area.**
 - The proposed use is not expected to have an adverse effect on property values in the area given the uses of surrounding structures.
- F. Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.**
 - No site plan was required to be submitted for this request.
- G. Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.**
 - This request, if approved, is personal to the applicant. Any future changes to this proposal must be approved by City Council.

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

- 1. Existing uses and zoning or [of] property nearby.**
 - Surrounding properties are zoned R20 (Single Family Residential), LI (Light Industrial), and R25 (Single Family Residential – Bulloch County) and uses range from single family residential to industrial warehousing, storage, and manufacturing.
- 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.**
 - This request gives the applicant an opportunity to serve members of the community and neighborhood while contributing to the mixed use feel with a neighborhood retail use as encouraged by the *Comprehensive Plan*.
 - Commercial retail uses in a residential area should consider compatibility with the character of the surrounding area.
- 5. The suitability of the subject property for the zoned purposes.**
 - This property should meet the zoning regulations set forth by the *Statesboro Zoning Ordinance* as necessary.
- 6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
 - The principle structure on the lot is currently occupied as a single family home but the accessory structure in which the applicant wishes to locate has been vacant since being used as a small store decades ago.
 - Surrounding properties appear to be developed and occupied.
- 7. The extent the proposed change would impact population density in the area, community facilities, living conditions in the area, traffic patterns and congestion, environmental aspects, existing and future land use patterns, and property values in adjacent areas.**
 - The proposed use should not significantly impact any of the above.

STAFF RECOMMENDATION:

Based on the factors of consideration for Special Exceptions given in Section 2406 of the *Statesboro Zoning Ordinance* and the *Statesboro Comprehensive Plan*, staff would suggest that if the Special Exception is granted, that it be limited to the structure in question on the site, but not be applied to the entire acreage of the parcel.

PLANNING COMMISSION RECOMMENDATION:

At its April meeting, Planning Commission voted 4-0 to recommend approval of the Special Exception requested by this application with the following conditions:

1. The Special Exception is limited to the structure being used rather than the entire parcel.
2. Parking must be compliant with the *Statesboro Zoning Ordinance*.
3. Signage limited to that of the Home Occupation Regulations.
4. One (1) stylist and one (1) customer at a time.
5. Approval of a sketch showing the proposed renovations to the building.

At its June meeting, Planning Commission voted 6-0 to recommend approval of the Special Exception requested by this application with the following conditions:

1. The Special Exception is limited to the structure being used rather than the entire parcel.
2. Parking must be compliant with the *Statesboro Zoning Ordinance*.
3. Signage limited to that of the Home Occupation Regulations.
4. One (1) stylist and one (1) customer at a time.

Note: The documents provided by the applicant are attached as "Exhibit C".

EXHIBIT A: LOCATION MAP

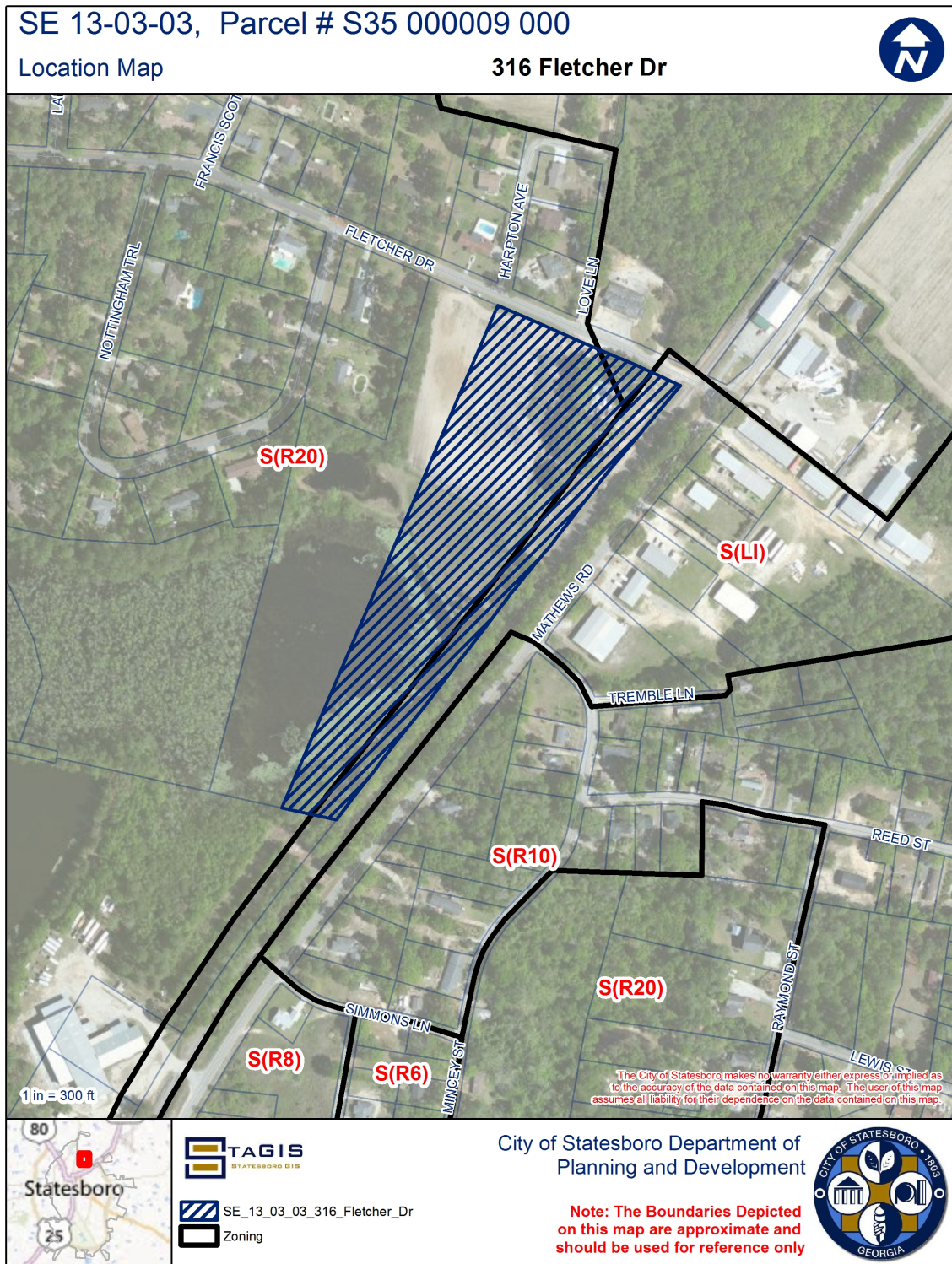


EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: Subject Site from Fletcher Drive.



Figure 2: Side of the Subject Site.

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



Figure 3: Rear of the subject site.



Figure 4: Photo showing available parking on subject site.

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



Figure 5: Storage facility across Fletcher Drive from Subject Site.



Figure 6: Adjacent properties to the northwest of the Subject Site.

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



Figure 7: Manufacturing facilities to the east of the Subject Site.



Figure 8: Subject property that structure is located on.

EXHIBIT C: DOCUMENTS PROVIDED BY APPLICANT

COLEMAN CONTRACTORS INC
209 AYCOCK ST
PORTAL, GA 30450
912-865-4682
912-536-2410

PROPOSAL

Page No. _____ of _____ Pages

DESCRIPTION OF JOB

ARCHITECT	DATE OF PLANS	
JOB	Restore store into hair salon	
ADDRESS	316 Fletcher Dr	
CITY	STATE	ZIP
Statesboro	GA	30458
PHONE	DATE	
215 834 9849	04-25-2014	

PROPOSAL SUBMITTED TO:

Venus Mack

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:

We will replace roof on building with new rubber roof. \$2,000.00
We will wire & plumb building. \$2,000.00
We will build a bathroom, (sink & toilet) \$1,000.00
We will instal ~~ceasar~~ ceramic tile on floor. \$1,600.00
We will instal sheetrock (hang & finish with knock down finish) \$1,400.00
We will paint interior & exterior. + \$1,500.00
grand total \$9,500.00

We hereby propose to furnish material and labor, complete in accordance with above specifications, for the sum of Nine Thousand Five Hundred dollars (\$ 9,500.00)

with payment to be made as follows: in full upon finishing each part of proposal as stated.

All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications involving extra costs will be executed upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Authorized Signature _____

Note: This proposal may be withdrawn by us if not accepted within 14 days.

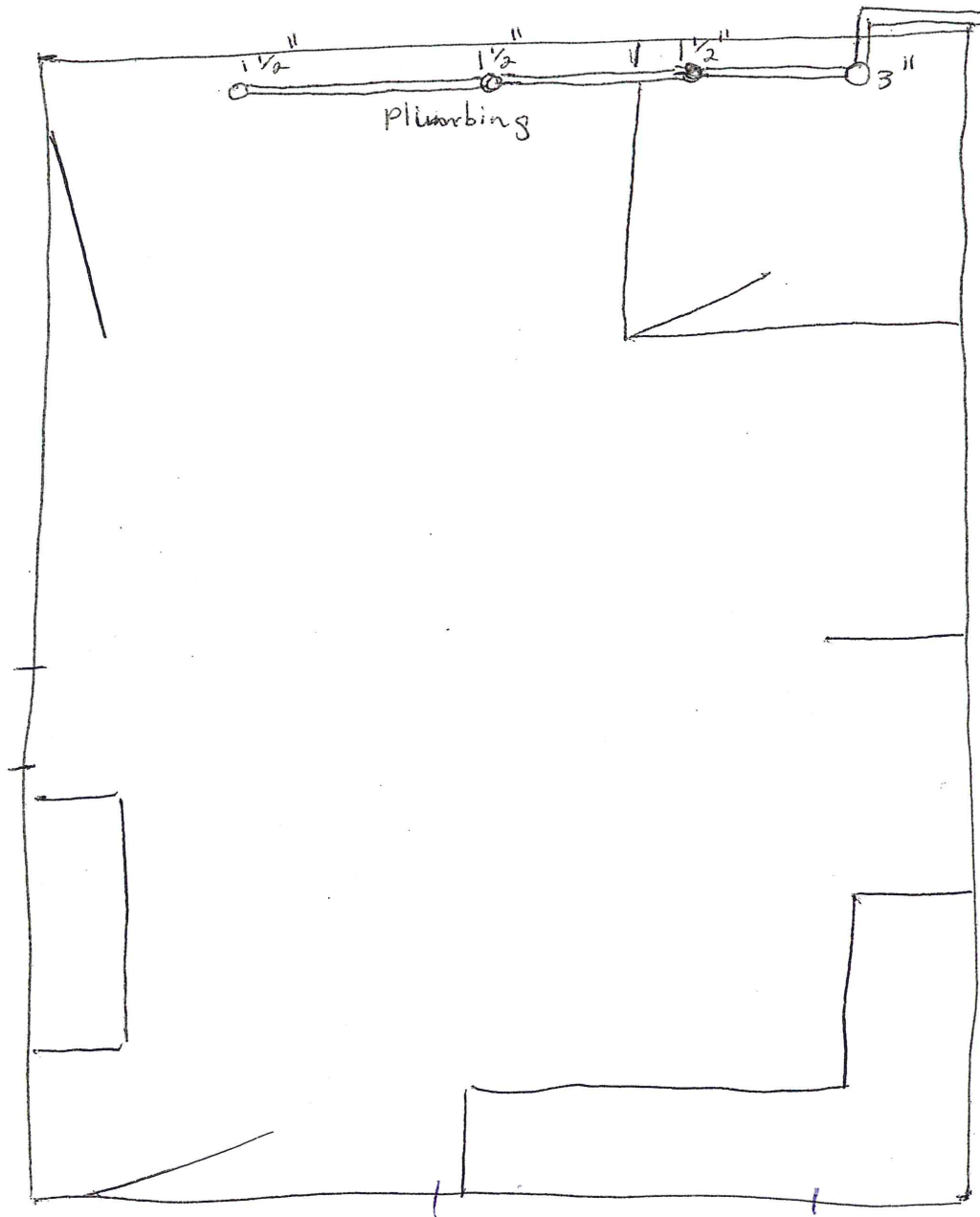
Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

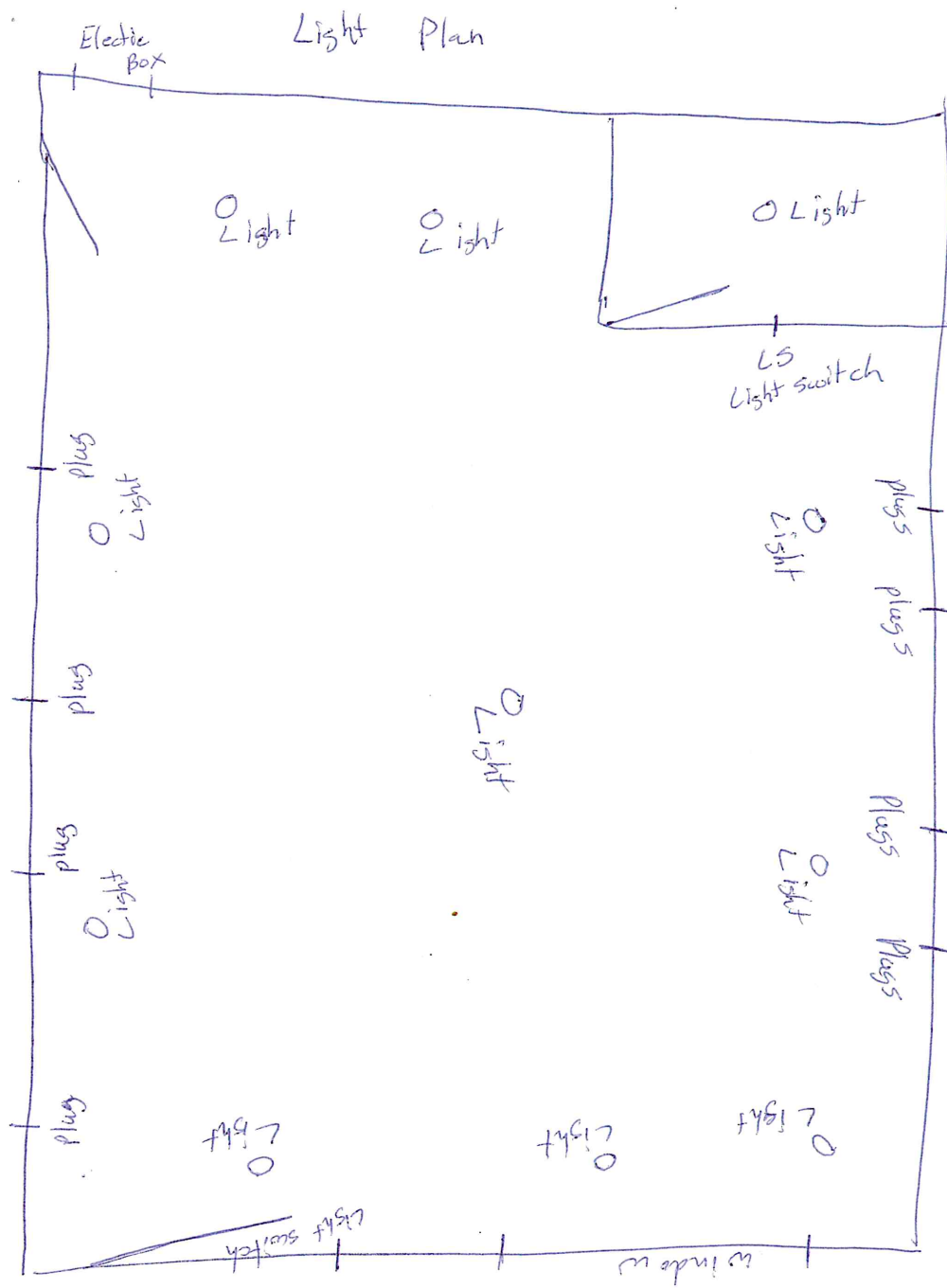
Signature _____

Date of Acceptance: _____

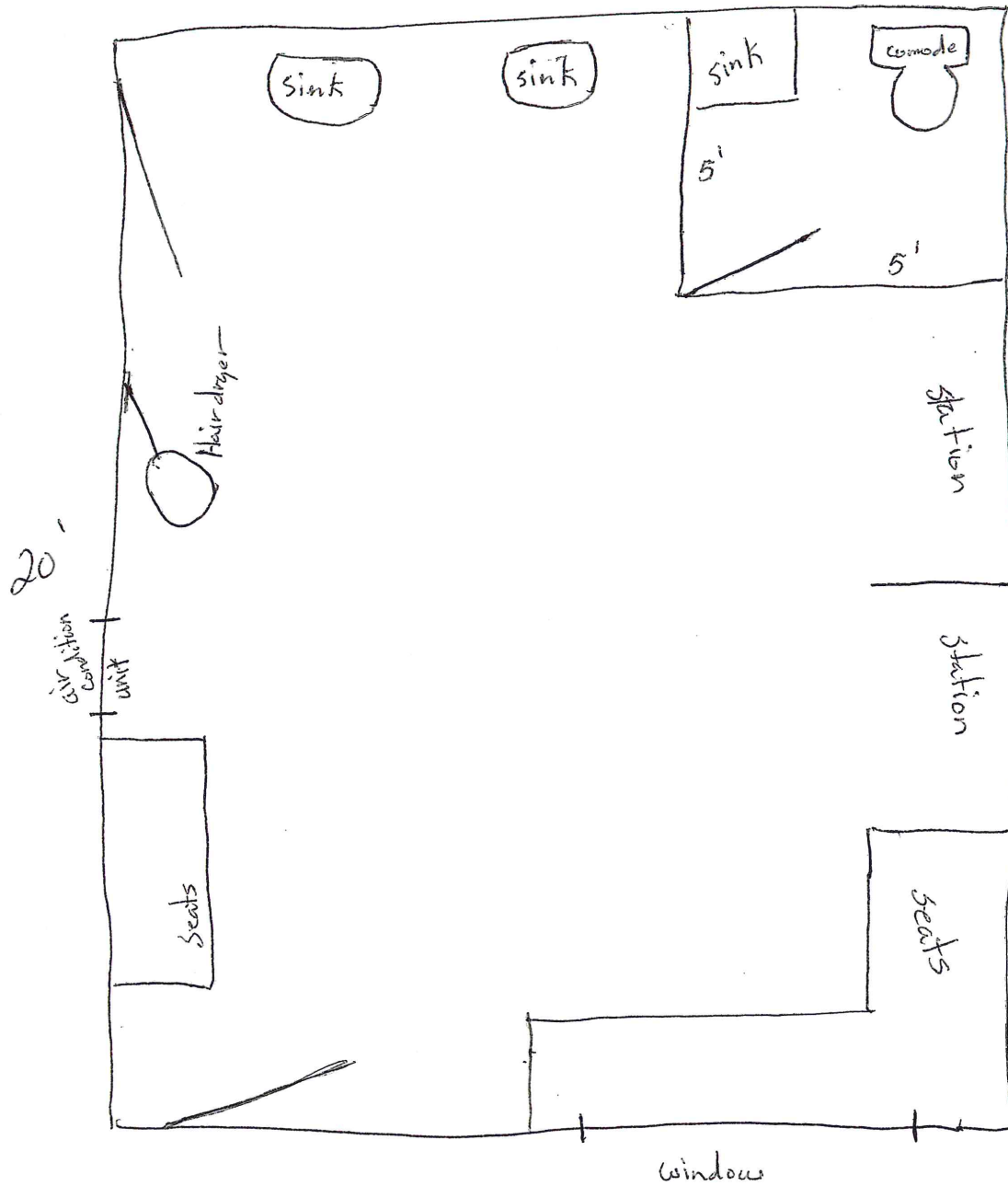
Signature _____

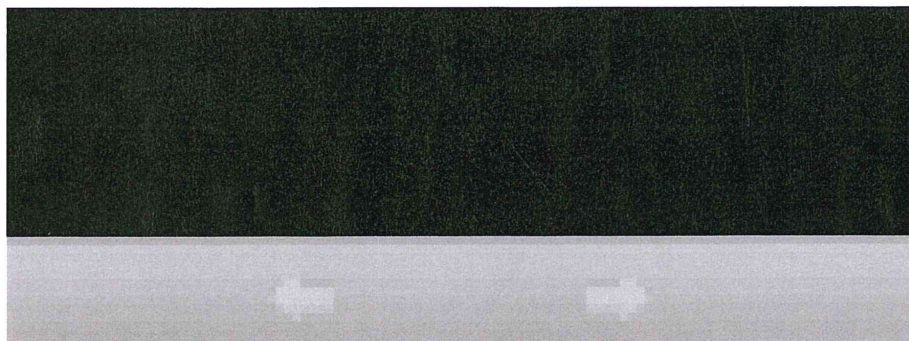
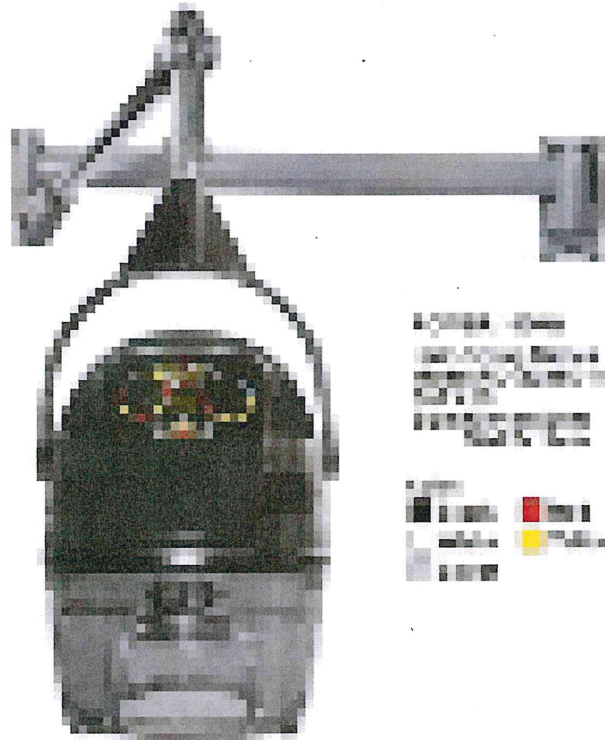
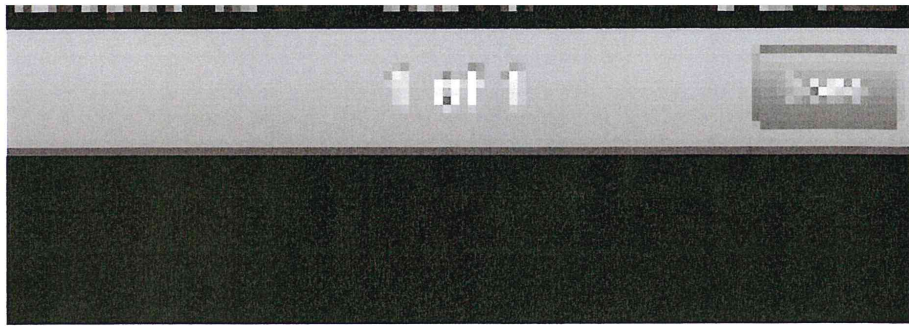
Plumbing Plan





shop drawing
14'







City of Statesboro – Department of Community Development DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

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

RZ 13-04-02; RZ 13-04-03; AND RZ 13-04-04 ZONING MAP AMENDMENTS 104 CATHERINE AVENUE; 300 CATHERINE AVENUE; AND HERTY DRIVE

LOCATION: 104 Catherine Avenue
300 Catherine Avenue
Herty Drive

REQUEST: Rezone from R15 (Single Family Residential) to CR (Commercial Retail)

APPLICANT: Drayton Parker, LLC

OWNER(S): James M. Hood;
Janet & Richard Johnson;
The Salvation Army Corporation

LAND AREA: .46 acres
.34 acres
.69 acres

PARCEL TAX MAP #s: S44 000001 000
S44 000044 000
S44 000045 000

COUNCIL DISTRICT: 4 (Riggs)



PROPOSAL:

The applicant is requesting to combine and rezone three lots with a combined acreage of a .149 acres with existing single family homes located at 104 Catherine Avenue and 300 Catherine Avenue and an undeveloped lot at Herty Drive from R15 (Single Family Residential) District to CR (Commercial Retail) in anticipation of the sale and development as a convenience store. (See **Exhibit A** – Location Map).

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R15 (Single Family Residential)	Single Family Homes
SOUTH:	R15 (Single Family Residential)	Single Family Homes, Church
EAST:	R15 (Single Family Residential)	Single Family Homes
WEST	Exempt (Georgia Southern University)	GSU

The subject property is located in mixed use area with a church to the south east of the subject property, Georgia Southern Campus to the west, and single family homes dispersed throughout.

COMPREHENSIVE PLAN:

The subject site lies within the “Established” character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The Established character area is traditionally residential while major corridors support a mix of residential and commercial uses.

Small to mid-size retail and commercial, offices, services, and multi-family residential are all appropriate land uses for properties within the Established character area. Some suggested development and implementation strategies for the area include the following:

- Neighborhood-scale retail and commercial
- Small scale office
- Neighborhood services
- Small lot single family residential
- Garage Apartments

Statesboro Comprehensive Plan, Community Agenda page 14.

As illustrated in the Comprehensive Plan, commercial uses are encouraged on major corridors such as Fair Road (Highway 67). Other recommendations of the Plan are considered in the analysis of this report.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard area. There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The .46 acre site and the .34 acre sites are currently zoned R15 (Single Family Residential) and each contain a single family home. The .69 acre lot has experienced habitual parking violations which has become an eyesore. The applicant's request to rezone the properties from R15 (Single Family Residential) to CR (Commercial Retail) would allow for combination with the adjacent properties to be developed as a convenience store.

The request to rezone the subject property should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's two (2) primary land use policies: The *Statesboro Comprehensive Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed CR (Commercial Retail) zoning district for residential uses only as set forth in the *Statesboro Zoning Ordinance*.

Section 2007 of the Statesboro Zoning Ordinance provides eight (8) standards for the Mayor and City Council to consider “in making its determination” regarding a zoning map amendment and “balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.” Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council's consideration of the application:

- **Existing uses and zoning or (of) property nearby;**
 - Existing uses and zoning of nearby property are zoned for single family uses.
 - The property is adjacent to commercially zoned and utilized property along Fair Road.
- **The extent to which property values are diminished by the particular zoning restrictions.**
 - Unlikely that the Herty lot will experience residential development given its proximity to a commercial corridor and unusual shape.
- **The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
- **The relative gain to the public, as compared to the hardship imposed upon the property owner.**
- **The suitability of the subject property for the zoned purposes.**
 - The proposed land use meets the provisions of the *Statesboro Zoning Ordinance* and the *Comprehensive Plan*.
 - Upon combination, the property will meet lot sizes and other regulating standards of the *Statesboro Zoning Ordinance*.

- The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.
- The 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;
- Consistency with other governmental land use, transportation, and development plans for the community.

STAFF RECOMMENDATION:

Based on the factors of consideration for zoning map amendments given in Section 2007, *the Comprehensive Plan*, and the *Long Range Transportation Plan*, staff recommends approval of the zoning map amendment requested by application RZ 13-04-02, RZ 13-04-03, and RZ 13-04-04 with the following conditions:

1. The CR zoning shall become effective only upon approval of a combination plat of the three subject parcels.
2. Ingress/Egress access is limited to Highway 67.
3. Hollis Street must be formally abandoned at the developer's expense.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 3-0 to recommend approval of the zoning map amendment requested by RZ 13-04-02, RZ 13-04-03, and RZ 13-04-04 with the following staff recommended conditions:

EXHIBIT A: LOCATION MAP





RZ 13-04-04, Parcel # S44 000045 000

Location Map

Herty Dr & Fair Rd

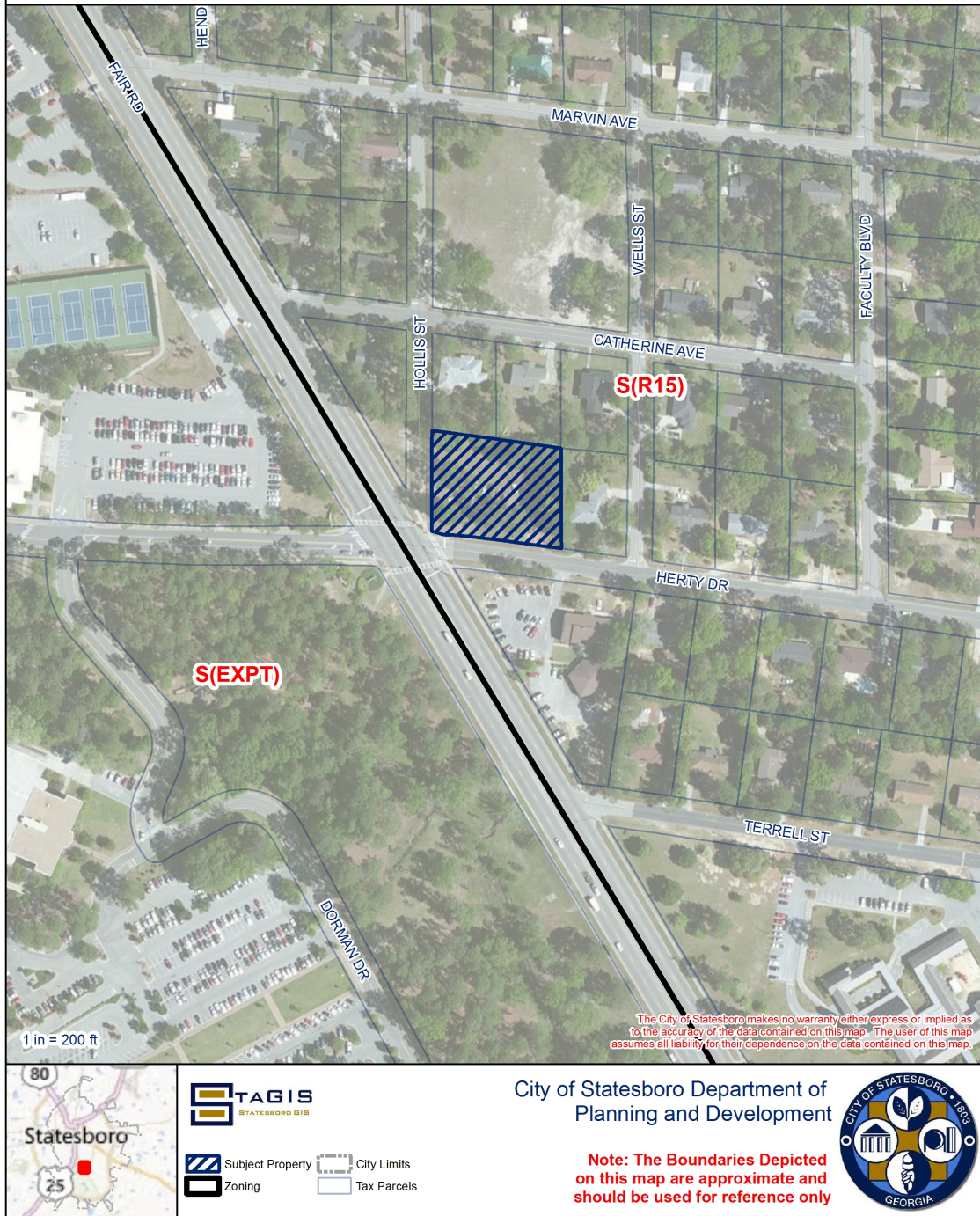


EXHIBIT B: SKETCH PLAN

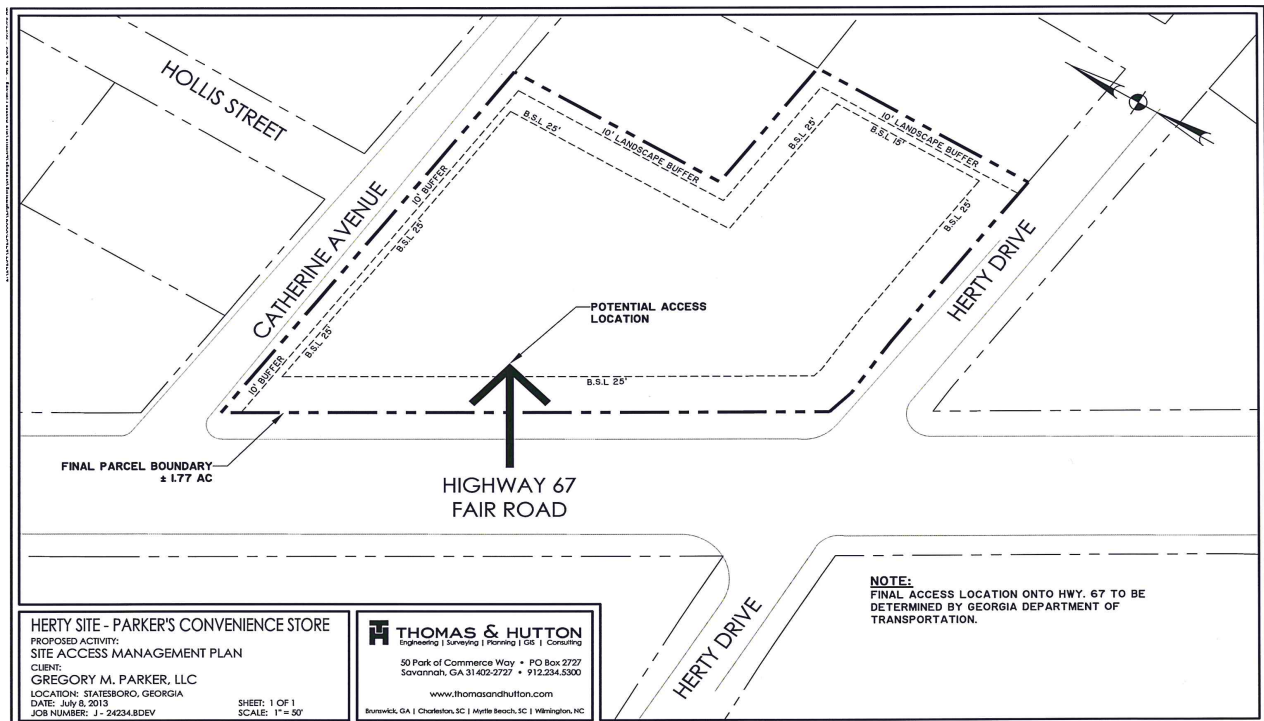


EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY – 104 CATHERINE AVENUE



Figure 1: Subject Property from Fair Road.

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.) – 104 CATHERINE AVE



Figure 2: Single Family Home located on Property – Catherine Avenue.



Figure 3: Hollis Street (Access to property from Catherine Avenue).

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.) – 104 CATHERINE AVE



Figure 4: Subject Property.



Figure 5: Subject Property (Where students park to the rear of single family home).

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.) – 104 CATHERINE AVE



Figure 6: Subject Property.



Figure 7: Deadend of Hollis Street at Fair Road and Herty.

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.) – 104 CATHERINE AVE



Figure 8: Intersection of Herty and Fair Road.



Figure 9: Subject Property from Fair Road.

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.) – 300 CATHERINE AVE



Figure 10: Subject Property from Hollis Street.



Figure 11: Side of Subject Property from Hollis Street.

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.) – 300 CATHERINE AVE



Figure 12: Property adjacent to Subject Property (Being Considered in RZ 13-04-02).

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.) – HERTY DRIVE



Figure 13: Subject Property from Hollis Street.

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.) – HERTY DRIVE



Figure 14: Wesley Foundation across Herty from Subject Property.



Figure 15: Intersection of Fair Road and Herty from Subject Property.

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.) – HERTY DRIVE



Figure 16: View of Herty from Subject Property.

RESOLUTION ALLOCATING EXCISE TAX ON ROOMS, LODGING AND
ACCOMMODATIONS

WHEREAS, pursuant to City Ordinances §74-32 *et seq.* the City of Statesboro levies a 6% excise tax on rooms, lodging and accommodations pursuant to subsection (b) of O.C.G.A. § 48-13-51 *et seq.*;

WHEREAS, O.C.G.A. § 48-13-51(b) provides, in relevant part, that a municipality levying a tax pursuant to this paragraph shall expend an amount equal to the amount by which the total taxes collected exceed the taxes which would be collected at a rate of 3 percent for the purpose of promoting tourism, conventions, and trade shows, and can be expended through a contract or contracts with a private sector nonprofit organization, or through a contract or contracts with some combination of such entities;

WHEREAS, O.C.G.A. § 48-13-51(b) also provides that every fiscal year the City of Statesboro must spend an amount equal to not less than 50 percent of the total amount of taxes collected that exceeds the amount of taxes that would be collected at the rate of 5 percent for promoting tourism, conventions, and trade shows by the destination marketing organization designated by the City of Statesboro;

WHEREAS, O.C.G.A. § 48-13-51(b) also provides that the remaining amount of taxes collected that exceeds the amount of taxes that would be collected at the rate of 5 percent which are not otherwise expended as provided immediately above shall be expended for tourism product development projects;

WHEREFORE BE IT RESOLVED for Fiscal Year 2014 that the City of Statesboro shall expend this restricted revenue from the excise tax on rooms, lodging and accommodations tax as follows:

A. One-Half percent (0.5 %) of the excise tax on rooms, lodging and accommodations shall fund by contract the Statesboro Art's Council Inc. budget for promoting tourism to the City of Statesboro.

B. Two-percent (2%) of the excise tax on rooms, lodging and accommodations shall fund by contract the Statesboro Convention & Visitors Bureau, Inc., a private sector non-profit destination marketing organization whose primary purpose is the promotion of tourism, conventions and trade shows to the City of Statesboro.

C. One-Half percent (0.5 %) of the excise tax on rooms, lodging and accommodations shall fund tourism product development, namely, the cities obligations for the construction of the shooting complex at Georgia Southern University.

WHEREFORE BE IT FURTHER RESOLVED for Fiscal Year 2014 that the remaining THREE PERCENT (3%) of the excise tax collected is vested in the CITY OF STATESBORO to be allocated through the regular budgeting process to offset costs to the City for collection and disbursement of this excise tax; to further support the Statesboro Art's Council, Inc. and the Downtown Statesboro Development Authority, or for any other lawful purpose as determined by the Mayor and City Council.

That this Resolution shall be and remain effective from and after its date of adoption until the end of Fiscal Year 2014.

Adopted this ____ day of ____, 2013

CITY OF STATESBORO, GEORGIA

Joe R. Brannen, Mayor

Sue Starling, City Clerk

CONTRACT FOR SERVICES

This agreement made and entered into on _____st, 2013, between the MAYOR AND CITY COUNCIL OF STATESBORO, a political subdivision of the State of Georgia, hereinafter referred to as “the City,” and the STATESBORO ARTS COUNCIL, INC., a nonprofit corporation organized and existing under the laws of the State of Georgia, hereinafter sometimes referred to as “SAC”.

WITNESSETH:

WHEREAS, pursuant to City Ordinances §74-32 *et seq.* the City of Statesboro levies a 6% excise tax on rooms, lodging and accommodations pursuant to subsection (b) of O.C.G.A. § 48-13-51 *et seq.*;

WHEREAS, the STATESBORO ARTS COUNCIL, INC. is a private sector nonprofit organization which engages in the promotion of tourism to the City of Statesboro and Bulloch County;

WHEREAS, the City desires to retain the services of the STATESBORO ARTS COUNCIL, INC. to promote, attract, stimulate and develop conventions and tourism in the City of Statesboro and Bulloch County;

NOW THEREFORE, in consideration of the sum of ten dollars (\$10.00) paid by the City to the STATESBORO ARTS COUNCIL, INC., the receipt and sufficiency of which is hereby acknowledged, and in the consideration of the mutual promises, covenants, and conditions contained herein, the parties agree as follows:

1.

The SAC shall on behalf of the City of Statesboro promote, attract, stimulate and develop conventions and tourism in the City of Statesboro and Bulloch County, providing such consulting, advertising, marketing, and administrative services as may be necessary or appropriate to accomplish the foregoing purposes.

2.

As compensation for said services, the City shall pay to the SAC EIGHT and THREE TENTHS PERCENT (8.3%) of the Hotel-Motel excise taxes collected pursuant to City Ordinances §74-32 *et seq.* to fund the SAC budget for the promotion of tourism to the City of Statesboro. The City shall also pay NINETEEN AND SEVEN TENTHS PERCENT (19.7%) of the Hotel-Motel excise taxes collected pursuant to City Ordinances §74-32 *et seq.* to fund the general operating budget of the SAC. Said funds shall be paid monthly to the SAC and within thirty (30) days from the receipt of said tax revenue by the City.

3.

The term of this agreement shall be for one (1) year, to commence on the 1st day of July, 2013, and shall end at midnight on June 30, 2014 unless sooner terminated upon thirty (30) days written notice by either party.

4.

The SAC Director shall furnish the City with a copy of the SAC's proposed Budget for each fiscal year (including the program of work to be accomplished by this funding for the next fiscal year, and any multi-year programming) at least three (3) weeks before its scheduled adoption date by the SAC Board. The City Manager shall provide the SAC Board and the Mayor and City Council comments on the Budget at least seven (7) days before the scheduled adoption date. This same procedure is agreed to for any subsequent amendments to the Budget during any fiscal year.

5.

The SAC shall keep or cause to be kept full and accurate records and accounts showing the receipts and disbursements of all amounts received from the City pursuant to this contract. The SAC shall furnish an annual report to the City containing a complete financial statement and summary of the work performed by the SAC pursuant to the terms of the contract. Said report shall be furnished to the City on or before the 1st day of September for each year. The City or any person authorized by the City may examine and audit the books and records of the SAC at any time during regular business hours. The SAC shall provide the City a copy of its annual audit, performed by an outside certified public accountant, within five (5) days of receipt of the audit, or December 31st, whichever is earlier. The SAC director shall furnish the City with minutes of any meeting of the Board and any committees within two weeks of said meeting.

6.

The SAC shall have the authority to enter into subcontracts or other agreements for administrative, accounting, and other services necessary to carry out the terms of this agreement.

7.

The parties hereto agree to execute any and all documents necessary to carry out the intentions expressed in the agreement, and agree to join in any and all proceedings of any nature, legal or otherwise, should the same be necessary to carry out the intentions expressed herein.

8.

During FY 2014 the SAC agrees to work cooperatively with the Main Street Program and the Statesboro Convention and Visitors Bureau, Inc. to develop a joint marketing program to better coordinate the limited resources available for marketing the Statesboro area, particularly

the Averitt Center and other downtown attractions. A report outlining the program shall be forwarded to the City upon approval by all three entities.

9.

This agreement is being delivered and is intended to be performed in the State of Georgia and shall be construed and enforced in accordance with the laws of the State of Georgia.

10.

All notices to the City shall be sent by registered or certified mail addressed to the City Manager, P.O. Box 348, Statesboro, Georgia 30459, or at such other address as the City shall designate in writing. All notices to the SAC shall be sent by registered or certified mail to the Executive Director of the SAC at 33 East Main Street, Statesboro, Georgia 30458 or such address as the SAC shall designate in writing. Notwithstanding any provision in this agreement to the contrary concerning modifications, a change in address may be effected by a registered or certified letter sent by either part to the other.

11.

If any term or provision of this agreement or the application thereof to any person or circumstances shall, to any extent, be declared invalid or unenforceable by a court of competent jurisdiction, the remainder of this agreement, or the application of such term or provision to persons whose circumstances are other than those as to which it is held invalid or unenforceable, shall not be affected thereby.

12.

This contract constitutes the sole and entire agreement between the parties. No modifications hereof shall be binding unless attached hereto and signed by each party, and no representations, promises, or inducements shall be binding upon either party except as herein stated.

13.

The parties hereby warrant and represent that each has the right, power, and authority to enter into this agreement and by entering into this agreement, such party will not be violating any other contract, agreement, order, judgment, decree, or document, written or oral, to which it is a party or by which it is bound.

MAYOR AND CITY COUNCIL OF STATESBORO

By: _____
Mayor

Attest: _____
City Clerk

STATESBORO ARTS COUNCIL, INC.

By: _____
President

Attest: _____
Secretary

CONTRACT FOR SERVICES

This agreement made and entered into on _____st, 2013, between the MAYOR AND CITY COUNCIL OF STATESBORO, a political subdivision of the State of Georgia, hereinafter referred to as “the City,” and the DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY, a governmental authority organized and existing under the laws of the State of Georgia, hereinafter sometimes referred to as “DSDA”.

WITNESSETH:

WHEREAS, pursuant to City Ordinances §74-32 *et seq.* the City of Statesboro levies a 6% excise tax on rooms, lodging and accommodations pursuant to subsection (b) of O.C.G.A. § 48-13-51 *et seq.*;

WHEREAS, the DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY is a governmental authority which engages in the development of the downtown area of Statesboro;

WHEREAS, the City desires to fund activities the of the DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY to foster the development of the downtown area of Statesboro;

NOW THEREFORE, in consideration of the sum of ten dollars (\$10.00) paid by the City to the DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY, the receipt and sufficiency of which is hereby acknowledged, and in the consideration of the mutual promises, covenants, and conditions contained herein, the parties agree as follows:

1.

The DSDA shall on behalf of the City of Statesboro foster the development of the downtown area of Statesboro.

2.

As compensation for said services, the City shall pay to the DSDA TWENTY TWO PERCENT (22%) of the Hotel-Motel excise taxes collected pursuant to City Ordinances §74-32 *et.* Said funds shall be paid monthly to the DSDA and within thirty (30) days from the receipt of said tax revenue by the City.

3.

The term of this agreement shall be for one (1) year, to commence on the 1st day of July, 2013, and shall end at midnight on June 30, 2014 unless sooner terminated upon thirty (30) days written notice by either party.

4.

The DSDA Director shall furnish the City with a copy of the DSDA's proposed Budget for each fiscal year (including the program of work to be accomplished by this funding for the next fiscal year, and any multi-year programming) at least three (3) weeks before its scheduled adoption date by the DSDA Board. The City Manager shall provide the DSDA Board and the Mayor and City Council comments on the Budget at least seven (7) days before the scheduled adoption date. This same procedure is agreed to for any subsequent amendments to the Budget during any fiscal year.

5.

The DSDA shall keep or cause to be kept full and accurate records and accounts showing the receipts and disbursements of all amounts received from the City pursuant to this contract. The DSDA shall furnish an annual report to the City containing a complete financial statement and summary of the work performed by the DSDA pursuant to the terms of the contract. Said report shall be furnished to the City on or before the 1st day of September for each year. The City or any person authorized by the City may examine and audit the books and records of the DSDA at any time during regular business hours. The DSDA shall provide the City a copy of its annual audit, performed by an outside certified public accountant, within five (5) days of receipt of the audit, or December 31st, whichever is earlier. The DSDA director shall furnish the City with minutes of any meeting of the Board and any committees within two weeks of said meeting.

6.

The DSDA shall have the authority to enter into subcontracts or other agreements for administrative, accounting, and other services necessary to carry out the terms of this agreement.

7.

The parties hereto agree to execute any and all documents necessary to carry out the intentions expressed in the agreement, and agree to join in any and all proceedings of any nature, legal or otherwise, should the same be necessary to carry out the intentions expressed herein.

8.

During FY 2014 the DSDA agrees to work cooperatively with the Main Street Program and the Statesboro Arts Council, Inc. to develop a joint marketing program to better coordinate the limited resources available for marketing the Statesboro area, particularly the Averitt Center and other downtown attractions. A report outlining the program shall be forwarded to the City upon approval by all three entities.

9.

This agreement is being delivered and is intended to be performed in the State of Georgia and shall be construed and enforced in accordance with the laws of the State of Georgia.

10.

All notices to the City shall be sent by registered or certified mail addressed to the City Manager, P.O. Box 348, Statesboro, Georgia 30459, or at such other address as the City shall designate in writing. All notices to the DSDA shall be sent by registered or certified mail to the Executive Director of the DSDA at 10 Siebald, Statesboro, Georgia 30458, or at such address as the DSDA shall designate in writing. Notwithstanding any provision in this agreement to the contrary concerning modifications, a change in address may be effected by a registered or certified letter sent by either part to the other.

11.

If any term or provision of this agreement or the application thereof to any person or circumstances shall, to any extent, be declared invalid or unenforceable by a court of competent jurisdiction, the remainder of this agreement, or the application of such term or provision to persons whose circumstances are other than those as to which it is held invalid or unenforceable, shall not be affected thereby.

12.

This contract constitutes the sole and entire agreement between the parties. No modifications hereof shall be binding unless attached hereto and signed by each party, and no representations, promises, or inducements shall be binding upon either party except as herein stated.

13.

The parties hereby warrant and represent that each has the right, power, and authority to enter into this agreement and by entering into this agreement, such party will not be violating any other contract, agreement, order, judgment, decree, or document, written or oral, to which it is a party or by which it is bound.

MAYOR AND CITY COUNCIL OF STATESBORO

By: _____
Mayor

Attest: _____
City Clerk

DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY

By: _____
President

Attest: _____
Secretary

CONTRACT FOR SERVICES

This agreement made and entered into on _____st, 2013, between the MAYOR AND CITY COUNCIL OF STATESBORO, a political subdivision of the State of Georgia, hereinafter referred to as “the City,” and the STATESBORO CONVENTION AND VISITORS BUREAU, INC., a nonprofit corporation organized and existing under the laws of the State of Georgia, hereinafter sometimes referred to as “SCVB”.

WITNESSETH:

WHEREAS, pursuant to City Ordinances §74-32 *et seq.* the City of Statesboro levies a 6% excise tax on rooms, lodging and accommodations pursuant to subsection (b) of O.C.G.A. § 48-13-51 *et seq.*;

WHEREAS, the Statesboro Convention & Visitors Bureau, Inc. is a private sector nonprofit organization which engages in the promotion of tourism, conventions, and trade shows in the City of Statesboro and Bulloch County;

WHEREAS, the City desires to retain the services of the Statesboro Convention & Visitors Bureau, Inc. to promote, attract, stimulate and develop conventions and tourism in the City of Statesboro and Bulloch County;

NOW THEREFORE, in consideration of the sum of ten dollars (\$10.00) paid by the City to the Statesboro Convention & Visitors Bureau, Inc., the receipt and sufficiency of which is hereby acknowledged, and in the consideration of the mutual promises, covenants, and conditions contained herein, the parties agree as follows:

1.

The SCVB shall on behalf of the City of Statesboro promote, attract, stimulate and develop conventions and tourism in the City of Statesboro and Bulloch County, providing such consulting, advertising, marketing, and administrative services as may be necessary or appropriate to accomplish the foregoing purposes.

2.

As compensation for said services, the City shall pay to the SCVB THIRTY THREE AND ONE THIRD PERCENT (33.3%) of the amount the Hotel-Motel excise taxes collected pursuant to City Ordinances §74-32 *et seq.* Said funds shall be paid monthly to the SCVB and within thirty (30) days from the receipt of said tax revenue by the City.

3.

The term of this agreement shall be for one (1) year, to commence on the 1st day of July, 2013, and shall end at midnight on June 30, 2014 unless sooner terminated upon thirty (30) days written notice by either party.

4.

The SCVB Director shall furnish the City with a copy of the SCVB's proposed Budget for each fiscal year (including the program of work to be accomplished by this funding for the next fiscal year, and any multi-year programming) at least three (3) weeks before its scheduled adoption date by the SCVB Board. The City Manager shall provide the SCVB Board and the Mayor and City Council comments on the Budget at least seven (7) days before the scheduled adoption date. This same procedure is agreed to for any subsequent amendments to the Budget during any fiscal year.

5.

The SCVB shall keep or cause to be kept full and accurate records and accounts showing the receipts and disbursements of all amounts received from the City pursuant to this contract. The SCVB shall furnish an annual report to the City containing a complete financial statement and summary of the work performed by the SCVB pursuant to the terms of the contract. Said report shall be furnished to the City on or before the 1st day of September for each year. The City or any person authorized by the City may examine and audit the books and records of the SCVB at any time during regular business hours. The SCVB shall provide the City a copy of its annual audit, performed by an outside certified public accountant, within five (5) days of receipt of the audit, or December 31st, whichever is earlier. The SCVB director shall furnish the City with minutes of any meeting of the Board and any committees within two weeks of said meeting.

6.

The SCVB shall have the authority to enter into subcontracts or other agreements for administrative, accounting, and other services necessary to carry out the terms of this agreement.

7.

The parties hereto agree to execute any and all documents necessary to carry out the intentions expressed in the agreement, and agree to join in any and all proceedings of any nature, legal or otherwise, should the same be necessary to carry out the intentions expressed herein.

8.

During FY 2014 the SCVB agrees to work cooperatively with the Main Street Program and the Statesboro Arts Council, Inc. to develop a joint marketing program to better coordinate the limited resources available for marketing the Statesboro area, particularly the Averitt Center

and other downtown attractions. A report outlining the program shall be forwarded to the City upon approval by all three entities.

9.

This agreement is being delivered and is intended to be performed in the State of Georgia and shall be construed and enforced in accordance with the laws of the State of Georgia.

10.

All notices to the City shall be sent by registered or certified mail addressed to the City Manager, P.O. Box 348, Statesboro, Georgia 30459, or at such other address as the City shall designate in writing. All notices to the SCVB shall be sent by registered or certified mail to the Executive Director of the SCVB at P.O. Box 1516, Statesboro, Georgia 30459, or at such address as the SCVB shall designate in writing. Notwithstanding any provision in this agreement to the contrary concerning modifications, a change in address may be effected by a registered or certified letter sent by either part to the other.

11.

If any term or provision of this agreement or the application thereof to any person or circumstances shall, to any extent, be declared invalid or unenforceable by a court of competent jurisdiction, the remainder of this agreement, or the application of such term or provision to persons whose circumstances are other than those as to which it is held invalid or unenforceable, shall not be affected thereby.

12.

This contract constitutes the sole and entire agreement between the parties. No modifications hereof shall be binding unless attached hereto and signed by each party, and no representations, promises, or inducements shall be binding upon either party except as herein stated.

13.

The parties hereby warrant and represent that each has the right, power, and authority to enter into this agreement and by entering into this agreement, such party will not be violating any other contract, agreement, order, judgment, decree, or document, written or oral, to which it is a party or by which it is bound.

MAYOR AND CITY COUNCIL OF STATESBORO

By: _____
Mayor

Attest: _____
City Clerk

STATESBORO CONVENTION & VISITORS BUREAU, INC.

By: _____
President

Attest: _____
Secretary



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

July 9, 2013

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

RE: WHITESVILLE PUMP STATION UPGRADE

Dear Wayne:

As you are aware we have been dealing with both Norfolk Southern Railroad and Georgia Southern Railway for permission to install a new sanitary sewer forcemain along Mathews Road. Mathews Road is within the railroad right-of-way. Permits from both railroad companies are required.

The purpose of the new forcemain is to remove the flow from the new Lakeview Road Pump Station out of the Whitesville Pump Station and the gravity lines along Packinghouse Road that the Whitesville Station discharges into. There is evidence that today's volume of flow in the Packinghouse Road gravity system causes the manholes to surcharge creating a potential spill and showing the need for constructing larger gravity lines in Packinghouse Road.

By removing the present and future Lakeview Road lift station flow from the Whitesville lift station the station does not have to be upgraded to a much larger capacity. Also considerable flow is removed from the Packinghouse Road gravity lines delaying or preventing the need to upgrade that system.

Norfolk Southern has reduced their fee from \$40,000 to \$20,000. This is, in my opinion, as low as they will go. Georgia Southern Railway has waived their \$1,500 administrative fee. Other Georgia Southern Railway costs come from the requirement that the City pay a flagger (railroad inspector) anytime work is being performed in the right-of-way. Their initial flagger fee was \$900 per day. They reduced that fee to \$75 per hour and then again to \$40 per hour. If the contractor works on the right-of-way sixty (60) days and assuming the flagger is paid 10 hours per day, the cost to the City would be \$24,000.

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

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

474 Wando Park Blvd., Suite 201 (29464)
P.O. Box 1771
Mt. Pleasant, SC 29465
Telephone: 843.849.7500
Facsimile: 843.849.7502

1219 Assembly Street (29201)
P.O. Box 7967
Columbia, SC 29202
Telephone: 803.799.0444
Facsimile: 803.799.1499

Mr. Wayne Johnson
July 9, 2013
Page No. 2

It is our recommendation that the City enter into the agreements with estimated costs noted above with both Norfolk Southern and Georgia Southern Railway. Cost of these agreements will be far less than a major upgrade to the Whitesville lift station and new, larger gravity lines for Packinghouse Road.

We are available to discuss this matter further at your convenience.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Bm' or 'Bm' with a stylized flourish.

WILLIAM H. LOVETT

cg

cc: Van Collins
Stella Robinson
Jennifer Oetgen
Don Billet
Justin Arnsdorff