



**CITY OF STATESBORO
Council Minutes
October 06, 2015**

A regular meeting of the Statesboro City Council was held on October 06, 2015 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Jan J. Moore, Council Members: Phil Boyum, John Riggs and Travis Chance. Also present were Deputy City Manager Robert Cheshire, City Clerk Sue Starling, City Attorney Alvin Leaphart, Assistant City Engineer Jason Boyles and Director of Planning and Development Mandi Cody. Councilman Will Britt and Councilman Gary Lewis were absent.

The meeting was called to order by Mayor Jan J. Moore

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

Recognitions/Public Presentations

A) Pat Jones, Election Superintendent, will update Council regarding the election.

Pat Jones informed Council there would not be an election held for 2015. The qualifying candidates were unopposed.

B) President of the Chamber of Commerce, Phyllis Thompson, invites Council to represent "America's Best Communities"

Phyllis Thompson invited Mayor and Council to ride on the float of the replica of the Bulloch County Courthouse, along with the Bulloch County Commissioners and staff, in the Kiwanis Fair Parade.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

- a) 09-15-2015 Council Minutes
- b) 09-15-2015 Executive Session Minutes
- c) 09-21-2015 Work Session Minutes

B) Consideration of a Motion to approve Special Event Permit

- a) Springhill Suites - Charity Fundraiser for the Humane Society of Statesboro & Bulloch Co. on November 6, 2015

C) Consideration of a Motion to award the purchase of a CUES Sewer TV Inspection Truck to Atlantic Machinery, Inc. via the NJPA Contract in the amount of \$214,980.00. This item is budgeted under CIP number WWD-60 in the amount of \$225,000.00 and will be funded by Water Sewer operational funds. This will replace the 1998 unit.

D) Consideration of a motion to approve a contract for the installation of fiber optic cable to Network Cabling Infrastructures in the amount of \$35,530. This contract is based on unit pricing previously bid out by GSU. This item is part of the Capital Improvement Project number IT-3 Fiber Optic from COS to GSU budgeted in the 2013 SPLOST Fund. The total budget for this project was \$350,000 budgeted in FY 2015. To date, \$157,544 has been spent.

Councilman Riggs made a motion, seconded by Councilman Chance to approve the consent agenda in its entirety. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Administrative Hearing for alleged alcohol violation as pursuant to the City of Statesboro Alcohol Ordinance: Chapter 6 Sec. 6-159 – Ration of alcoholic/nonalcoholic sales. Should the total sales from food and nonalcoholic beverages reported by any licensee for consumption on the premises not equal those from the sale of all alcoholic beverages for any two reporting periods in any 12-month period, the license may be suspended or revoked by the mayor and city council.

**A) Farid Gharachorloo/Sepideh Mesri
Moonshiners
125 Gata Drive**

Mayor Moore sworn in all parties involved in this case.

Attorney Wes Taulbee, representing Mr. Gharachorloo, stated the reports were filled out incorrectly due to Mr. Gharachorloo not understanding the process. Detective Winskey stated he had concerns with the amended reports submitted regarding the decrease on wine and malt beverage sales. Mr. Gharachorloo stated the button on the machine they use was coded wrong but now has been corrected to show the right code. He also stated the system was changed around the first of September. Mayor Moore questioned Mr. Gharachorloo as to how he could go back and recalculate the sales after the machine was changed. There was no clear understanding of how that was done. Mr. Taulbee asked for the case to be continued until the next meeting. Mayor Moore also asked Mr. Gharachorloo about food sales. He replied that he rarely sells food and has no kitchen. He also stated if he did sell food, it was only cold cut sandwiches and if hot food was ordered, it would be brought in from next door. Mr. Gharachorloo also stated that on Thursday, Friday and Saturday night, only people over the age of 21 years of age are allowed. He stated this requirement started in August.

Councilman Chance made a motion seconded by Councilman Riggs to continue the administrative hearing until the first Council Meeting in November. As part of the motion, Mr. Gharachorloo was also instructed by Council to bring Certified CPA reports for the first and second quarter for Moonshiners. Council also requested the reports be submitted to Council and the Police Department, no less than a week before the next Council meeting. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

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

A) Enforcement from the Statesboro Police Department:

	Offense in 12 month period	Citation Date
a) Matthew Skinner Applebees 804 Highway 80 East	1st offense	September 10, 2015
b) Heath Robinson Big Show Burgers 200 Lanier Drive Suite 1	1st offense	September 19, 2015
c) J. E. McCormack & Jay Hilderbrand Gate #226 240 South Main Street	2nd offense	September 10, 2015
d) Farid Gharachorloo GATA's 2 LLC 67 Gata Drive	1st offense	September 10, 2015
e) Farid Gharachorloo GATA's 2 LLC 67 Gata Drive	2nd offense	September 19, 2015
f) Jason Franklin Shenanigans 1 University Plaza	2nd offense	September 10, 2015
g) Jason Franklin Shenanigans 1 University Plaza	3rd offense	September 19, 2015

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

Matthew Skinner, the alcohol license holder of Applebee's waived his right to a hearing and agreed to the violation of furnishing alcohol to under age persons. Mayor Moore then asked for a motion and Mr. Skinner agreed that based on the evidence presented here today that Council finds that the licensee, his agents, and or employees did violate Chapter 6 if the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Boyum made the motion seconded by Councilman Chance to accept the guilty plea from Mr. Skinner. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

For the penalty of the violation, Councilman Boyum made a motion seconded by Councilman Riggs to consider this a first offense with a warning. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Heath Robinson, owner of Big Show Burgers was not present but thru Detective Winskie did waive his right to a hearing and agreed to the violation of furnishing alcohol to under age persons. Mayor Moore then asked for a motion and Mr. Robinson agreed that based on the evidence presented here today that Council finds that the licensee, his agents, and or employees did violate Chapter 6 if the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Riggs made the motion seconded by Councilman Chance to accept the guilty plea from Mr. Robinson. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

For the penalty of the violation, Councilman Boyum made a motion seconded by Councilman Riggs to consider this a first offense with a warning. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Jay Hilderbrand, owner of Gate #226 waived his right to a hearing and agreed to the violation of furnishing alcohol to under age persons. Mayor Moore then asked for a motion and Mr. Hilderbrand agreed that based on the evidence presented here today that Council finds that the licensee, his agents, and or employees did violate Chapter 6 if the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Boyum made the motion seconded by Councilman Riggs to accept the guilty plea from Mr. Hilderbrand. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

For the penalty of the violation, Councilman Riggs made a motion seconded by Councilman Boyum to approve a 3 day suspension as punishment for this 2nd offense. The suspension of the alcohol license will start on 12:01am on Thursday October 8th 2015 and run until midnight on Sunday October 11th 2015. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Farid Gharachorloo, owner of GATA's waived his right to a hearing and agreed to the violation of furnishing alcohol to under age persons. Mayor Moore then asked for a motion and Mr. Gharachorloo agreed that based on the evidence presented here today that Council finds that the licensee, his agents, and or employees did violate Chapter 6 if the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Boyum made the motion seconded by Councilman Chance to accept the guilty plea from Mr. Gharachorloo. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

For the penalty of the violation, Councilman Riggs made a motion seconded by Councilman Chance to consider this a first offense with a warning. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Farid Gharachorloo, owner of GATA's waived his right to a hearing and agreed to the violation of furnishing alcohol to under age persons. Mayor Moore then asked for a motion and Mr.

Gharachorloo agreed that based on the evidence presented here today that Council finds that the licensee, his agents, and or employees did violate Chapter 6 of the Code of Ordinances of the City of Statesboro in the twelve month period immediately preceding this hearing. Councilman Boyum made the motion seconded by Councilman Chance to accept the guilty plea from Mr. Gharachorloo. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

For the penalty of the violation, Councilman Riggs made a motion seconded by Councilman Chance to approve a 3 day suspension as punishment for this 2nd offense. The suspension of the alcohol license will start on 12:01am on Thursday October 8th 2015 and run until midnight on Sunday October 11th 2015. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Jason Franklin, owner of Shenanigans, was present along with his Attorney Michael Classens. Mr. Classens argued the point that he could not offer a defense while the violators (servers) had not yet been convicted. Mr. Classens asked that the case be continued until a later date. Detective Winskey stated that he had all the witnesses' present and ready to testify. Mayor Moore asked Jason if he had spoken to any of the Councilmembers regarding his case. He stated that he had spoken to Councilman Britt, Riggs and Chance. He also stated that he only asked them if a case like this has ever been tabled. Councilman Riggs confirmed he had spoken to Jason but only to tell him he made no decisions until hearing the facts at the Council meeting. Councilman Chance also confirmed his contact with Jason and also stated he told Jason he did not remember if a case like this had been tabled but if he had a lawyer then the lawyer could ask the question. After more discussion between Council, City Attorney Alvin Leaphart Mr. Classens and Detective Winskey, Mayor Moore asked for a motion to continue the case until the next meeting. There was no motion. Councilman Chance stated, to the Mayor, that hearing no motion, let's move on to the next option. Mayor Moore stated we will move to an administrative hearing. Detective Winskey proceeded to give evidence from videos and reports which led to the violation of the alcohol ordinance. City Attorney Alvin Leaphart stated the video and copies of all the reports need to be identified as part of the record and entered into the record in case other hearings develop. Detective Winskey called Police Sgt. Harrelson as a witness in the case. Ashley Lanier, Sarai Sanchez Reyes and Michelle Glaton were also witnesses in the case as they stated they were all underage and was sold an alcoholic beverage with no identification or wrist band presented to the server at Shenanigans. After the testimonies, Detective Winskey asked Police Sgt. Harrelson to present the video. Because of the length of the video, City Attorney Alvin Leaphart suggested that Sgt. Harrelson give a foundation of the video and allow Mr. Classens to ask questions. Detective Winskey did not show or enter the video into the record because of the lengthy time it would take to view the tape as he stated the video could be shown at a later time if needed. At this time, Mr. Classes asked for a 10 minute recess to talk with his client. Mayor Moore called for a 10 minute recess. Mayor Moore called the meeting back to order. City Attorney Alvin Leaphart and Attorney Michael Classens presented a proposal to settle the case. The proposal would be; without admission of any allegations, the penalty would be a ten day suspension of alcohol sales. Shenanigans alcohol sales would be suspended for a period of three days to begin on Thursday October 8, 2015 with the condition that admission of patrons into the premises shall be restricted to citizens age 21 or above, the final seven days of the license suspension shall be held in abeyance, such that licensed sales of alcohol may resume on Monday, October 12, 2015. Shenanigans will continue the 21 and over age for a minimum of 12 months at

which time the remaining suspension of 7 days shall abate if there are no additional violations of such ordinance.

Councilman Riggs made a motion, seconded by Councilman Chance to accept the quasi plea argument as presented by Mr. Classens. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Consideration of a Motion to approve/deny a 90 day temporary alcohol license to Andy Aldred, owner of Geeda's Table, formally known as "Chops", in accordance with Chapter 6 (Alcohol) Sec.6-34 (a) of the City of Statesboro Code of Ordinance.

Councilman Riggs made a motion, seconded by Councilman Boyum to approve a 90 day temporary alcohol license to Andy Aldred, owner of Geeda's Table, formally known as "Chops", in accordance with Chapter 6 (Alcohol) Sec.6-34 (a) of the City of Statesboro Code of Ordinance. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Consideration of a Motion to approve a water agreement between the Mayor and City Council of Statesboro and the Board of Regents of the University System of Georgia

Councilman Riggs made a motion, seconded by Councilman Boyum to approve a water agreement between the Mayor and City Council of Statesboro and the Board of Regents of the University System of Georgia and authorize the Mayor to sign a non-exclusive agreement contained in Exhibit A. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Consideration of a motion to approve Resolution 2015-41: A Resolution authorizing the Mayor to sign an MOU between the City of Statesboro and Georgia Southern University for right of entry and access by City Storm Water Management staff for the purpose of inspecting storm water facilities.

Councilman Riggs made a motion, seconded by Councilman Boyum to approve Resolution 2015-41: A Resolution authorizing the Mayor to sign an MOU between the City of Statesboro and Georgia Southern University for right of entry and access by City Storm Water Management staff for the purpose of inspecting storm water facilities. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Public Hearing and first reading of Ordinance 2015-06: An ordinance amending Chapter 18 of the Statesboro Code of Ordinance regarding Temporary Vendors.

Councilman Riggs made a motion, seconded by Councilman Boyum to postpone this item until a later date. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Consideration of a Motion to approve Resolution 2015-42: A resolution to adopt the second amendment to the fiscal year 2016 budget for each fund of the city of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting the

several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding appropriated.

Councilman Riggs made a motion, seconded by Councilman Boyum to approve **Resolution 2015-42**: A resolution to adopt the second amendment to the fiscal year 2016 budget for each fund of the city of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding appropriated. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Update on the current status of the Storm water Management and Utility Program.

Mayor Moore postponed this item until a later date.

Other Business from City Council: None

City Managers Comments

A) City Clerk's Dept. (Notice of alcohol application)

- a) Wild Wings Café is applying for new ownership for the alcohol license pending the background investigation. The new owners will be Allison Judge and Tom Scarborough.**

City Manager updated Council on the application for Wild Wings Café and also stated the contractors have started on the Savannah Avenue project.

Public Comments (General): None

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

At 12:35 pm, Councilman Riggs made a motion, seconded by Councilman Chance to enter into Executive Session. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

At 1:00 pm, Councilman Riggs made a motion, seconded by Councilman Boyum to close the Executive session. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

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

Consideration of a Motion to Adjourn

At 1:01 pm, Councilman Boyum made a motion, seconded by Councilman Riggs to adjourn the meeting. Councilman Boyum, Riggs and Chance voted in favor of the motion. The motion carried by a 3-0 vote. The meeting was adjourned.