



**October 04, 2011 9:00 A.M.**

1. Call to Order by Mayor Pro Tem Will Britt
2. Invocation and Pledge of Allegiance by Councilman Gary Lewis
3. Approval of Minutes:
  - a) September 20, 2011 Council Minutes
4. Recognitions/Public Presentations
  - a) Retirement recognition of Police Commander J.R. Holloway
5. Public Comments (Agenda Item):
6. Consideration of a Motion to approve Special Event Permit:
  - a) Theatre Production (Shakespeare on Trial) - Tim Chapman Averitt Center for the Arts
7. Public Hearing and Consideration of a motion to approve 2<sup>nd</sup> Reading of **Ordinance 2011-07**: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission
8. Consideration of a motion to approve 1<sup>st</sup> reading of **Ordinance 2011-08**: An ordinance amending Chapter 66 of the Statesboro Code of Ordinances (Solid Waste) by replacing it in its entirety.
9. Public Hearing and Consideration of a Motion to approve the following request:
  - a. **APPLICATION # CUV 11-08-02**: Alltel Wireless Communications requests a conditional use variance from Article XXVI of the *Statesboro Zoning Ordinance* to construct and operate a 100' monopole wireless telecommunication tower on property located at Brannen Street.
  - b. **APPLICATION # V 11-08-03**: Maxwell-Reddick & Associates, on behalf of Heyhami Group, LLC requests a variance from Article XV of the *Statesboro Zoning Ordinance* regarding signage for property located on Henry Boulevard.
  - c. **APPLICATION # SE 11-08-04**: Applicant requests a special exception for property located on Brannen Street to allow for the use of property as auto sales.
10. Consideration of a Motion to approve **Resolution 2011-31**: A Resolution Adopting the Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia.

11. Consideration of a Motion to approve the purchase of 21 Taser X2 devices and accessories from DGG Taser in the amount of \$27,435.29; funding is from the 2011 Justice Assistance Grant and Seized Drug Funds. DGG taser is the sole source provider of Tasers in Georgia.
12. Consideration of a Motion to award the purchase of a 2012 Peterbilt side-loader refuse truck to Peterbilt Truck Centers of Savannah in the amount of \$229,537.00 via a bid price extension from a previous bid award by Council on April 5, 2011 as they offered the lowest responsive bid.
13. Consideration of a Motion to Approve Award of Contract to Ellis Wood Contracting in the amount of \$66,000 to make roadway improvements at the intersection of S. Zetterower Ave. and Brannen St. Project to be funded by 2007 SPLOST
14. Consideration of a Motion for the elimination of Capital Cost Recovery (CCR) fees for the Southeast Annexation area (Cawana Road)
15. Reports from Staff:
  - a) City Manager's Report
  - b) Department Head Reports
16. Public Comments (General):
17. Other Business from City Council
  - a) Nomination and acceptance of nominations for three seats on the Statesboro Planning Commission
18. Consideration of a Motion to Adjourn



**CITY OF STATESBORO  
CITY COUNCIL MINUTES  
SEPTEMBER 20, 2011**

A regular meeting of the Statesboro City Council was held on September 20, 2011 at 6:00 p.m. in the Council Chambers at City Hall. Present were Mayor Joe R. Brannen, Council Members: Tommy Blitch, John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, and City Engineer Robert Cheshire. Absent was Director of Community Development Mandi Cody.

**Approval of Minutes:**

**a) September 01, 2011 Public Hearing Minutes**

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to approve the Public Hearing Minutes of September 01, 2011. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**b) September 07, 2011 Council Minutes**

**c) September 07, 2011 Council Work Session Minutes**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Riggs to approve the Council Minutes and Council Work Session Minutes of September 07, 2011. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**Recognitions/Public Presentations:**

**a) Ms. Carrie Howard request to speak to Council regarding the City of Statesboro's services**

Ms. Carrie Howard spoke to Council concerning the sewer lines at 323 S. College St. The property belonging to Ms. Grace McFarland has some problems with the sewer backing up in her house. Ms. Howard asked the City to repair the problem area. Reverend Dr. Leonard Small spoke in support of Ms. Howard's concerns stating Ms. McFarland was on a fixed income and could not afford to repair the problem. City Manager Frank Parker stated the City of Statesboro Ordinance defines what part of the sewer line is the responsibility of the property owner. Director of Water Wastewater Wayne Johnson also stated the property owner is responsible for the sewer lines from the house to the main line whether the main line begins in the middle of the street or on the left or right side of the street.



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

**a) Samuel Chaney Sr. & Samuel Christopher Chaney (CC's Place)**

City Clerk Sue Starling and staff recommended approval for the 2<sup>nd</sup> reading of an alcohol license for CC's Place with the condition to keep the 2<sup>nd</sup> floor closed pending reclassification by the State Fire Marshall's Office. Ms. Peggy Chaney and Mr. Samuel Chaney spoke against the condition placed on the approval of the alcohol license. Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to table this item until the end of the meeting. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**Consideration of a Motion to approve Special Event Permit:**

**a) Benefit Ball for Cancer Research- Jerry Ross**

Mr. James Ross, Pi Rho Chapter Vice President, stated he would be organizing the event with Phi Beta Sigma Fraternity for St. Jude's Children's Hospital. Mayor Pro Tem Will Britt made a motion, seconded by Councilman Riggs to approve the special event permit for Jerry Ross with the condition that he submits a letter from Phi Beta Sigma stating the funds collected will be donated to the Leukemia and Lymphoma Society. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**b) Wedding Reception given at the Belle House catered by Jeffrey Wohelsici (Millhouse)**

John Wohelsici stated he would be catering the wedding. Councilman Riggs made a motion, seconded by Councilman Chance to approve the special event permit for a wedding reception. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**Public Comments (Agenda Item):** None

**Public Hearing and Consideration of a motion to approve 1<sup>st</sup> Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission**

Councilman Chance made a motion, seconded by Mayor Pro Tem Will Britt to approve the 1<sup>st</sup> Reading of Ordinance 2011-07: An Ordinance Amending Chapter 2 of the Statesboro Municipal Code Regarding Authorities, Boards and Commissions- Statesboro Planning Commission with the condition to change section 2-67-(1) to 4 members for 2 years and section 2-67-(2) to 3 members for 4 years. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.



**Consideration of a Motion to award the purchase of a 2011 or 2012 Ford F450 Utility Truck to either the low bidder, Wade Ford, in the amount of \$33,936.00 or to Rozier Ford in the amount of \$34,788.00, after considering the 3 percent local preference given in the past.**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Riggs to award the purchase of a 2011 or 2012 Ford F450 Utility Truck to Rozier Ford in the amount of \$34,788.00. Councilman Britt, Blitch, 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 for two (2) new refuse trailers to East Manufacturing Corporation for a total amount of \$128,800.00 for both trailers**

Councilman Blitch made a motion, seconded by Mayor Pro Tem Will Britt to award the bid for two (2) new refuse trailers to East Manufacturing Corporation for a total amount of \$128,800.00 for both trailers. Councilman Britt, Blitch, 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 for a new knuckle boom trash loader truck to Freightliner of Savannah for a total amount of \$124,097.00**

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to award the bid for a new knuckle boom trash loader truck to Freightliner of Savannah for a total amount of \$124,097.00. Councilman Britt, Blitch, 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 for a new front loader commercial refuse truck to Peterbilt Truck Center for a total amount of \$206,995.00**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Blitch to award the bid for a new front loader commercial refuse truck to Peterbilt Truck Center for a total amount of \$206,995.00. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**Consideration of a Motion to award a contract for the construction of an elevated water storage tank for the Gateway II project in the amount of \$1,034,000.00**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Blitch to award a contract for the construction of an elevated water storage tank for the Gateway II project in the amount of \$1,034,000.00. Councilman Britt, Blitch, 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 Memorandum of Understanding (MOU) between the City of Statesboro and the Roach Family for utility easements**

Councilman Blitch made a motion, seconded by Councilman Lewis to approve a Memorandum of Understanding (MOU) between the City of Statesboro and the Roach Family for utility easements. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**Reports from Staff:**

**a) City Manager's Report**

City Manager Frank Parker stated no report.

**b) Department Head Reports**

City Engineer Robert Cheshire updated Council on the Brannen St. and South Zetterower improvements as well as the traffic signal on Brampton Ave.

Director of Water Wastewater Wayne Johnson reported that EPD made a surprise inspection visit to their work site. Mr. Johnson commended Van Collins and his staff for the work they have been doing and was pleased to report the department passed the inspection.

Director of Public Safety Wendell Turner reported the retirement reception for Commander J.R. Holloway went very well. He also reminded everyone of the event "Up In Flames" would be held at the Nesmith Lane Building parking lot on the GSU Campus.

**Public Comments (General):** None

**Other Business from City Council:** None

**Consideration of a Motion to enter into Executive Session to discuss "personnel matters" and possible "litigation matters" in accordance with O.C.G.A. §50-14-3 (2010)**

Councilman Chance made a motion, seconded by Mayor Pro Tem Will Britt to enter into Executive Session at 7:20 p.m. with a ten (10) minute break before starting the discussion of "Personnel Matters" and possible "Litigation Matters" in accordance with O.C.G.A. § 50-14-3 (2010). Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote. Present were Mayor Joe R. Brannen, Council Members: Will Britt, John Riggs, Tommy Blitch, Gary Lewis, and Travis Chance. Also present were City Clerk Sue Starling, Public Safety Director Wendell Turner and Director of Human Resource Jeff Grant. Councilman Chance made a motion, seconded Councilman Riggs to adjourn Executive Session. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote. The meeting adjourned at 8:30 p.m.



## **Regular Session**

Mayor Joe Brannen called the regular Council session back to order at 8:30 p.m. Mayor Brannen announced no action had been taken in executive session

Agenda item #5, which was the 2<sup>nd</sup> reading for an alcohol license for CC's Place, was taken off the table and opened to Council for discussion by Mayor Joe Brannen. Public Safety Director Wendell Turner clarified the conditions that were attached to the original motion. Councilman Blitch made a motion, seconded by Mayor Pro Tem Will Britt to approve the 2nd reading for the application of alcohol license for Samuel Chaney Sr. & Samuel Christopher Chaney (CC's Place) with the condition to keep the 2<sup>nd</sup> floor closed pending reclassification by the State Fire Marshall's Office. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

## **Consideration of a Motion to Adjourn**

Councilman Chance made a motion seconded by Councilman Riggs 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 adjourned at 8:35 p.m.

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

APPLICATION FOR A SPECIAL EVENT PERMIT

DATE OF APPLICATION 6/27/2011

DATE OF EVENT November 10, 2011

TIME OF EVENT 7:30 PM

LOCATION OF EVENT 33 East Main Street

TYPE OF EVENT (DETAILED DESCRIPTION) Theatre

Production Intermission: duration: 15 minutes

PRODUCTS TO BE SERVED: BEER ☒ WINE ☐ LIQUOR

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

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

ARE FLYERS BEING DISTRIBUTED? ☐ YES ☐ NO  
IF YES ATTACH TO APPLICATION.

NAME OF APPLICANT Averitt Center for the Arts

APPLICANT'S ADDRESS 33 East Main Street

APPLICANT'S PHONE NUMBER 912-212-2787

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

Jim Chasmer  
SIGNATURE OF APPLICANT

OFFICE USE:

DATE OF COUNCIL MEETING \_\_\_\_\_

DATE APPROVED BY MAYOR AND CITY COUNCIL \_\_\_\_\_



**ORDINANCE 2011-07: AN ORDINANCE AMENDING CHAPTER 2 OF THE  
STATESBORO MUNICIPAL CODE REGARDING AUTHORITIES, BOARDS AND  
COMMISSIONS – STATESBORO PLANNING COMMISSION**

THAT WHEREAS, the City has previously adopted an ordinance concerning the administration of the Statesboro Planning Commission; and

WHEREAS, the City Manager has proposed amendments to address the number of members serving as commissioners for the Statesboro Planning Commission, and the Mayor and City Council wish to incorporate these changes into the Statesboro Municipal Code;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia in regular session assembled that Chapter 2, Authorities, Boards and Commissions, of the Code of Ordinances of the City of Statesboro is hereby amended as follows:

Section 1. Section 2-67, of Article II, Chapter 2, Division 3 of the Statesboro Code of Ordinances, said Ordinance regulating the Statesboro Planning Commission shall be repealed and replaced in whole to state as follows:

The membership of the planning commission shall consist of seven (7) members who shall be appointed by the governing body. The appointment of members of the planning commission upon the effective date of this division shall be as follows:

- (1) Posts 1, 3, 5, and 7 shall be appointed for terms of two years.
- (2) Post 2 and 4 shall be appointed for terms of four years.

Each successor appointed to the planning commission thereafter shall be appointed for a term of four years. Members may be appointed to two successive terms.

Section 2. Should any section, subsection or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections and provisions of this ordinance shall remain in full force and effect.

Section 3. That this Ordinance shall be and remain in full force and effect from and after its adoption on two separate readings.

First Reading: September 20, 2011

Second Reading: October 4, 2011

CITY OF STATESBORO, GEORGIA

\_\_\_\_\_  
Joe R. Brannen, Mayor

\_\_\_\_\_  
Sue Starling, City Clerk



# *City of Statesboro*

## *Engineering Department – Public Works*

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P.O. Box 348  
Statesboro, Georgia 30459

912.764.0681 (Voice)  
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### **STAFF REPORT**

TOPIC: **SOLID WASTE ORDINANCE (CHAPTER 66 OF THE STATESBORO MUNICIPAL CODE)**

DATE: September 27, 2011

### **BACKGROUND:**

As discussed at two previous city council work sessions this year, the Sanitation Division has been incurring numerous challenges that affect the efficiency and operational costs of our delivery of services to both residents and businesses. Staff has revisited the existing solid waste ordinance to see what gains can be achieved by more closely following and enforcing the existing policies which for various reasons have been disregarded either in part or in whole. While some gains in efficiency have been achieved through this process full realization of our operational potential can not be achieved without amendments to the solid waste ordinance. Further, many articles of the existing solid waste ordinance are archaic and/or inconsistent with our current operations.

### **HIGHLIGHTED DIFFERENCES WITH PROPOSED ORDINANCE:**

Pursuant to details presented at the September 7, 2011 city council work session, the Engineering Department has developed a new Solid Waste Ordinance to replace Chapter 66 of the *Code of Ordinances, City of Statesboro, Georgia*, in its entirety. While many minor amendments are proposed, the following outlines the most substantive changes to the existing ordinance:

- **Definitions.** Various definitions have been amended and created to ensure consistency between articles in the ordinance.
- **Private Collection.** Amendments have been made to reflect current operational procedures for all collection services performed by city.
- **Enforcement.** Amendments have been made to reflect procedures consistent with city manager structure.
- **Terms.** Various terms and staff titles have been amended to maintain consistency between definitions and other articles in the ordinance.
- **Collections limits and provisions.** Trash dimensional limits have been provided to clarify prior volume size stated. Collection provisions have been amended in accordance with prior work session discussions and to maintain efficiency.
- **Commercial collection.** Articles related to collection of commercial establishments have been amended to reflect current operational procedures for commercial establishments by city equipment and personnel instead of contract services.



**RECOMMENDATION:**

Staff recommends that City Council adopt the proposed Solid Waste Ordinance, thereby amending Chapter 66 of the *Code of Ordinances, City of Statesboro, Georgia*, by replacing it in its entirety.

**STAFF CONTACTS:**

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**Ordinance #2011-08**  
**An Ordinance Amending Chapter 66 of the Statesboro Code of Ordinances**  
**(Solid Waste)**

WHEREAS, the City has previously adopted an ordinance regulating solid waste; and

WHEREAS, the Mayor and City Council has determined there is sufficient reason and need to amend Chapter 66 (Solid Waste) of the Code of Ordinances, City of Statesboro, Georgia to ensure efficient and responsive delivery of services:

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

Section 1. Chapter 66 (Solid Waste) of the Code of Ordinances, City of Statesboro, Georgia is hereby amended by replacing it in full, and shall read as follows:

**Article I. – IN GENERAL**

**Sec. 66-1. – Definitions**

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning indicated herein.

*Ashes* means the residue from the burning of wood, coal, coke or other combustible materials.

*Building material* means any material including but not limited to materials such as lumber, roofing material, brick, concrete, plaster, flooring, plumbing materials, cabinets, doors, windows, gutters, sand, gravel or other substances used in repairs or alteration of existing buildings, construction of new buildings, or demolition of existing structures.

*Bulk container or dumpster* means a metal container of not less than two cubic yards, not larger than eight cubic yards, water tight, with a lid or lids opening on top and constructed so that it can be emptied mechanically by specially equipped trucks. All bulk containers while in service and use shall be equipped with a lid or cover.

*Collection area* means an area designated by the city to be used for the placement and collection of refuse receptacles, collection containers or trash accumulations.

*Collection container* means a container provided by the city or approved by the director, or his/her representative, to be used for the collection and disposal of garbage.

*Commercial garbage* means garbage produced by any nonresidential unit or facility or non-industrial facility including stores, offices, restaurants, warehouses, and other similar uses.



*Commercial solid waste* means all garbage and other waste byproducts, including cinders and ashes from commercial boilers, cardboard and wooden boxes, crates and barrels, or other waste byproduct(s), generated by commercial or manufacturing establishments.

*Composting* means the controlled biological decomposition of organic matter into a stable, odor-free humus.

*Dead animals* means the carcasses or remains of cats, dogs, small household pets, and small farm animals.

*Director* shall mean the city engineer.

*Disposal site* means an area, location, tract of land or a facility used or intended to be used for the disposal of solid waste, decaying waste, hazardous waste or other waste, except it shall not include the land or facility used for the disposal of solid waste or other waste from a single-family dwelling in which the owner, occupant, or lessee of such land or facility resides.

*Garbage, household garbage or refuse* means the by-product of animal or vegetable food resulting from the handling, preparation, cooking and consumption of food or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay may serve as breeding areas or feeding materials for flies, insects or animals.

*Hazardous waste* means materials including but not limited to materials such as poison, acids, caustic matter or solutions, chemical, infected materials, infectious carcass, fecal matter, explosives, sewage sludge, radioactive materials and highly flammable substances, oils, P.C.B., antifreeze, paints, solvents and cleaning fluids, dry cleaners, fuel tanks, biomedical waste, grease traps, batteries, oxidizers, and freon or any other substance that has been defined by federal or state law as being hazardous refuse or material or which poses a similar and immediate danger or hazard to the public health, safety and welfare as the substances described herein.

*Household Trash* means materials including waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

*Industrial waste* means all waste including solids, semi-solids, sludge and liquids, created by factories, processing plants or other manufacturing enterprises.

*Junked vehicles* means any discarded, dismantled, wrecked, scrapped, ruined, junked or inoperable automobile, truck or other vehicle, or vehicle which does not bear a current license plate or a current inspection sticker.

*Litter* means all garbage, refuse, waste material, sand, gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals or any other discarded, used or unconsumed substance, which is not handled in accordance with the provisions of this article.

*Loading and unloading area* means a space or area used by any moving vehicle for the purpose of receiving, shipping, and transporting goods, wares, commodities and persons.

*Reclamation* means a controlled method of sorting solid waste for future use in accordance with a procedure approved by the director.

*Recyclable materials* means materials which otherwise would be garbage, commercial refuse, industrial refuse or rubbish but for the fact that it is usable and has commercial value.

*Recycling* means the process by which reclaimed materials are collected, separated or processed, and transformed into raw materials or products.

*Residential garbage* means garbage produced by any residential unit.

*Refuse receptacle* means a poly-cart used for the automated collection of garbage.

*Rubbish* means waste including but not limited to materials such as waste paper, cartons, boxes, cans, glass, packing material, and material which is discarded, unusable or not being actively used or stored or allowed to be accumulated in an unsightly manner.

*Scavenge or scavenging* shall mean unauthorized or uncontrolled retrieval of discarded refuse materials.

*Solid Waste* means any waste including commercial garbage, residential garbage, rubbish, tree and shrubbery trimmings, and trash but does not include hazardous waste, industrial waste, or waste from mining, agricultural, or silvicultural operations.

*Trash* means appliances, metals, furniture, yard trash, or tree and shrubbery trimmings.

*Tree and shrubbery trimmings* shall mean waste accumulation of tree limbs, parts of trees, bushes, or shrubbery cuttings or clippings.

*Yard trimmings or yard trash* means grass, straw, leaves, shrubs, hedges, tree and shrubbery trimmings, or other natural waste.

## **Sec. 66-2. – Collections by city.**

- (a) *Generally.* All solid waste and recyclable materials accumulated in the city shall be collected, conveyed, and disposed of by the city, except as otherwise expressly authorized herein or approved by the mayor and city council. No person shall collect, convey over any streets or alleys of the city or dispose of any solid waste or recyclable materials accumulated in the city, except as expressly authorized herein or as allowed by pertinent and appropriate actions of the mayor and city council.
- (b) *Supervision.* All solid waste accumulated in the city shall be collected, conveyed, and disposed of by the city under the supervision of the director, who shall prescribe the days and times of collection, and other such matters pertaining to the storage location, conveyance and disposal as is necessary.
- (c) *Fees.* Fees, rates and charges for the collection services outlined in this article shall be as determined by the mayor and city council and on file in the office of the city clerk. Every residence, dwelling, business establishment or service agency within the limits of the city and to which garbage and solid waste collection and disposal services are available shall pay a fee for the availability of such service, regardless of whether the residence, business or agency used the service, and based upon a fee schedule approved by the mayor and city council.



- (d) *Night collection.* Should the best interest of the public be served by collection of refuse from certain areas in the city at night, the city shall make such collections. The occupants of all residences or places of business within the designated area shall be notified or may inquire as to the hours of such collection. All persons so notified shall comply with such order and shall place the containers as designated within such hours.
- (e) *Landlord's responsibility.* All garbage collection charges to a complex of apartments, houses, mobile homes or businesses will be billed to the landlord of the property, and the landlord shall be responsible to the city for payment of assessed charges.

### **Sec. 66-3. – Private collection.**

No person or entity shall engage in the business of and receive compensation for the collection or disposal of garbage or solid waste or the collection of recyclable materials within the city, unless otherwise explicitly stated herein.

### **Sec. 66-4. – Refuse receptacles and collection containers required.**

Every person or entity in possession, charge or control of any building from which garbage, trash, or other waste is accumulated or produced shall be required by this article to provide and keep in a suitable place, readily accessible to the city crews, refuse receptacles and collection containers suitable for the storage of all such waste materials which will normally accumulate between the established collection dates. The director shall determine the quantity and location of such receptacles and shall determine whether such receptacles and containers are in a serviceable condition.

### **Sec. 66-5. – Refuse receptacles and collection containers to be safe.**

All refuse receptacles and collection containers, as required by this article, shall be of safe construction and design and shall be maintained in good, orderly and serviceable condition at all times. Any receptacle or container which does not conform to the requirements of this article or which has ragged or sharp edges, or any other defects likely to hamper or injure the person collecting the contents therefrom or the public generally, shall be promptly replaced by the user thereof where such receptacles and containers are not provided by the city. If such container, after appropriate notice, has not been replaced, the director shall have the right to suspend further collection of such waste material until such time as the container is brought into compliance with this article. Where receptacles or containers are provided by the city the user shall promptly notify the director or sanitation superintendent of such sharp edges, defects, or other nonconformities.

### **Sec. 66-6. – Fee schedule, billing, deposits and termination of service.**

- (a) The fees and charges for the collection of trash, residential garbage, and commercial garbage; and the fees and charges for the disposal of solid waste through the transfer station and similar operations shall be established by resolution of the mayor and city council.
- (b) All fees shall be billed monthly as part of a combined utility bill, unless the user does not have another utility service. In that case, single bills shall be sent.
- (c) There shall be no deposit required for residential and yardwaste collection services. There shall be a deposit equal to two months' bills for any new commercial collection customers, or new solid waste disposal customers who open a monthly account with the

city. If the amount is unknown when service first begins, the first three months' usage shall be averaged to determine the amount of the deposit required, and the deposit shall be added to the bill once it is determined. The deposit may be waived if the customer can present a letter from a similar solid waste collection or disposal company, city, or other provider that indicates that the customer has paid its bills from such providers in a timely manner for at least the last 12 months of such similar service. If a deposit is required it shall be refunded without interest upon termination of service by the customer and following payment in full of all outstanding charges.

- (d) All bills shall be sent out using the billing cycle and schedule for payments as determined by the mayor and city council.
- (e) All bills not paid by the due date are subject to the late payment charge, and then immediate cut-off on the date printed on the bill.
- (f) In the event of non-payment and service cut-off, the customer must pay the bill in full, the late payment charge, a cut-off charge if applicable, and pay a deposit if it was either waived, previously refunded, or was used to make the payment, late payment charge, and/or the cut-off charge. The city manager is authorized to work out a payment plan for customers that demonstrate the ability to pay, but in no event shall such payment plan exceed 90 days before the customer's account is totally current. Such a payment plan can only be entered into once in a 12-month period. Failure to meet any payment date of a payment plan shall terminate the payment plan, and the services shall be discontinued.

#### **Sec. 66-7--- 66-20. – Reserved.**

### **Article II. – ENFORCEMENT**

#### **Sec. 66-21. –Responsible agency.**

The director, landfill operator, sanitation superintendent, street superintendent, or code compliance officers shall investigate complaints or violations of any provisions of this article. They shall determine if there has been a violation, issue warnings and initiate an attempt to obtain compliance with this article by the person in violation thereof.

#### **Sec. 66-22. –Initiation of complaint.**

The code compliance officer shall be authorized to sign a complaint or issue a summons against a violator of this article.

#### **Sec. 66-23. – Civil remedies.**

In case of any violation of this article, the director, landfill superintendent, sanitation superintendent, street superintendent, or the designated code compliance officer may institute injunction, mandates, or other appropriate proceedings to prevent such violation, or to correct or abate such violation.

#### **Sec. 66-24. – Suspension of service.**



Upon appropriate notice to the person or entity in violation of this chapter, the director and/or city manager may suspend any service or the use of any facility maintained by the city during the period such violation continues to exist.

**Sec. 66-25. – Penalty for violation.**

Any person or entity in possession, charge, or control of any building from which garbage, trash or other waste is accumulated or produced and in violation of this article may be held liable for damages, and the recovery shall be in a sum of not less than \$110.00, nor more than \$550.00 for each violation. The city attorney may institute a proceeding in any court having jurisdiction thereof to collect such civil penalty. If the owner of the property on which the violation occurs fails to remediate the violation(s) within 30 calendar days upon receipt of notification, the city clerk may further proceed to collect the costs to the city of eliminating, removing or cleaning the premises in the same manner as provided by law for tax executions.

**Sec. 66-26 – 66-40. – Reserved.**

**Article III. – PRE-COLLECTION PRACTICES**

**Sec. 66-41. – Generally.**

The practices and procedures specified in this article shall be employed by persons in the city in order to facilitate the collection of solid wastes.

**Sec. 66-42. – Refuse and garbage.**

All refuse shall be placed and maintained in containers as specified in this article. All containers shall be maintained at all times with tight-fitting lids or covers. All garbage placed in containers for collection shall first be drained of all liquids, and shall be wrapped, bagged, or enclosed in paper or plastic material.

**Sec. 66-43. – Household trash.**

All household trash shall be drained of all liquids prior to its being placed in refuse receptacles. Household trash may be combined with garbage.

**Sec. 66-44. – Injurious waste items.**

All waste materials of an injurious nature, such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes shall be securely packaged or wrapped (used needles shall be placed in hard plastic container with lid and sealed) for the purpose of preventing injury to the collection crews or other third parties.

**Sec. 66-45. – Hazardous waste and building materials.**

No hazardous waste or building materials shall be placed in any receptacle at any time. The city shall not be required to collect any hazardous waste or building material. All hazardous waste shall be secured against the possibility of causing injury to any person and shall not be placed on public property or private property without the written consent of the owner thereof.

**Sec. 66-46. – Collection limits.**

No residence or business shall place for collection at one time a trash accumulation with dimensions in excess of four feet in width by eight feet in length by 4 feet in height (4'x8'x4') or 400 pounds total. If the residence or business establishment places trash for collection which exceeds these limits, the residence or business shall be assessed an additional fee in an amount based on the actual cost of equipment, labor, transport or hauling and tippage fees needed for collection and disposal.

**Sec. 66-47. – Accessible placement.**

Trash shall be placed in a manner adjacent to a public street or alley easily accessible to city sanitation trucks.

**Sec. 66-48. – Cardboard box collection.**

All persons, firms, businesses, institutions or corporations shall be required to break down any and all cardboard boxes before placing the boxes into collection bins, receptacles, or other designated and approved collection points. To break down a cardboard box, it shall be rendered into a flat shape by whatever means necessary so that it no longer retains its three-dimensional shape and utilizes as little space as possible. Failure to break down boxes shall result in a misdemeanor, refusal by city sanitation officials to remove the garbage, or both.

**Sec. 66-49. – Yard trash, tree and shrubbery trimmings.**

Yard trash, tree and shrubbery trimmings separated from other debris shall be neatly stacked adjacent to the public street or alley used for road purposes which is nearest the property from which removed. No tree trunks, branches, limbs, or shrubbery larger than five inches in diameter, longer than five feet in length, or heavier than 50 pounds with the total weight of accumulated yard trash not to exceed 400 pounds and the total size not to exceed 4'x8'x4' shall be collected by the city. If a residence or business establishment places trash for collection which exceeds these limits, the residence or business shall be assessed an additional fee in the amount based on the actual cost of equipment, labor and tippage fees needed for collection. Yard trash mixed with other debris will not be picked up. Trash other than yard trash must be in a separate stack.

**Sec. 66-50. – Felled trees.**

The owner of property on which trees are cut down, whether by the owner or another, is required to remove promptly following the cutting at the owner's expense all tree trunks, logs, limbs, tops or other debris resulting therefrom, when such materials are clearly visible from any public street, alley, sidewalk, lane or path from the property of another that adjoins the property on which the materials are located. Such materials shall not be destroyed or removed by burning.

**Sec. 66-51. – Trees, shrubbery, branches, etc.**

All individuals, firms, businesses, partnerships, proprietorships or corporations engaged in the business of yard maintenance, landscaping, nursery operation or in the business of



trimming or removing trees, shrubbery, or similar growth, who shall contract with the property owner, the owner's agent or occupant to perform services on the property shall remove the property all sawdust, branches, stumps and all portions of the byproducts of the services performed, as well as all rubbish associated therewith including rocks, concrete, dirt and trimmings.

**Sec. 66-52. – Removal for compensation.**

It shall be unlawful for any firm, partnership, proprietorship or corporation to trim trees or bushes, do landscaping or yard work for compensation within the city unless the byproduct from those services is immediately removed from the premises and placed or deposited by the contractor in the city designated landfill or hauling station. Compensation shall be interpreted to include receiving as compensation the wood, limbs and other residue from such trimming and cutting. Any form of compensation shall place the burden of disposal directly upon the individual or contractor performing the task.

**Sec. 66-53. – Leaves.**

Leaves shall be neatly piled free of other debris and placed adjacent to the public street or alley used for road purposes which is nearest the property from which removed.

**Sec. 66-54. – Household furniture and appliances.**

Upon request, the city shall collect normal and in tact household furniture and appliances, including sofas, chairs, beds, refrigerators, washers, dryers, hot water heaters and similar items, but not including furnaces, from single-family and duplex (two-family) residential structures only. Persons requesting this service shall notify the office of the director or his/her designee to arrange for collection prior to placement near the road. The city shall have the right to set and collect a fee for this service.

**Sec. 66-55. – Prohibited activities.**

The following activities are hereby declared to be unlawful and in violation of this chapter:

- 1) *Public streets and private property.* No person shall place any accumulations of refuse, trash or other waste in any street, median strip, alley or other public place of travel, nor upon any private property, except with the written consent thereof and then only in accordance with the provisions of this article.
- 2) *Blockage of drainage.* At no time shall trash be placed in a manner as to obstruct drains, utility meters, walkways or streets. It shall be unlawful to use brooms, rakes, blowers or other sweeping, raking or debris removal tools or equipment so as to sweep, rake, blow or otherwise sediment or debris of any kind in or on city streets, walkways, drains, pipes or gutters. It shall be unlawful to place, accumulate or otherwise deposit any type of the aforementioned debris or material into a city drain, pipe, gutter or other draining conduit or receptacle.
- 3) *Impairment of sight distance.* At no time shall trash be placed in a manner as to obstruct or impair the sight distance of a driver or operator of a vehicle.
- 4) *Unauthorized storage.* Any accumulation of refuse or trash items on any lot, property, premises, public streets, alley or other public or private place not permitted by this



article, is hereby declared to be a nuisance. Failure of owner or occupant to remove and correct any such accumulation of refuse after appropriate notice from the director shall raise the presumption that such person intended to violate this article.

- 5) *Junk*. It shall be unlawful for any person to place or leave outside any building or dwelling, except as specified in section 66-24, any dilapidated furniture, appliance, machinery equipment, building material, junked motor vehicle, tires or other items which are either in a partially used, wrecked, junked, dismantled or inoperative condition, and which are not completely enclosed within a building or dwelling.
- 6) *Sweeping and blowing*. It shall be unlawful to sweep or blow with a blower or other machinery, grass clippings, leaves and other debris onto a city sidewalk, street, or gutter.
- 7) *Dumping*. It shall be unlawful and in violation of this section to dump, place or leave bricks, blocks, rocks, lumber, asphalt, cement, concrete, concrete products or waste, roofing, sheetrock, leaves, limbs, bushes, trees, roots, dead animals, appliances, equipment, bedding, mattresses, furniture, fixtures, clothing, motors, engines' chemical wastes, industrial or commercial waste or rubbish, scrap metal, fence wire, vehicles or parts thereof, tires, building materials or supplies, and inorganic solid material of any type or kind except as authorized herein.
- 8) *Fires*. It shall be unlawful and in violation of this chapter to set any fire, to allow a fire to burn, or in any other way attempt to damage or destroy a refuse receptacle or collection containers provided by the city.
- 9) *Container of another*. It shall be unlawful and in violation of this chapter for any person to dump, place or leave any item at a garbage and/or solid waste collection area or in any collection container unless such person has permission of the owner and/or occupant of the premises on which the area or container is located.
- 10) *Billboards*.
  - a. It shall be unlawful for owners to fail to maintain billboards in a manner that prevents loose paper, bills and other litter and debris resulting from the use of such signs and billboards. Any such debris, loose papers, bills and other litter shall be removed by the owners or their agents immediately upon accumulation.
  - b. Any such item or items which remain on the property of the occupant for a period of 30 days after notice of violation of this article shall be presumed to be abandoned and subject to being removed from the property by the city without further notice. The city may charge the owner or occupant a fee for the cost of removing such item or items. This section shall not apply to licensed junk dealers or currently licensed establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment or furniture.
- 11) *Scavenging*. No person other than the owner thereof or an agent or employee of the director shall disturb or interfere with any container used for the purpose of storing refuse pending its collection, remove any contents therefrom, or remove such container from its collection.
- 12) *Blocked Dumpster*. It shall be unlawful and in violation of this chapter for any person to block or impair access to a dumpster or commercial collection container.

#### **Sec. 66-56. – Abandonment.**

Any such item or items which remain on the property of the occupant for a period of 30 days after notice of violation of this article shall be presumed to be abandoned and subject to being removed from the property by the city without further notice. The city may charge the owner or occupant of the premises; any unpaid charge for removal may be collected by the city clerk in the same manner as delinquent taxes. This section shall not apply to licensed junk



dealers or currently licensed establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment or furniture.

**Sec. 66-57--- 66-70. – Reserved.**

**Article IV. – COMMERCIAL ESTABLISHMENTS**

**Sec. 66-71. – Generally.**

All commercial establishments shall store their refuse in containers, as specified in this article, so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Approved methods of containerization shall include refuse receptacles, bulk containers and detachable containers. Any spillage or overflow shall be immediately cleaned up by such establishment.

**Sec. 66-72. – Loading and unloading areas.**

All loading and unloading areas shall be provided with refuse receptacles for loose debris, paper, packaging materials and other trash. The owner or occupant of the commercial establishment shall place a sufficient number of containers in such area to maintain a clean, neat and sanitary condition at all times. The number of such containers to be placed in service for a particular establishment shall be set by the director or his/her designated representative. The number of such containers to be placed in service for a particular occupant of the premise shall insure that all litter is placed in the proper container and the area is kept clean. If the occupant violates this section, collection service may be suspended by the director until such time as the owner or occupant of the premises brings such premises into full compliance with the provisions of this chapter.

**Sec. 66-73. – Construction sites and demolition sites.**

All construction and demolition contractors shall provide on-site refuse receptacles, bulk containers, or detachable containers for loose debris, paper, building material waste, scrap building materials and other trash (no hazardous waste shall be deposited in the containers) produced by those working at the construction site. The site shall be kept in a litter-free condition. The number of refuse receptacles, bulk containers, or detachable containers (not to exceed four (4) total per site) shall be determined by the size of the job. Receptacles and containers must be promptly collected when maximum capacity has been reached. All construction receptacles and containers must be promptly removed upon completion of construction. Dirt, mud, construction materials or other debris deposited upon any public or private property belonging to a person other than the owner of the construction site shall be promptly removed by the designated collection contractor.

**Sec. 66-74--- 66-90. – Reserved.**

**Article V. – COLLECTION PRACTICES**

**Sec. 66-91. – Residential garbage collection.**



- (a) Garbage and solid waste at residences within the city shall be collected only by departments and employees of the city, or pursuant to a contract or franchise issued by the city. Removal by persons for hire or compensation is prohibited.
- (b) Collections from residential premises with a refuse receptacle shall be made once weekly, with the exception of holidays or in times when such collection is impossible, such as in the event of natural disasters.
- (c) (1) Resident(s) shall place garbage for curbside pickup in carts provided by the city. On the evening before each day assigned by the city sanitation superintendent for collection in the resident's area, the cart will be placed at a curbside point designated by city sanitation officials no earlier than 6:00 p.m. for pick up the next day. The cart will be removed from the curbside point by the resident no later than 8:00 a.m. on the day after the assigned collection date. Failure to remove a cart by 8:00 a.m. on the day after the assigned collection date shall result in a fine of \$10.00 per day until the cart is removed. At other times, carts will be stored by the resident(s) where possible in locations not visible from the street or road on which the garbage is collected.
- (2) The city shall initially provide and bear the cost of the first cart for each single-family and two-family residence. In the event the cart is insufficient to contain the garbage for a residence, the resident shall bear the cost of placement of an additional cart at the residence. In the event a cart is lost, stolen or abused, the resident shall bear the cost of placement of another cart at the residence.
- (3) In the event the cart is not used for a period of three weeks, then the cart shall be removed from the residence. The resident shall bear the cost of placement of another cart at the residence.
- (4) Persons having physical handicaps which prevent them from placing carts at curbsides shall be exempted from the requirement to place the cart at the curbside. Such persons shall provide to the city a written statement from a physician which validates the existence of such a handicap and shall include their physical address. The other requirements for collection and disposal of garbage contained within this Code will nonetheless apply to persons exempted under this subsection.
- (d) Persons required to maintain refuse receptacles and collection containers under this chapter shall maintain the containers in a sanitary condition, tightly covered at all times other than filling, emptying and cleaning, and free from odor. Refuse receptacles shall be filled in such a manner as to allow pickup by one person. Refuse receptacles and collection containers shall be further maintained so as to prevent the overflow and scattering of trash, garbage, refuse, other solid waste, or water/rainwater.
- (e) All apartment buildings or structures containing in excess of six dwelling units per parcel are required to use hoist type dumpsters or containers that are compatible for loading by mechanical means by garbage and solid waste collection vehicles maintained by the city for the accumulation of garbage by such building or structure residents. Dumpsters shall be required to be placed on a concrete pad constructed in accordance with the city engineer's specifications. For buildings or structures containing more than one but not more than six dwelling units per parcel, each occupied dwelling unit, household or apartment shall provide, at the customer's expense, at least one container and shall provide additional containers as required by the director or his/her representative. The director or his/her representative shall approve the placement, total quantity, and sufficiency of collection containers necessary to adequately serve the establishment. Service to such establishments will be provided by a schedule which is maintained and provided by the sanitation superintendent.

**Sec. 66-92. – Commercial establishments.**



- (a) Garbage and solid waste at commercial establishments within the city shall be collected only by departments and employees of the city, or pursuant to a contract or franchise issued by the city. Removal by persons for hire or compensation is prohibited.
- (b) Collection frequency for businesses and commercial enterprises with collection containers shall be established by the user upon application of service. Collection frequency may be amended upon request by the user or as deemed necessary by the director or his/her designated representative to prevent spillage or overflow. In such cases where it is determined by the city that amendments to the collection frequency is necessary the user shall be notified in writing regarding such changes.
- (c) The director or his/her representative shall approve the placement, total quantity, and sufficiency of collection containers necessary to adequately serve the establishment. Sufficiency shall be determined at the discretion of the director or his/her representative.
- (d) All commercial buildings or structures containing in excess of four business units per parcel are required to use hoist type dumpsters or containers that are compatible for loading by mechanical means by garbage and solid waste collection vehicles maintained by the city for the accumulation of garbage by such building or structure tenants. Dumpsters shall be required to be placed on a concrete pad constructed in accordance with the city engineer's specifications. For commercial buildings or structures containing more than one but not more than four units, each unit shall provide, at the customer's expense, at least one container and shall provide additional containers as required by the director or his/her representative. The director or his/her representative shall approve the placement, total quantity, and sufficiency of refuse receptacles or collection containers necessary to adequately serve the establishment.
- (e) Persons required to maintain refuse receptacles and collection containers under this chapter shall maintain the containers in a sanitary condition, tightly covered at all times other than filling, emptying and cleaning, and free from odor. Refuse receptacles shall be filled in such a manner as to allow pickup by one person. Refuse receptacles and collection containers shall be further maintained so as to prevent the overflow and scattering of trash, garbage, refuse, other solid waste, or water/rainwater.
- (f) Service to commercial establishments will be provided by a schedule which is provided by the sanitation superintendent.

**Sec. 66-93. – Industrial waste.**

Industrial waste shall be collected, removed and disposed of by any factory, plant or enterprise creating or causing such waste.

**Sec. 66-94. – Hazardous waste.**

No hazardous waste shall be placed in any receptacle used for collection of refuse by the city. All hazardous waste shall be collected, removed, and disposed of by the person or entity creating or causing such waste.

**Sec. 66-95. – Dead animals.**

Small dead animals will be collected by the city during operating hours of the city/county transfer station, provided the body is appropriately wrapped and isolated in an area readily accessible to the collector. Owners of large dead animals shall be responsible for their removal and disposal.

**Sec. 66-96. – Building materials.**

The city shall not be responsible for the collecting preliminary to, during or subsequent to the construction of a new building, alteration or additions to an existing building or of any kind of construction of any and all refuse, trash, debris resulting therefrom as well as from demolition of existing structures. Such material shall be removed by the owner of the property or by the contractor.

**Sec. 66-97 --- 66-110. – Reserved.**

**Article VI. – SPECIAL SOLID WASTE DISPOSAL**

**Sec. 66-111. – Contagious disease solid waste.**

The removal of clothing, bedding or other solid waste from some or other places where highly infectious diseases have prevailed shall be decontaminated prior to removal under the supervision and direction of the county health department. Such solid waste shall not be placed in receptacles or bulk container for the city collection until decontaminated.

**Sec. 66-112. – Hypodermic instruments.**

No person shall dispose of or discard any hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of re-use, such hypodermic syringe, needle, instrument or device, and without safeguarding the disposal thereof, by securely placing in plastic container with a sealed lid so as to avoid the possibility of causing injury to the collection personnel or general public.

**Sec. 66-113. – Cardboard boxes, cartons and tires.**

All cardboard boxes, cartons and tires are to be disposed of at designated recycling centers. The person disposing of any such boxes or cartons shall collapse all cardboard boxes and cartons.

**Sec. 66-114--- 66-130. – Reserved.**

**Article VII. – DISPOSAL SITES**

**Sec. 66-131. – Use authorized; regulations.**

All domestic and other acceptable refuse shall be delivered and deposited at authorized public disposal sites in accordance with the directions and orders of the director or his representative in charge of operations, except, however, privately operated sites may be used for the sanitary disposal of industrial wastes or other specified waste upon the approval of the director and upon the issuance of appropriated disposal permits, as required by the regulations of the Georgia Department of Natural Resources, and/or the Federal Environmental Protection Agency. The director or his representative shall be authorized to promulgate appropriate regulations requiring



**Sec. 66-132. – Designation of sites.**

- (a) Public sites approved for the disposal of refuse shall be identified by appropriate directional signs posted near the roadside and at the location of the city/county sanitary landfill or transfer/hauling station.
- (b) Such sites shall be maintained in use until permanently closed, at which time additional authorized sites shall be opened and publicized by posting and through public advertisement.
- (c) The mayor and city council may restrict certain sites or portions thereof to a specific type or types of refuse.
- (d) Commercial collectors, including yard maintenance men, may use the public designated sites.
- (e) Residents of the city, other than commercial collectors, may use public sites, in accordance with the regulations for the particular site the instruction of the site attendant.

**Sec. 66-133. – Operating schedule.**

Authorized public disposal sites shall be operated on a schedule as established by the landfill superintendent during the hours designated, acceptable refuse generated in the city shall be received for disposal from any resident of the city.

**Sec. 66-134. – When use authorized; ownership of waste.**

No person shall enter a disposal site except when an attendant is present and during the hours and days prescribed in this article. Only residents of or businesses with locations in the city or Bulloch County shall be allowed to use or dispose of waste at the disposal sites, and only waste generated within the city or county will be accepted.

**Sec. 66-135. – Classification of waste for disposal.**

- (a) Domestic refuse. The following types of waste shall be classed as “domestic refuse” and shall be accepted for disposal:
  - (1) Household garbage.
  - (2) Business/office waste.
  - (3) Yard trash.
- (b) Industrial waste.
  - (1) The following types of wastes shall be classed as “industrial waste” and shall not be accepted for disposal.
    - a. Industrial waste.
    - b. Hazardous waste.
  - (2) Industrial waste may be disposed at the city/county landfill or transfer/hauling station according to regulations. For information of these regulations you may call the landfill operator at 764-5279.
- (c) Building materials may be accepted for disposal upon such terms and conditions as may be determined by the city and county.
- (d) Materials for recycling shall be separated for storage at each disposal site.

**Sec. 66-136. – Permit required for private sites.**

It shall be unlawful for any person to deposit or permit to be deposited on land under his ownership and control any refuse without first having obtained a disposal area permit as required by any regulation of the Georgia Department of Natural Resources, the Federal Environmental Protection Agency and the city.

**Sec. 66-137. – General maintenance.**

It shall be the duty and responsibility of the owner of any private disposal site to keep the site in an orderly condition and maintained so as not to be a public nuisance or menace to public health.

**Sec. 66-138. – Right to enter to inspect.**

The landfill superintendent or his designee shall have the right to enter a private disposal site at any time during normal business hours for the purpose of inspecting the site to determine whether or not the site is in compliance with this article and all other pertinent laws and regulations of the city.

**Sec. 66-139. – Disposal locations.**

- (a) No person shall dispose of garbage, trash, or other acceptable solid waste at any location within the limits of the city except in authorized containers for collection by city departments or its contractual assigns in the city/county landfill or transfer/hauling station. Only residents of or businesses with locations in the city or Bulloch County shall be allowed to use or dispose of waste at the disposal sites, and only waste generated within the city or county will be accepted.
- (b) It shall be unlawful for any person to throw or cast any garbage or solid waste, rubbish, trash, filth or litter of any nature into the streets, sidewalks, lanes, squares or thoroughfares of the city.
- (c) It shall be unlawful for any person to throw, sweep, cast or otherwise put or place any straw, paper, can, bottles, broken glass, decaying vegetables or fruit or other decaying vegetation, rubbish, garbage or solid waste on any vacant lot within the limits of the city.
- (d) It shall be unlawful for any person owning or occupying any lot, tract or parcel of land or premises within the city to permit the growth thereon of weeds or noxious vegetation to such extent that such vegetation constitutes a public health, safety or welfare concern.

**Sec. 66-140. – Fees.**

For the purposes of this chapter, the principal occupant or head of household in physical possession of a residence through ownership or lease shall be responsible for payment of the fee. If an account of service exists with the city, the fee shall be added to and denominated separately on monthly account statements.

**Sec. 66-141. – Fire hazards prohibited.**

- (a) It shall be unlawful to place ashes within any building in any box, barrel or other wooden vessel or upon any wooden vessel or floor.
- (b) It shall be unlawful to keep, maintain or permit to be kept on any premises within the city oily waste or oily rags unless, at all times when not actually in use, such oily waste and rags are kept in a metal can or container with a self-closing cover and riveted joints,



standing on metal legs which raise the bottom of the container at least four inches above the floor.

- (c) All owners or occupants of buildings are required to permit the chief or commander of the fire department or his designated agent to inspect or to have inspected their building or premises to determine compliance with subsections (a) and (b) of this section.

**Sec. 66-142. – Transportation of trash, garbage or refuse.**

- (a) All persons hauling or transporting trash, garbage, refuse or other debris to the city landfill or hauling station shall transport same in such a way as to prevent trash, leaves, limbs, paper, garbage, refuse or other debris from falling from a vehicle transporting the same or from blowing off of the vehicle so as to fall in the public streets of the city or in the ditches or yards adjacent to such streets. Vehicles transporting such materials shall have suitable covers, such as a tarp, securely fastened to the vehicle.
- (b) Such material being transported to the city landfill or hauling site shall be packed in the vehicle transporting it so that it will not fall off or blow out and shall have suitable covers securely fastened to the vehicle so as to prevent littering of the streets and yards of the city. It shall be unlawful and in violation of this chapter for such material to fall off or blow out of any vehicle during transportation.
- (c) This section shall not apply to the transportation of poultry, livestock, silage or other feed grain used in the feeding of poultry or livestock.

Section 2. Should any section, subsection, or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

Section 3. This Ordinance shall be and remain in full force and effect from and after its adoption on two separate readings.

First Reading: October 4, 2011

Second Reading: October 18, 2011

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

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By: Joe R. Brannen, Mayor

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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)

## REQUEST FOR CONDITIONAL USE VARIANCE CUV 11-08-02 BRANNEN STREET

LOCATION: Brannen Street

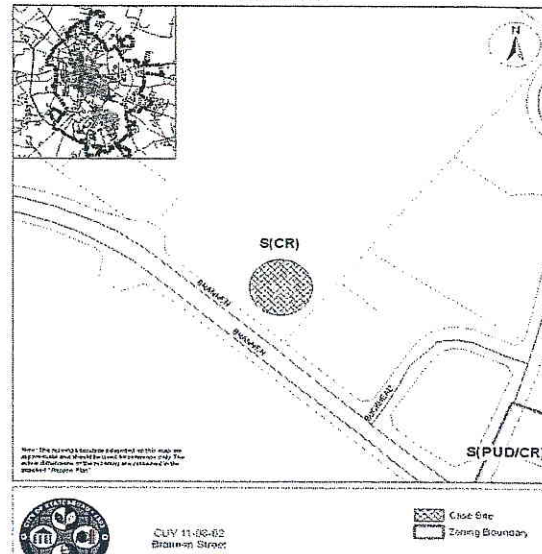
REQUEST: Conditional Use Variance permitting the use as a cell phone tower pursuant to Article XXVI.

APPLICANT: Alltel Wireless

PARCEL TAX MAP #s: MS84000100E000

COUNCIL DISTRICT: 5 (Chance)

CUV 11-08-02 Brannen Street  
Location Map



### BACKGROUND / PROPOSAL:

Applicant has submitted an application for a Conditional Use Variance to allow the use of a 100' monopole telecommunications tower pursuant to Article XXVI of the *Statesboro Zoning Ordinance*. Applicant seeks a grant of said use on an undeveloped portion of the Wal-Mart site. Referred to as the "leasehold" section, the proposed cell tower would be located at the Brannen side of the parcel, at the rear of the Wal-Mart store, in the currently grassed area behind the loading and parking area of the store. Should a conditional use variance be granted allowing this use, applicant would be permitted to seek a building permit for said use and erect a telecommunications tower at the site.

### SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	CR (Commercial Retail)	Retail and food service
SOUTH:	CR (Commercial Retail)	Retail and food service
EAST:	CR (Commercial Retail)	Retail and food service
WEST	CR (Commercial Retail)	Retail and food service

Properties to the north, south, east, and west of the subject site are all zoned CR (Commercial Retail) and include a mix of restaurant and retail sale sites.

### COMPREHENSIVE PLAN:

The subject property lies within the "Activity Centers" character area as defined by the *Statesboro Comprehensive Plan*. Activity Center character areas are identified as districts that incorporate (or will incorporate) a wide range of land uses, but have historically developed in a manner that is auto-oriented – with an abundance of large surface



parking lots. The long-term development pattern preferred for Activity Centers is to incorporate features that mitigate these expanses of surface parking by incorporating new landscaping, framing parking areas with street-oriented infill construction, and including features that support other transportation options. Suggested development and implementation strategies of the Activity Center character areas include:

- Infill and redevelopment in these areas should occur according to a master plan that allows for mixed uses, transportation choices and urban design that mitigates the appearance of auto-dependence (such as screening parking lots or locating parking areas primarily to the sides and rear of buildings).
- Require shade trees to be planted in parking lots and along highway corridors.
- Evaluate parking ordinances for appropriate standards, including minimum and maximum standards and shared parking provisions.
- Incorporate inter-parcel connectivity, especially along major thoroughfares.
- Connect these areas with existing and proposed networks of bicycle paths, sidewalks and multiuse trails.
- Require shade trees to be planted in parking lots and along highway corridors.
- Include community gathering spaces, such as squares, plazas, etc. into commercial and mixed use developments.

*(Community Agenda, Page 18 [List not all-inclusive])*

Identified appropriate land uses for the Activity Center character area include retail/commercial, office, medical, services, and multi-family.

#### **TRANSPORTATION:**

No negative impact on transportation or transportation facilities are anticipated by the grant of the requests contemplated herein.

#### **COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):**

The subject property is served by all city services. No negative impact on city services is anticipated by the requested contemplated herein.

#### **ENVIRONMENTAL:**

There are no known environmental concerns regarding this property.

#### **HISTORIC AND CULTURAL RESOURCES:**

There are no known historical or cultural resources on or adjacent to the subject property that would be affected by the request.

#### **ANALYSIS:**

Section 2603 of the *Statesboro Zoning Ordinance* states that freestanding communication towers may be located within the Commercial Retail zoning district upon satisfaction of all requirements of Sections 2604 and 2605 of the *Statesboro Zoning Ordinance* and a grant of a conditional use variance by the City Council.

Mr. David Snavelly, a professional engineering specializing in telecommunications work, performed the technical review of the application for conditional use variance on behalf of the City of Statesboro. Mr. Snavelly is widely recognized for his expertise in this area and has worked with the City of Statesboro and Bulloch County on a number of other telecommunications issues. His analysis of the conditional use variance application submitted in this case is attached hereto as **Exhibit A**.

As discussed in **Exhibit A**, an initial review of the CUV application materials revealed that the application lacked a structural engineering report for the proposed tower (as mandated by the ordinance). Applicant's assertion that an anticipated fall zone radius of 75' for the proposed tower was also a concern considering the lack of the basis for this assertion (in the absence of a structural engineering report) and the calculation that said fall zone could potentially result in a debris field within the developed and utilized area of the Wal-Mart parking lot in the event of a tower failure. Questions also remained as to the need for an additional telecommunications tower within the city limits. The *Statesboro Zoning Ordinance* prohibits the erection of a telecommunications tower within the city limits if capacity is available on an existing tower.

Mr. Snavelly and city staff directed these initial concerns to the applicant. In response to these concerns, applicant has submitted additional materials and participated in a number of phone conversations with both Mr. Snavelly and

city staff that have resolved these issues. A stamped letter was provided certifying the fall zone for the proposed tower to be 40', rather than the originally anticipated 75', and placing it outside the developed area of the Wal-Mart parcel, thereby relieving any public safety concerns that would result from placement of a tower at this site. Furthermore, these conversations and materials have, in Mr. Snavely's opinion, justified the need for a new telecommunications tower to meet demand and capacity within the city limits.

Therefore, Alltel's application for a conditional use variance demonstrated compliance with all regulations provided in Article XXVI of the *Statesboro Zoning Ordinance*.

**STAFF RECOMMENDATION:**

Based on the review of the application against Article XXVI of the *Statesboro Zoning Ordinance*, staff recommends approval of the requested Conditional Use Variance subject to the submission and approval of a full structural engineering report prior to the issuance of a building permit for the proposed tower.

**PLANNING COMMISSION RECOMMENDATION:**

Planning Commission voted 3-0 to recommend approval of the conditional use variance requested by this application.

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



EXHIBIT A: MR. SNAVELY'S ANALYSIS

Cindy Steinmann

---

Subject: FW: Alltel Brannen review

From: David Snavely [mailto:david@davidsnavely.com]  
Sent: Wednesday, September 14, 2011 11:25 AM  
To: 'Mandi Cody'  
Subject: Alltel Brannen review

Dear Ms. Cody:

The applicant for the new Alltel monopole tower at Walmart on Brannen St., Mr. William G. Howard, has by way of additional showings satisfied my concerns expressed in my report of August 31, 2011.

In particular, Mr. Howard responded with a letter from Sabre towers, confirming that the monopole tower will be designed for a basic wind speed of 105 mph with no ice and 30 mph with ½" ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with TIA standard ANSI/TIA-222-G.

In that letter, Engineer Keith J. Tindall, PE, states, regarding tower failure, that in the event of total separation, the debris would be constrained within a radius of 40 feet.

Mr. Howard supplied an updated site drawing that shows a 40-ft. debris radius would be either contained within the fenced area, or fall just outside onto usually unoccupied and unimproved Walmart property, totally avoiding the paved area adjacent to the loading dock.

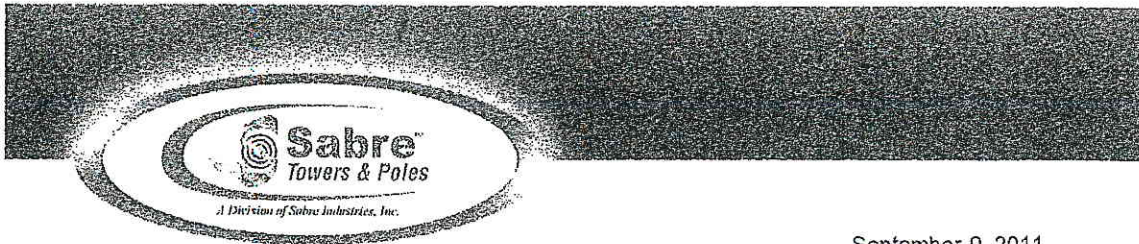
It is my recommendation that prior to issuance of the building permit, an entire structural report on the 100-ft. monopole supporting the issues above should be obtained from the applicant.

If you have further questions, please call.

Thank you for the opportunity to review this application.

Regards,  
David Snavely  
954-644-2953

EXHIBIT B: FALLZONE



September 9, 2011

Mr. Eric Paden  
Alltel Communications Products, Inc.  
2700 Dawson Road  
Suite 10  
Albany, GA 31707

RE: Proposed 100' Sabre Monopole at Brannen, GA (Sabre #12-2621-CJP)

Dear Mr. Paden,

Upon receipt of order, we propose to design and supply the above referenced monopole for a Basic Wind Speed of 105 mph with no ice and 30 mph with 1/2" ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the upper portion of the monopole shaft. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the upper portion of the monopole shaft. This is likely to result in the portion of the monopole above "folding over" onto the portion below, essentially collapsing on itself. *Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Towers & Poles.* In the unlikely event of total separation, this, in turn, would result in collapse of the section above, within a radius of 40 feet.

Sincerely,



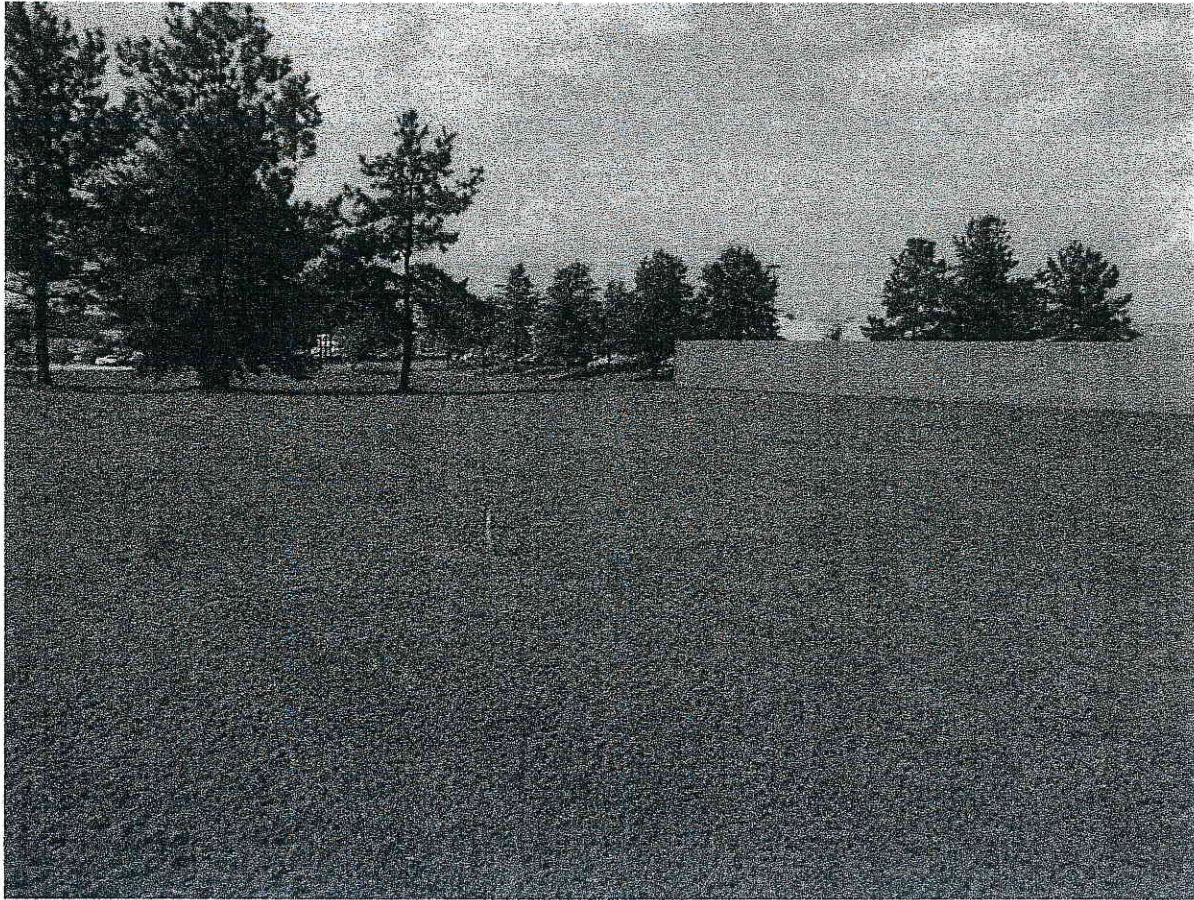
Keith J. Tindall, P.E.  
Vice President & Chief Engineer





[illegible]

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



Subject Site.



**EXHIBIT E**

**DAVID SNAVELY, P.A.**

A PROFESSIONAL CORPORATION  
ELECTRICAL ENGINEER  
PRACTICE SPECIALIZING IN TELECOMMUNICATIONS

DAVID SNAVELY, P.E.  
Reg. TX and FL

261 SW 63 Ave.  
Plantation, FL 33317

[www.davidsnavely.com](http://www.davidsnavely.com)

TELEPHONE: 954-644-2953  
FACSIMILE: 205-282-4510  
EMAIL: [david@davidsnavely.com](mailto:david@davidsnavely.com)

August 31, 2011

Ms. Mandi L. Cody, Director  
Department of Community Development  
City of Statesboro  
P.O. Box 348  
Statesboro, GA 30459-0348

RE: Alltel Wireless Communications' application for conditional use variance for 100-ft. cellphone tower

Via Email-- [mandi.cody@statesboroga.net](mailto:mandi.cody@statesboroga.net)

Dear Ms. Cody:

Per your request I have considered the application of Mr. William G. Howard of EQV Development, agent for Georgia RSA #8 Partnership, d/b/a Alltel Wireless Communications, for a conditional use permit to construct a 100-ft. monopole communications tower and associated 70-ft. fenced compound for location of a cellular base station. The proposed site is near Brannen St. on property zoned "CR," owned by the Walmart Real Estate Trust and adjoins a Walmart store. The coordinates of the proposed tower are 32 deg., 25' 57.688" N, 81 deg., 45' 37.403" W. Alltel calls the site "Brannen."

**For the reasons stated below, it is my opinion that:**

- 1. Alltel has demonstrated a need for a new base station in the area near the proposed Brannen St. site.**
- 2. Alltel's chosen location would address its coverage and capacity needs.**
- 3. The proposed monopole tower is a reasonable height for the system improvements Alltel has demonstrated.**
- 4. There is a T-Mobile tower located St. Matthew's Church property off John Paul Ave. that Alltel should demonstrate is unsuited for its purposes and is not a candidate for collocation.**
- 5. There is no structural report included to demonstrate compliance with failure characteristic provisions or capacity for the proposed tower loading. A failed tower might well fall outside of the fenced limits of the compound.**

Details follow.

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I received the application package from your office. There is a cover letter from Mr. William G. Howard of EQV Development, Mooresville, NC. The package also contains the completed application, a written narrative responding to each section of the City's tower ordinance, a survey, site plan, and civil engineering drawings.

There is also a letter from Alltel Senior Real Estate Specialist Ms. Melissa Johnson, providing a response to some of the tower ordinance items. Ms. Johnson states, "Alltel has entered into an agreement with Walmart Real Estate Business Trust for a 100-ft. by 100-ft. lease area and an access easement through the Walmart parking lot." Aerial and site photographs are included, which indicate the site is just to the NE of Brannen Road, and directly abuts an existing fence separating it from the Walmart loading dock area to the NE. Land to the SW of Brannen Road near this location seems to be undeveloped. Please see Figure 1.

Also in the package, there is an RF narrative provided by RF Engineer Mr. Warren Stanton; an analysis that found no historic structures or archeological sites worthy of preservation within the area, and a report addressing the FCC environmental protection checklist.

Also supplied was an FAA "Notice of No Hazard to Air Navigation," indicating that the proposed monopole would not require obstruction lighting.

Site plan. The site plan illustrates the 100-ft. x 100-ft. lease area which is immediately against an existing fence between Brannen St. and Walmart. Access to a 70-ft. x 70-ft. fenced area within the lease area is via a mostly existing route off of Brannen St. Access is accomplished by two right turns from the entrance driveway. Modification of the existing Walmart curb immediately north of the compound allows passage of a new 12-ft. gravel drive the last few feet from existing pavement up to the compound gate.

The monopole tower itself is located at the north of the compound so as to maintain a 150-ft. setback from Brannen St. Immediately south of the tower is Alltel's 16-ft. x 12-ft. prefabricated, aggregate-finish equipment building, with an overhead "ice bridge" supporting interconnecting antenna cables to the tower. Utilities are carried in an easement alongside the driveway. There is an outdoor telephone and electric meter rack within the compound, and there is room for three additional equipment buildings in the southern part of the fenced compound.

There is no indication of an emergency generator or fuel tank.

The tower drawing shows three sectors of flat panel antennas at the 100-ft. level, with room provided for additional companies' antennas at intervals below the top.

It appears a 12-ft. wide by 9-ft. tall gate will be placed in the NW corner of the existing fence for access. I received information that the tower was moved slightly further away from Brannen St. after the design work had commenced, in order to accommodate the 150-ft. setback. Some of the



site plan and environmental report drawings reflect the old tower location. The drawings show that vision obstructing slats will be installed in the new surrounding chain link fence to shield the equipment from view from Brannen St. Additionally, a landscape plan shows that the surrounding buffer will be planted with Leyland cypress trees.

In my opinion, this is a compact, typical urban cellsite designed for multiple carriers, and is designed in a manner reasonable and customary in the wireless industry.

RF coverage maps. There is an RF narrative provided by RF Engineer Mr. Warren Stanton. Mr. Stanton includes a table showing that there are four existing tower locations providing service to the central and southeast portions of Statesboro (please see Figure 2). Mr. Stanton also includes predictive coverage plots that he says indicate "a large area along and adjoining Northside Drive E (Highways 80/26) where Alltel's 'E. Statesboro' antenna site cannot provide dependable signal strength along that traffic corridor, or provide reliable signal handoff to the 'Frontier' site located to the west."

Mr. Stanton also notes that, "A new antenna site is required... to offload network demand in this area so that customers are not dropping calls or... unable to make a network connection."

The three RF propagation maps provided by Mr. Stanton indicate a signal deficiency between Mr. Stanton's E Statesboro and S Statesboro sites with the signal dropping down into what the map legend indicates is "in-vehicle" strength. This area of deficiency is somewhat closer to the S. Statesboro site than the E. Statesboro site.

The proposed location for the Brannen site, however, is within a band of the highest signal strength from the E Statesboro site. That is to say, the Brannen site itself already should have excellent signal strength. Even after deployment, the Brannen site leaves somewhat of a deficiency to the NE of the S Statesboro site.

Typically I evaluate the "need" for a new tower based on the carrier's provided maps showing signal deficiency and a "search area." Mr. Stanton indeed shows that signal in the area is not up to the top in-building strength Alltel would like to have. However, it appears to me that while the availability and allowable zoning for the Brannen site may make it attractive, there are other locations where Alltel could place its base station and achieve its coverage and capacity objectives.

I checked the FCC Antenna Structure Registration Database, and my own map of sites evaluated for Statesboro and Bulloch County through the years, and found a tower registered to T-Mobile located at 223 John Paul Avenue. It carries FCC registration number 1242406 and is 39 m tall, according to the FCC database. That site seems to more closely address the coverage deficiency in the gap between the E Statesboro and S Statesboro sites. It is approximately 4000-ft. SW of the Brannen location.

Since it seems that collocation on the T-Mobile tower could satisfy Alltel's coverage objectives, I would like for Mr. Stanton to comment on whether that site was considered in lieu of a new tower construction. A propagation map could show whether that site would be a suitable alternative.

Tower height. In consideration of the tower height, I applied the typically used "COST-231-Hata" path loss formula. Alltel has indicated that their network operates on the 800 MHz cellular frequency band, but since carriers typically acquire spectrum from several frequency bands for future expansion, I believe it is fair to use the more restrictive 1900 MHz band to estimate the coverage range of the tower. A statement of the Hata formula is:

$$A = 46.3 + 33.9 \log F - 13.82 \log H + (44.9 - 6.55 \log H) \log D + C,$$

Where:

A = path loss in dB,  
 F = frequency in MHz,  
 H = tower height in meters,  
 D = distance in km, and  
 C = a correction figure (-11 dB used for suburban areas).

The proposed height, H, is 100-ft. (31m). Based on that, COST-231 can be solved to determine the approximate coverage radius for the base station, for an estimated system gain of 135.0 dB:

$$135.0 = 46.3 + 33.9 \log (1900) - 13.82 \log (31) + (44.9 - 6.55 \log (59)) * \log D - 11,$$

$$D = 1.8 \text{ km (1.1 mi.)}$$

These figures were derived based on theory without full consideration for terrain conditions and land use. But in an environment where the surrounding base stations are 0.95 to 1.78 miles away, according to Mr. Stanton's narrative, the 100-ft. height is reasonable, in my opinion.

The package lacks a structural analysis for the monopole, indicating wind loading, failure characteristics, and other pertinent information required by the City. In fact, the engineering drawings show a "75-ft. fall zone" that extends well outside the limits of the lease area and overlaps the truck turn-around area on Walmart's property. In my opinion, the size of the leased area and the fenced compound may not satisfy the requirements of Section 2604. J. 2. b., although the adjacent property is not residential, is not a public street, and I presume is not "public property," as per the definitions of the code. The area surrounding the compound, however, is only grassy lawn or paved parking lot, so a fallen tower is unlikely to cause collateral damage.

Environmental information. Tower Engineering Professionals of Raleigh, NC, provided results from contracted cultural resources consulting firm R.S. Webb and Associates of Holly Springs, GA. R.S. Webb found no archeological sites, artifacts or features worthy of historic preservation at the site. Likewise there were no historic structures within a half-mile for visual affects.

Tower Engineering Professionals also conducted an FCC NEPA compliance checklist evaluation. TEP's research indicated that the site is not located in an officially designated wilderness area; located in an officially designated wildlife preserve; located in a floodplain; located in a residential zoned area and required to be equipped with high intensity white lights; and will not affect threatened or endangered species or their designated critical habitats; affect districts, sites,



buildings, structures or objects listed or eligible for listing in the National Register of Historic Places; affect Indian religious sites; or involve significant changes to surface features.

The cover letter to the NEPA package, signed by Environmental Manager George T. Swearingen, III, concluded no NEPA Environmental Assessment is warranted for the Brannen Site. However, information included in the package indicates that a Phase I environmental study has been ordered, which would confirm that there are no hazardous materials on the site or in the soil.

Summary. In my opinion the Brannen site will address the coverage and capacity concerns Alltel has for the area. However, there may be an alternative in the T-Mobile site mentioned above that could preclude further tower construction.

The fenced compound size should be evaluated to insure that it meets the ordinance or satisfies the City's safety concerns. Such evaluation will require more information from the applicant regarding the likely failure behavior of the tower. As it stands now, a failed tower would likely fall outside the fenced or leased area of the compound.

The remainder of this report addresses compliance with selected portions of the City's tower ordinance.

APPENDIX A - ZONING ARTICLE XXVI. - STANDARDS FOR  
TELECOMMUNICATIONS ANTENNAE AND TOWERS  
ARTICLE XXVI. - STANDARDS FOR TELECOMMUNICATIONS ANTENNAE AND  
TOWERS

- Section 2601. - Purposes.
- Section 2602. - Definitions.
- Section 2603. - Permitted uses.
- Section 2604. - General requirements.
- Section 2605. - Shared use.
- Section 2606. - Conditional zoning.
- Section 2607. - Application procedures.
- Section 2608. - Appeals.
- Section 2609. - Removal of antennae and towers.
- Section 2610. - Abandoned towers.
- Section 2611. - Pre-existing towers/nonconforming uses.
- Section 2612. - Public property.

Section 2601. - Purposes.

The purposes of this ordinance [article] are to:

- A. Provide for the appropriate location and development of communication towers and antennae to serve the residents and businesses of the City of Statesboro;
- B. Minimize adverse visual impacts of towers and antennae through careful design, siting, landscape screening and innovative camouflaging techniques;
- C. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;
- D. Lessen traffic impacts on surrounding residential areas;
- E. Maximize use of any new and existing communication towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the City;
- F. Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single-use towers; and
- G. Encourage and promote the location of new communication towers in areas which are not zoned for residential use.

(Ord. of 12-3-96, § I)

Section 2602. - Definitions.



As used in this ordinance [article], the following terms shall have the meanings indicated:

- A. *Alternative tower structure* shall mean man-made structures such as clock towers, bell towers, church steeples, water towers, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antenna and towers.
- B. *Antenna* means any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
- C. *Director* means the director of the City of Statesboro Planning and Zoning Department or his/her designee.
- D. *FAA* means the Federal Aviation Administration.
- E. *FCC* means the Federal Communications Commission.
- F. *Governing body* means the City Council for the City of Statesboro.
- G. *Guy towers* means a communication tower that is supported, in whole or in part, by guy wires and ground anchors.
- H. *Height*, when referring to a tower, antennae or other structure, means the distance measured vertically from the highest point when positioned for operation to the lowest point which is defined as the bottom of the base of the structure being measured at either roof or ground level, whichever is applicable. The height of a tower shall include the height of any antennae positioned for operation attached or which may be attached to the highest point on the tower.
- I. *Lattice or self-supporting tower* means a communication tower that has open-framed supports on three or four sides and is constructed without guy wires and ground anchors.
- J. *Monopole tower* means a communications tower consisting of a single pole, constructed without guy wires or ground anchors.
- K. *Tower* means a structure, such as self-supporting lattice tower, guy tower, or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, on which is located one or more antennae intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electric communication. The term includes radio and television transmission towers, microwave towers, common carriers towers, and cellular telephone towers. The term excludes any tower and antenna under 70 feet in total height and owned and operated by an amateur radio operator licensed by the Federal Communications Commission, and satellite earth station antenna one meter in diameter or less, any receive-only home television antenna, and any satellite earth station antenna two meters or less in diameter which is located in a commercial or industrial zoning district.

(Ord. of 12-3-96, § II)

Section 2603. - Permitted uses.

- A. Freestanding communication towers may be located within the city as follows:

1. On property zoned High Density Residential (R-4), Central Business District (CBD), Office and Business Office (O), Commercial Retail (CR), Highway Oriented Commercial (HOC), Light Industrial (LI), Heavy Industrial (HI), and Planned Unit Development (PUD) only as a conditional use. Such towers must follow the conditional use approval process and satisfy all conditions of sections 2604 and 2605 and any other conditions that may be attached to the conditional use approval.

*Complied.* Property is zoned CR.

2. Guy towers shall not be permitted on property zoned Central Business District (CBD).

N/A.

B. Rooftop mounted communications towers and antennae may be located on any nonresidential buildings and alternative tower structures in the City so long as:

1. Such tower or antenna is set back from any existing or planned off-site residence and separated from any residentially zoned property at least a distance equal to two times the full height of the tower and antenna, but in no event less than 100 feet;
2. The existing free-standing nonresidential structure other than a tower on which such tower or antenna will be placed is 50 feet in height or greater and the tower and antenna will add no more than 20 feet total to the height of said existing structure;
3. No advertising is permitted on an antenna or tower;
4. No signs or illumination are permitted on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction in which case the Director may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views; and
5. The number and location of antenna, communication towers or other receiving or transmitting devices located on a single structure is not excessive and does not adversely [affect] properties and views.

N/A.

C. Prohibitions. No new cell may be established if there is a technically suitable space available on an existing tower within the search area that the new cell is to serve. For the purpose of this ordinance [article], the search area is defined as the grid for the placement of the antenna.

Not complied. As mentioned in the report, there is a possible T-Mobile tower located near what Alltel described as its area of concern, which Alltel has been asked to evaluate for suitability.

(Ord. of 12-3-96, § III; Amd. of 12-4-01(3), § 10; Ord. No. 2006-8, § 1, 6-6-06)

Section 2604. - General requirements.



The requirements set forth in this Section shall govern the location and construction of all towers, and the installation of all antennae, governed by this ordinance [article].

- A. Building codes: safety standards. To ensure the structural integrity of communication towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Tower owners shall conduct periodic inspections of communication towers at least once every three years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in Georgia. The results of such inspection shall be provided to the Director.

Applicant has stated it will comply.

- B. Regulatory compliance.

1. All towers and antennae must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate communications towers and antennae. If such standards and regulations are changed then the owners of the communications towers and antennae governed by this ordinance [article] shall bring such communications towers and antennae into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.

Applicant has stated it will comply.

2. Tower owners shall provide documentation showing that each communication tower is in compliance with all federal requirements. Evidence of compliance must be submitted every 12 months.

Applicant has stated it will comply.

- C. Security. Communication towers shall be enclosed by decay-resistant security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device; provided, however, the Director of the Governing Body may waive such requirements for alternative tower structures.

Complied. The site plan shows the site will be surrounded by a chain link fence topped by strands of barbed wire.

- D. Lighting. No illumination is permitted on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction in which case the Director may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.

Complied. Alltel has received a determination of "no hazard" from the FAA, which affirms that no obstruction lighting will be required.

E. Advertising. No advertising is permitted on an antenna or tower.

Applicant has stated it will comply.

F. Visual impact.

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color, so as to reduce visual obtrusiveness.
2. At a tower site the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and build environment.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Towers clustered at the same site shall be of similar height and design.
5. Towers shall be the minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.

*Complied.* The tower is adjacent to Walmart's loading dock, 150-ft. off of Brannen St., and, as described in the report, is a minimal height necessary to accomplish Applicant's objectives.

G. Landscaping. Landscaping shall be used to effectively screen the view of the tower compound from adjacent public ways, public property and residential property and shall be as follows:

1. For towers 150 feet tall or less, a buffer area no less than six feet wide shall commence at the property line.
2. For towers more than 150 feet tall, a buffer area not less than ten feet wide shall be provided at the property line.
3. The buffer zone is to consist of materials of a variety which can be expected to grow to form a continuous hedge at least five feet in height within two years of planting.
4. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff/maintenance.
5. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.



6. In lieu of these standards, the Director may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved by the provisions above, except as lesser requirements are desirable for adequate visibility for security purposes and/or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries, and tree farms. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived by the Director.

*Complied.* Applicant has submitted a landscaping plan calling for a surrounding buffer of Leyland Cypress trees.

- H. Maintenance impacts and parking requirements. Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street. A minimum of two parking spaces shall be provided on each site; an additional parking space for each two employees shall be provided at facilities which require on-site personnel.

*Complied.* Access to this site will be from the Walmart parking lot, and there is sufficient parking available to where specific construction of more parking places is not necessary.

I. Principal, accessory and joint uses.

1. Accessory structures used in direct support of a tower shall be allowed but not be used for offices, vehicles storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.
2. Towers may be located on sites containing another principals [principal] use in the same buildable area. As long as all of the other siting, setback, separation and general requirements of this ordinance [article] are met, towers may occupy a parcel meeting the minimum lot size requirements for the zoning district in which it is located. The minimum distance between a tower and other principal use located on the same lot shall be for a monopole or lattice tower the greater of 20 percent of the tower height or 25 feet and for a guy tower the greater of 100 percent breakpoint or 25 feet. This separation is required to assure compatibility of land uses and to provide for the health, safety and welfare of individuals and structures occupying the same site.
3. Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals.

*Complied.* There is initially an approximately 16-ft. by 12-ft. prefabricated equipment building in the 70-ft. sq. fenced compound.

Additional buildings may be added later. The site plan indicates that there is at least 75-ft. between the monopole tower and any structure. The tower also is more than the required 25-ft. from the adjoining principal use of the Walmart parking lot.

J. Tower lot size, setbacks and separation.

1. The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting a residential district, public property, or public street. Such setback shall be sufficient to:
  - a. Provide for an adequate vegetative, topographic or other buffer as required in Section IV [2604] (F) and (G);
  - b. Preserve the privacy of surrounding residential property;
  - c. Protect adjoining property from the potential impact of tower failure by being large enough to accommodate such failure on the site, based on the engineer's analysis required in Section IV [2604].
2. A site is presumed to be of sufficient size when it:
  - a. Meets the requirements of the above subsection (1)[1.];
  - b. Provides a setback equal to two times the height of the tower failure by being large enough to accommodate such failure on the site, based on the engineer's analysis required in Section IV [2604];
  - c. Provides a setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not in a residential district nor a public property or a public street.
3. Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structure[s] may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.
4. For a guyed structure, the site shall be of a size and shape sufficient to provide a setback equal to at least the height of the tower from a guy anchor to any property line abutting a residential district, public property or public street in addition to the size required to comply with subsection (2)[2.] above. Such setback shall be adequate to provide a vegetative, topographic or other buffer sufficient to obscure view to the anchor from such adjoining properties.
5. All structures and uses associated with the transmission use other than the transmission tower shall be located to meet the setbacks required in the zoning district where the tower is to be located. To encourage and accommodate shared use of a tower, the Director may waive or reduce setback requirements by up to 25 percent to accommodate the placement of additional buildings or other supporting equipment at a tower site.



6. No free-standing communication tower shall be allowed within a 5,000 foot radius of an existing tower within a residential area.
7. In no case shall a tower be located in the required front yard of a residential district.
8. All free-standing towers constructed after December 3, 1996 shall conform to the following minimum tower separation requirements:

TOWER HEIGHT	<50 feet	5-100 ft.	101-150ft.	>150 feet
<50 ft.	300'	500'	750'	1000'
50-100 ft.	500'	750'	1000'	1500'
101-150 ft.	750'	1000'	1500'	2000'
>150 ft.	1000'	1500'	2000'	2500'

Towers and antennae mounted on rooftops or alternative tower structures shall be exempt from these minimum separation distances.

Not complied. The applicant moved the base of the tower back to the fence limit on the north side of the compound to provide a 150-ft. setback from Brannen St. There is no structural engineer's report provided with the application, suggesting potential failure scenarios and fall radii, and therefore the requirement of item J. 2. b. above cannot be determined. In fact, since the monopole is adjacent to the fence, a failed tower might well fall outside of the fence. The property immediately to the north is, however, undeveloped grass, and the falling tower would be unlikely to damage property or injure people.

Also, in consideration of item 6. above, the T-Mobile tower located on the property of St. Matthew's Church appears to be on property zoned "residential," and its location is fewer than 4000-ft. from the proposed construction. I note the wording of the ordinance does not insist that the property be zoned "residential."

- K. Be it ordained that the passage of this ordinance [article] also includes the adoption of Part 77 of the Federal Aviation Regulations and that all placement of towers and antenna must be approved by the FAA before a building permit or placement is allowed. This approval is generally granted by the completion of form FAA Form 7460-1, or its equivalent.

Complied.

(Ord. of 12-3-96, § IV)

#### Section 2605. - Shared use.

All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable.

- A. Once a new tower is approved, additional antennae and accompanying accessory uses may be added to it in accordance with the approved share plan if the Director finds that the standards of this ordinance [article] are met.

OR

To encourage shared use of towers, no building permit or special use permit shall be required for the addition of antenna(e) to an existing tower so long as the height of the tower or structure on which the antenna is placed is not increased and the requirements of Sections III.B. and IV [2603B. and 2604] are met.

B. If a new tower is approved, the owner shall be required as conditions of approval, to:

1. Record the letter of intent required by Section VI.D. [2606D.] in Miscellaneous Deed Records of the Office of the County Clerk of Superior Court where the tower site is located;
  2. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
  3. Negotiate in good faith for shared use by third parties; and
  4. Allow shared use where the third party seeking such agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to modify the tower and transmitters to accommodate shared use, but not total tower reconstruction, and to observe whatever technical requirements are necessary to allow shared use without creating interference.
- C. Willful, knowing failure of an owner whose tower was approved after the effective date of this ordinance [article], to comply with the requirement of [subsections] (1)[1.] through (4)[4.] above shall be grounds for withholding approval of any application by such owner for a building permit or special use permit for any tower or antenna.
- D. Such conditions shall run with the land and be binding on subsequent purchasers of the tower site.

*Complied.* The tower and compound are designed to accommodate up to three additional companies and their antennas. The applicant further asserts that it will comply with the site collocation requirements of this ordinance.

(Ord. of 12-3-96, § V)

Section 2606. - Conditional zoning.

- A. A request for a conditional zoning shall be initiated by application to the Director and handled in accordance with the conditional zoning provision of Section 2401 of the Municipal Code [this appendix]. The Statesboro City Council may grant a Conditional Zoning under this section provided it shall have determined that all of the General Requirements of Section IV [2604] have been satisfied and, further, that the benefits of and need for the proposed tower are greater than any possible depreciating effects and damage to the neighboring properties.
- B. In granting a Conditional Zoning, the Statesboro City Council may impose additional zoning conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed tower or antenna on surrounding properties.

(Ord. of 12-3-96, § VI)

N/A; conditional zoning is not anticipated.



## Section 2607. - Application procedures.

Application for a building permit for any communication tower or use of an alternative tower structure shall be made to the Director. An application will not be considered until it is complete. A complete application must contain the following:

- A. Inventory of Existing Sites. An inventory of the applicant's existing towers that are either within the jurisdiction of the governing authority or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Director may share information with other applicants applying for administrative approvals or special use permits under this ordinance [article] or other organizations seeking to locate antennae within the jurisdiction of the governing authority; provided, however, that the Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

*Complied.* Applicant has answered by showing three towers it says it owns in or near the limits of the City of Statesboro. However, there are several other sites serving Statesboro that are on leased facilities, and Mr. Stanton's RF plan covers those in sufficient detail to make an evaluation possible.

- B. Site plan or plans to scale specifying the location of tower(s), guy anchors (if any), transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses.

*Complied.*

- C. Landscape plan to scale indicating size, spacing and type of plantings required in Section IV.G. [2604G.].

*Complied.*

- D. Utilities inventory showing the locations of all water, sewage, drainage and power lines impacting the proposed tower site.

Not complied. There are references to a couple pages in the site plan drawings but I don't find detail on power line or utility entry. This is a minor detail. There is a utility easement shown along the road but no details of it entering the compound.

- E. An environment impact statement fully describing the effect that the proposed tower and/or antenna will not have on the environment and surrounding area including the radiological impact on human health, impacts on adjacent residential structures and districts, impacts on structures and sites of historic significance and impacts on streetscapes.

Not complied. In his narrative, Mr. Howard stated that Alltel had initiated a Phase I environmental study. The FCC's historic preservation checklist is included, and the state Historic Preservation office was notified. However, though the cover letter to the NEPA package, signed by Environmental Manager George T. Swearingen, III, concludes no NEPA Environmental Assessment is warranted for the Brannen Site, I find no

environmental evaluation in the package that would support that conclusion.

- F. A certified statement prepared by an engineer licensed to practice in Georgia that the construction of the tower, including reception and transmission functions, will not interfere with the usual and customary transmission or reception of radio, television, etc., service enjoyed [by] adjacent properties.

*Complied.*

- G. A description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.

*Complied.* The site will normally be unmanned and visited infrequently. Note however there is no mention of an emergency generator. If there is one, the testing schedule would be of interest due to the noise it would make.

- H. Report from a professional structural engineer licensed in the State of Georgia, documenting the following:

1. Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design. A cross-section of the tower structure shall be included.
2. Total anticipated capacity of the structure, including number and types of antennae which can be accommodated.
3. Evidence of structural integrity of the tower structure.
4. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris.

*Not complied.* There is no structural report detailing failure characteristics, wind loading, or structural integrity. One should be provided prior to issuance of a building permit.

- I. Written statements from the FAA, FCC and any appropriate state review authority stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.

*Not complied.* Applicant states, "Alltel will file the required notices with the FCC upon completion of the Phase I Environmental Study, which is a precondition to that filing."

- J. Letter of intent to lease excess space on the tower structure and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.

*Complied.* Applicant states that it will accommodate collocations under reasonable business terms.



K. A reasonable pro rata charge may be made for shared use, consistent with an appropriate sharing of construction, financing and maintenance costs. Fees may also be charged for any structural or RF changes necessitated by such shared use. Such sharing shall be a condition of [if] approval is granted.

1. The applicant shall describe what range of charges are reasonably expected to be assessed against shared users.
2. The applicant shall base charges on generally accepted accounting principles and shall explain the elements included in the charge.

*Complied.* Applicant states it will require reasonable, pro-rata charges for use of the tower, and modification charges to accommodate additional wireless companies.

L. The applicant shall quantify the additional tower capacity anticipated, including the approximate number and types of antennae. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g., radio frequency interference, mass height, frequency or other characteristics. The applicant shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not chosen to be incorporated. The Director shall approve those limitations if they cannot be overcome by reasonable technical means.

*Complied.* The tower is designed to accommodate three other companies.

M. Evidence of the lack of space on all suitable existing towers to locate the proposed antenna and of the lack of space on existing tower sites to construct a tower for the proposed antenna.

*Not complied.* In my study, I identified one possible alternative tower, owned by T-Mobile, on John Paul Ave. I have asked Mr. Stanton to evaluate the possibility of collocation on that tower.

N. Each applicant must make a good faith effort to substantially demonstrate that no existing or planned towers can accommodate the applicant's proposed antenna/transmitter as described below:

1. The applicant shall contact the owners of all existing or planned towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.
2. Such contact shall be made in a timely manner; that is, sufficiently before the filing of an application for a building or Conditional Zoning to include a response into the application when filed.

- a. Failure of a listed owner to respond shall not be relevant if a timely, good faith effort was made to obtain one. However, where an existing or planned tower is known to have capacity for additional antennae of the sort proposed, based on the decision regarding such tower, that application for a new tower shall not be complete until the owner of the existing

or planned tower responds. Such response is to be required as a condition of approval.

- b. The Director shall maintain and provide, on request, records of responses from each tower.
- c. Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on the owner's tower as described below, the owner need not be contacted by future applicants for antennae of the sort proposed.

*Complied.* RF Engineer Stanton states, "There are no existing towers or alternative structures with the required height and location which would allow Alltel to accomplish its capacity and coverage needs in the area by... collocation." Note, however, that I have asked for a clarification regarding the T-Mobile tower.

- 3. The applicant shall request the following information from each tower contacted:

- a. Identification of the site by location, tax lot number, existing uses, and tower height.
- b. Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant shall provide each such owner with the height, length, weight, and other relevant data about the proposed antenna.
- c. Whether each such tower could structurally accommodate the proposed antenna if structural changes were made, not including totally rebuilding the tower. If so, the owner shall specify in general terms what structural changes would be required.
- d. If structurally able, would shared use by such existing tower be precluded for reasons related to RF interference. If so, the owner shall describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.
- e. If shared use is possible, the fee an owner of an existing tower would charge for such shared use.

N/A. No other towers.

- 4. Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Director and the Governing Body may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.

- O. Any other information which may be requested by the Director to fully evaluate and review the application and the potential impact of a proposed tower and/or antenna.

(Ord. of 12-3-96, § VII; Ord. of 10-21-03, § 1; Ord. No. 2009-06, § 1.a), 7-21-09)



Section 2608. - Appeals.

Appeals from any decision of the Director shall be to the Statesboro Mayor and City Council pursuant to Section 1800 of the Municipal Code [this appendix]. Appeals from any decision of the Governing Body shall be made to the Superior Court within 30 days of the decision. Any decision on a request to build a tower or for a Conditional Zoning for a tower shall be in writing and supported by substantial evidence in a written record.

N/A.

(Ord. of 12-3-96, § VIII)

Section 2609. - Removal of antennae and towers.

All towers and antennae shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If upon inspection by the Director such tower is determined not to comply with the code standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the tower and the owner of the property if such owner is different, such owners shall have 30 days to bring such tower into compliance. In the event such tower or antenna is not brought into compliance within 30 days, the City may provide notice to the owners requiring the tower or antenna to be removed. In the event such tower or antenna is not removed within 30 days of receipt of such notice, the City may remove such tower or antenna and place a lien upon the property for the costs of removal. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may pursue all legal remedies available to it to insure that communication towers and antenna not in compliance with the code standards or which constitute danger to persons or property are brought into compliance or removed. The City may seek to have the tower or antenna removed regardless of the owners' or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

Applicant stated it will comply.

(Ord. of 12-3-96, § IX)

Section 2610. - Abandoned towers.

- A. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, whether or not the owner or operator intends to make use of the tower. The owner of an abandoned antenna or tower and the owner of the property where the tower is located shall be under a duty to remove such a tower or antenna. If such antenna and/or tower is not removed within 60 days of receipt of notice from the City notifying the owner(s) of such abandonment, the City may removed [remove] such tower and/or antenna and place a lien upon the property for the costs of removal. The City may pursue all legal remedies available to it to insure that abandoned communication towers and antenna are removed. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may seek to have the communication tower or antenna removed regardless of the owners' or operator's intent to

operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

- B. If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this ordinance [article] as if such tower or antenna were a new tower or antenna.

Applicant stated it will comply.

(Ord. of 12-3-96, § X)

Section 2611. - Pre-existing towers/nonconforming uses.

- A. All communications towers operative on December 3, 1996 shall be allowed to continue their present usage as a nonconforming use in accordance with Section 2100 of the Municipal Code [this appendix]. Routine maintenance, including replacement with a new tower of like construction and height, shall be permitted on such existing towers. New construction other than routine maintenance on an existing communication tower shall comply with the requirements of this ordinance [article].
- B. A communication tower that has received City approval in the form of either a building permit or Conditional Zoning exception, but has not yet been constructed or placed in operation shall be considered an existing tower so long as such approval is current and not expired.

N/A.

(Ord. of 12-3-96, § XI)

Section 2612. - Public property.

Antennae or towers located on property owned, leased or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance [article], provided a license or lease authorizing such antenna or tower has been approved by the Governing Body.

N/A.

(Ord. of 12-3-96, § XII)

If you have any questions, please call.

Respectfully submitted,

-S-

David Snively



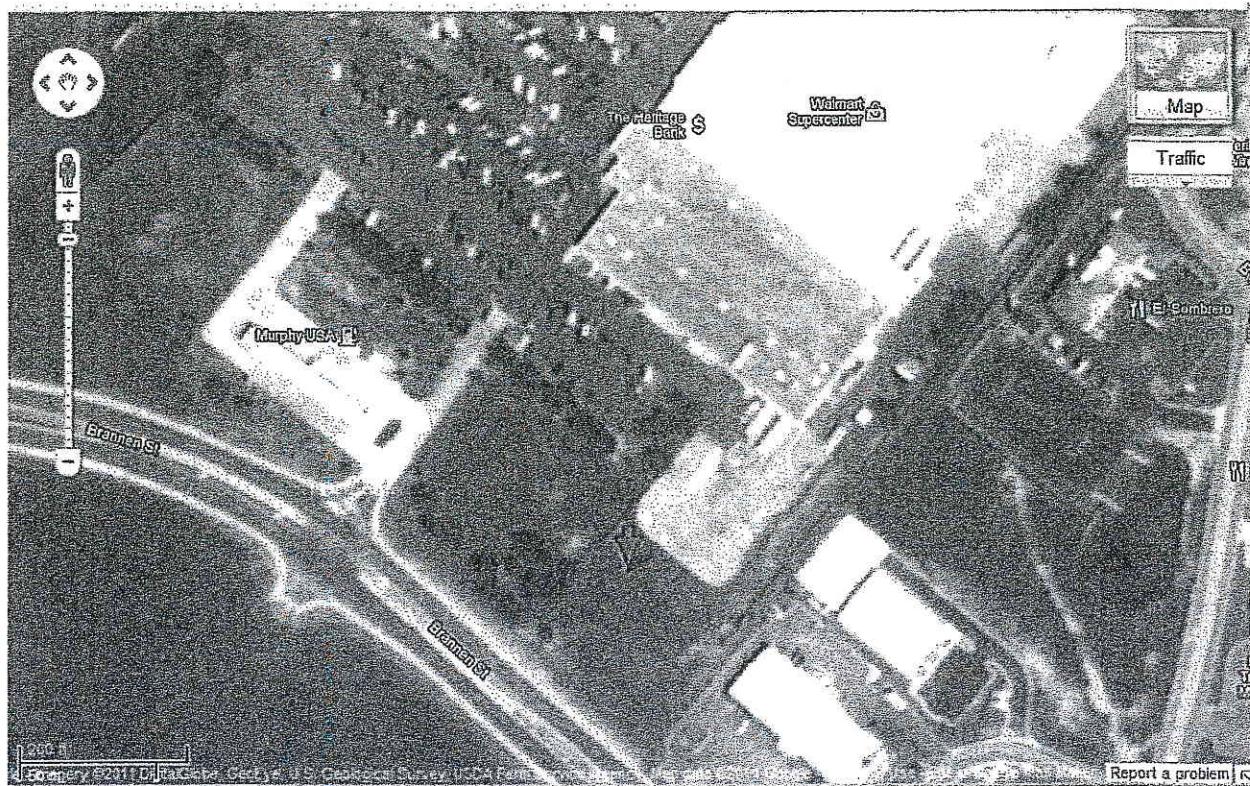


Figure 1: Arrow notes the location for the new tower and compound. The large building to the N is Walmart; its loading dock is immediately to the NE of the compound. There is a grassy area between the end of the pavement and an existing fence, and the compound will abut the fence. The tower is placed against the existing fence to maintain a 150-ft. setback from Brannen St.

Access will be via the drive going NE off of Brannen St., through the Walmart parking lot, into the truck paved area, and then SW into the compound. There will be a new gravel drive extending from the paved area SW to the compound.





Figure 2: According to RF Engineer Mr. Stanton there is a signal deficiency parallel to and south of Highway 80 where the E. Statesboro site does not provide adequate coverage and capacity all the way to the Frontier site. Mr. Stanton demonstrates that the Brannen site will relieve the coverage issues. However, there is a T-Mobile site in the FCC database about 4000-ft. SW of Brannen that might be able to serve the area and avoid construction of a new site. The applicant was asked to comment.

Other sites in the area include Lanier (S) and S. Statesboro (SW). The circle is 4500-ft. in radius.





City of Statesboro – Department of Community Development  
**DEVELOPMENT SERVICES REPORT**

P.O. Box 348  
 Statesboro, Georgia 30458

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

**REQUEST FOR VARIANCES**  
**V 11-08-03**  
**Henry Boulevard**

**LOCATION:** Henry Boulevard

**REQUEST:** Variance from Section 1509 regarding sign height and style of freestanding signage in District 3.

**APPLICANT:** Heyhami Group, LLC

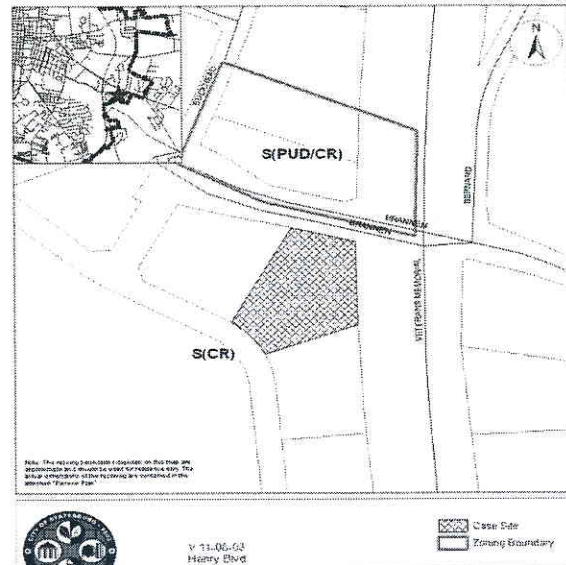
**LAND AREA:** 1.54 acres

**PARCEL TAX** MS840001027C

**MAP #s:**

**COUNCIL DISTRICT:** 5 (Chance)

**V 11-08-03 Henry Blvd**  
 Location Map



**BACKGROUND / PROPOSAL:**

Maxwell-Reddick & Associates on behalf of its client Heyhami Group, LLC, anticipates the purchase and development of the 1.54 acre undeveloped site located within the Statesboro Crossing commercial shopping center as a Steak N Shake fast food restaurant. Applicant seeks variances from sections 1502 and 1509 of the *Statesboro Zoning Ordinance* regarding signage.

**SURROUNDING LAND USES/ZONING:**

ZONING:		LAND USE:
<b>NORTH:</b>	CR (Commercial Retail)	Various Commercial Uses.
<b>SOUTH:</b>	CR (Commercial Retail)	Various Commercial Uses.
<b>EAST:</b>	CR (Commercial Retail)	Various Commercial Uses.
<b>WEST:</b>	CR (Commercial Retail)	Various Commercial Uses.

Properties to the north, south, east, and west of the subject site are all zoned CR (Commercial Retail) and include a mix of restaurant and retail sales sites. The subject site itself is part of the Statesboro Crossing commercial subdivision and is included within the Commercial Retail zoning district, of which a fast food restaurant is considered a permissible use as a "food service facility".

**COMPREHENSIVE PLAN:**

The subject property lies within the "Activity Centers" character area as defined by the *Statesboro Comprehensive Plan*. Activity Center character areas are identified as districts that incorporate (or will incorporate) a wide range of land uses, but have historically developed in a manner that is auto-oriented – with an abundance of large surface parking lots. The long-term development pattern preferred for Activity Centers is to incorporate features that mitigate

these expanses of surface parking by incorporating new landscaping, framing parking areas with street-oriented infill construction, and including features that support other transportation options. Suggested development and implementation strategies of the Activity Center character areas include:

- Infill and redevelopment in these areas should occur according to a master plan that allows for mixed uses, transportation choices and urban design that mitigates the appearance of auto-dependence (such as screening parking lots or locating parking areas primarily to the sides and rear of buildings).
- Require shade trees to be planted in parking lots and along highway corridors.
- Evaluate parking ordinances for appropriate standards, including minimum and maximum standards and shared parking provisions.
- Incorporate inter-parcel connectivity, especially along major thoroughfares.
- Connect these areas with existing and proposed networks of bicycle paths, sidewalks and multiuse trails.
- Require shade trees to be planted in parking lots and along highway corridors.
- Include community gathering spaces, such as squares, plazas, etc. into commercial and mixed use developments.

(Community Agenda, Page 18 [List not all-inclusive])

Identified appropriate land uses for the Activity Center character area include retail/commercial, office, medical, services, and multi-family.

#### **TRANSPORTATION:**

The project site takes vehicular and pedestrian access from Brampton Avenue

No negative impact on transportation or transportation facilities are anticipated by the grant of the requests contemplated herein.

#### **COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):**

The subject property is stubbed for services by city utilities and is currently served by the City's public safety departments. There are no known issues related to the City's ability to provide services to this site should the requests herein be granted.

#### **ENVIRONMENTAL:**

There are no known environmental concerns regarding this property.

#### **HISTORIC AND CULTURAL RESOURCES:**

There are no known historical or cultural resources on or adjacent to the subject property that would be affected by the request.

#### **ANALYSIS:**

- I. **Variance from Section 1509 C Table 5: Sign District 3 Dimensional Standards of the *Statesboro Zoning Ordinance* regarding sign height for an individual establishment on an individual lot; and**
- II. **Variance from Section 1509 B Table 2 regarding sign type for a parcel within Sign District 3.**

The subject site is located within Sign District 3 as identified by the *Statesboro Zoning Ordinance*. Article 1509 of the *Statesboro Zoning Ordinance* regulates signage by permissible sign type and maximum dimensional standards for all freestanding and building signs within the district. Table C regulates dimensional regulations for building / wall and freestanding signs for "individual establishment on an individual lot". See **Exhibit D**. Subsection B of Section 1509 regulates sign type by district stating that "signs may be erected in those districts where the applicable sign type is allowed as identified in Table 2." Table 2 allows monument style signs in Sign District 3 and states that stanchion (pole) type freestanding signs are prohibited in the district. See **Exhibit C**.

Applicant anticipates acquisition of the subject site and development as a Steak N Shake fast food restaurant. The subject site is an undeveloped lot next to Cracker Barrel in the Statesboro Crossing commercial subdivision. The front of the proposed restaurant will orient inward to the shopping center, facing Henry Boulevard. The rear of the building will front Veterans Memorial Bypass. The proposed use wishes to erect a freestanding sign to the rear of the



building for visibility at Veteran's Memorial Bypass. Section 1509, B Table 2 and C Table 5 require that such freestanding signage be monument in style and be limited to eight (8) feet in height. The *Statesboro Zoning Ordinance* defines a monument sign to be "a freestanding sign which forms a solid structure from the ground to the top of the sign." Section 1501 (17). Applicant has requested this variance to allow a stanchion style sign, 20' in height, to be erected on the parcel, to the rear of the building at its frontage on Veterans Memorial Bypass.

A stanchion sign is defined as a "freestanding sign that is mounted on a pole or other vertical support such that the bottom of the sign face is elevated above ground level and there is no visual obstruction other than the vertical support between the ground and the bottom of the sign face." Section 1501 (31).

As shown on **Exhibit B, Photograph 1 & 2** and as further illustrated in applicant's sign profile attached as **Exhibit E**, the parcel proposed for development in this application is approximately 18.7 feet below the edge of street level at Veterans Memorial Bypass. Given the difference in the elevation of the subject site and Veterans Memorial Bypass, a monument style sign 8' in height, would not be visible on Veteran's Memorial Bypass.

Section 1503 (G), as amended effective July 21, 2009, states that "no variances" shall be permitted from the terms of the terms of Article XV regarding Signs in the *Statesboro Zoning Ordinance*. It continues to state that "specifically, no variances under Article XVIII (regarding consideration and approval of variances) of this ordinance shall be applicable to the standards contained within this Article [XV]." However, Article XV regarding signs is part of the *Statesboro Zoning Ordinance* which provides for the award of variances by the City Council from the zoning regulations stating that "approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done" and states that the Mayor and Council [should] consider if the following are true in its consideration of a variance request:

1. There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;
2. The special conditions and circumstances do not result from the actions of the applicant;
3. The application of the ordinance to this particular piece of property would create an unnecessary hardship; and
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.

Given concerns that a staff denial to present an applicants' variance request for a hearing and consideration before the governing body poses a potential violation of an applicants' right to due process, the requested variance regarding sign style and height for Sign District 3 has been included in this report and presented for Council consideration despite Article XV's stated prohibition against variances.

Each of the four standards for consideration in the grant of a variance application in Section 1801 is present in this request for relief. As demonstrated on applicant's drawings, and in photographs of the site attached to this report, there are special conditions pertaining to the land because of its topography that is not common to other land in the general vicinity or in the same zoning district; the special conditions and circumstances do not result from the actions of the applicant; the application of the ordinance to this particular piece of property would create an unnecessary hardship; and relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.

It should be noted here that much discussion was held between the applicant and city staff regarding possible alternative signage arrangements. After review of the site, and engineering consideration of the issue, it was determined that wall signage along the rear of the building (facing Veterans Memorial Bypass) would be out of the line of sight of the traveling public and posed a safety issue for traffic on the bypass. Therefore, the request for a stanchion sign at this location is justified. However, it was also realized that the 20' height requested by applicant was in excess of that required for line of sight visibility by the traveling public at Veterans Memorial bypass. Study of the elevation of the subject site against the edge of pavement of Veterans Memorial Bypass, surrounding signage, and the necessary height for the safety of the traveling public justify a need for signage 14' in height, rather than the requested 20'. Therefore, the staff recommendation herein is to award the requested variance in sign type to allow for the stanchion style freestanding sign at the subject site, but that said sign be limited to 14' in height.

#### **STAFF RECOMMENDATION:**

Based on the factors of consideration given 1801 of the *Statesboro Zoning Ordinance*, as applied to this request and the adopted policies of the *Statesboro Comprehensive Plan*, Staff recommends the following:

- A. Approval of V 11-08-03 granting a variance from Section 1509 C Table 5 regarding sign height and Section 1509 B, Table 2 regarding sign style to allow a stanchion style sign up to 14' in height at the subject site.**

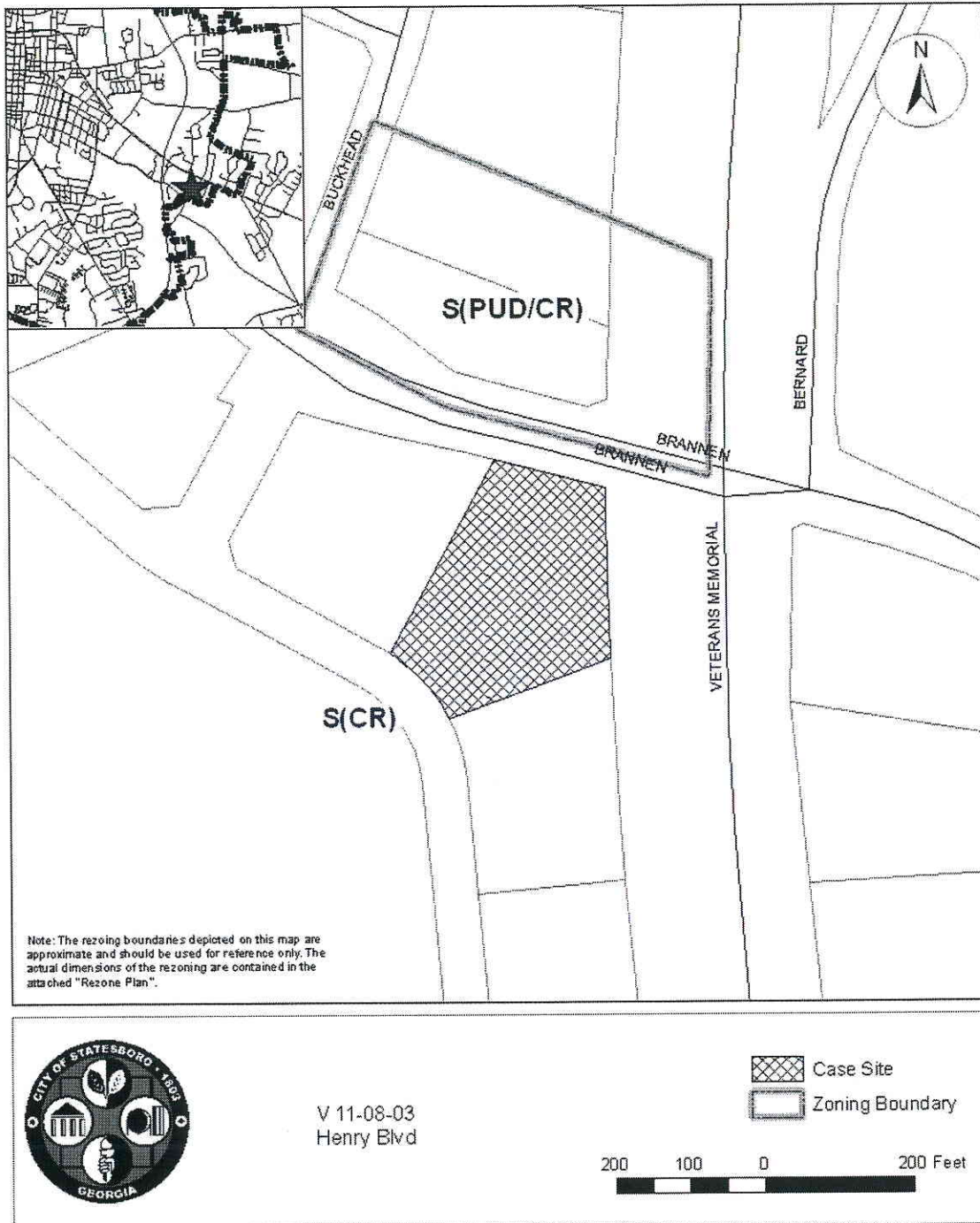
**PLANNING COMMISSION RECOMMENDATION:**

Planning Commission voted 3-0 to recommend approval of case # V 11-08-03 with the restriction that sign height must not exceed the edge of the pavement at Veterans Memorial Bypass and the condition of adding shrubbery around the sign where visible.



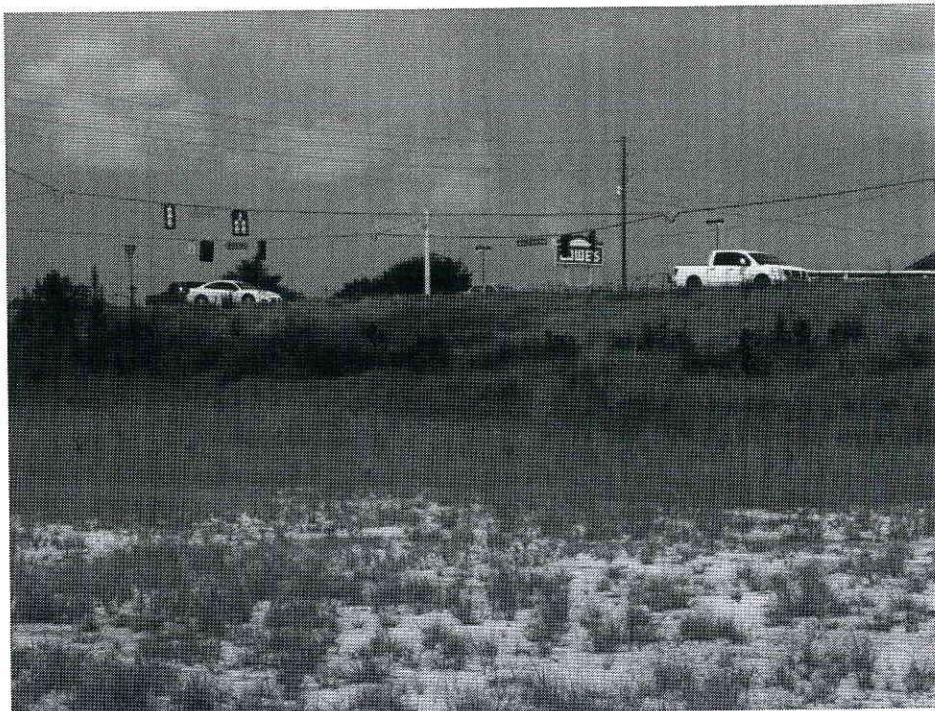
EXHIBIT A: LOCATION MAP:

V 11-08-03 Henry Blvd  
Location Map





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



**Viewing Veterans Memorial Bypass**



**Facing Brannen Street.**



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



**Subject Site.**



**Proposed Building.**



**EXHIBIT C: PERMITTED SIGNS BY TYPE AND DISTRICT.**

SIGN TYPE	SIGN DISTRICT 1			SIGN DISTRICTS 2 & 3	SIGN DISTRICT 4
	Residence on an individual lot	Residential development or subdivision	Nonresidential property		
<b>FREESTANDING:</b>					
Incidental	No permit needed	No permit needed	No permit needed	No permit needed	No permit needed
Billboard	Prohibited	Prohibited	Prohibited	Needs a permit in Area 2; Prohibited in Area 3	Prohibited
Monument	Prohibited	Needs a permit	Needs a permit	Needs a permit	Needs a permit
Stanchion	Prohibited	Prohibited	Prohibited	Needs a permit in Area 2; Prohibited in Area 3	Prohibited
Standard informational sign	No permit needed (Subject to provisions contained in Table 3)	Prohibited	Prohibited	Prohibited	Prohibited
<b>BUILDING:</b>					
Canopy	Prohibited	Prohibited	Prohibited	Needs a permit	Needs a permit
Incidental	Prohibited	No permit needed	No permit needed	Needs a permit	Needs a permit
Marquee	Prohibited	Prohibited	Prohibited	Needs a permit	Needs a permit
Projecting	Prohibited	Prohibited	Prohibited	Prohibited	Needs a permit
Roof*	Prohibited	Prohibited	Prohibited	Needs a permit*	Needs a permit*
Suspended	Prohibited	Prohibited	Prohibited	Prohibited	Needs a permit
Wall	Prohibited	Needs a permit	Needs a permit	Needs a permit	Needs a permit
Window	No permit needed	No permit needed	No permit needed	No permit needed	No permit needed
<b>MISCELLANEOUS**:</b>					
Banner	Prohibited	Needs a permit	Needs a permit	Needs a permit	Needs a permit
Flag***	No permit needed***	No permit needed***	No permit needed***	No permit needed***	No permit needed***
Portable****	Prohibited	Prohibited	Prohibited	Prohibited	No permit

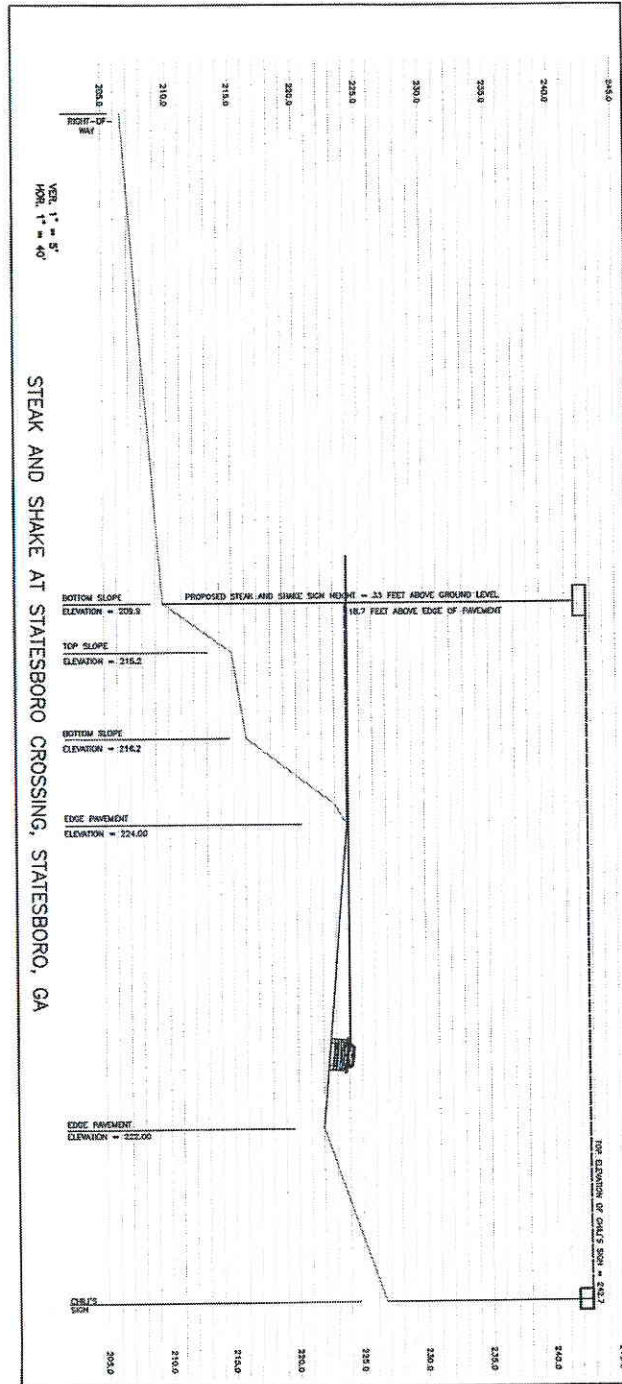


					needed****
Temporary	Prohibited	Needs a permit	Needs a permit	Needs a permit	Needs a permit
<p><i>*Roof signs, where permitted, shall be subject to the provisions of section 1508 (8).</i></p> <p><i>**Signs listed as "miscellaneous" within this Table do not form part of the "aggregate sign area" for a parcel as defined in section 1501, or Tables 3, 4, 5 and 6 as provided within this article.</i></p> <p><i>***Flags shall be subject to the provisions of section 1506(A).</i></p> <p><i>****Portable signs, where permitted, shall be subject to the provisions of section 1506(C).</i></p>					

**EXHIBIT D: SIGN DISTRICT 3 DIMENSIONAL STANDARDS.**

SIGN DISTRICT 3 (As defined in subsection 1509[A.3])	SIGN FOR AN INDIVIDUAL ESTABLISHMENT ON AN INDIVIDUAL LOT	MAJOR SIGN FOR PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT	BUSINESS SIGN FOR AN INDIVIDUAL ESTABLISHMENT, SHOP, ETC., WITHIN A PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT
<b>AGGREGATE SIGN AREA*:</b>			
1. Maximum Number of Total Square Feet (SF)	150 square feet including freestanding and building signs	Size is based upon the overall floor space of the center as follows: 0-50,000 sf = 100 sf > 50,000 sf = 150 sf	Not applicable
<b>FREESTANDING SIGNS**:</b>			
2. Freestanding Sign Maximum Square Feet	60 square feet	Varies per overall floor space of the center (See "Aggregate Sign Area" herein)	Not applicable
3. Maximum Height	8 feet	15 feet	Not applicable
4. Setback Requirement	5 feet from property line	5 feet from property line	Not applicable
5. Number of Signs Allowed	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs	Not allowed
<b>BUILDING SIGNS:</b>			
1. Maximum Number of Total Square Feet	Wall length of 100 feet or less: 50 square feet. Wall length of greater than 100 feet: 100 square feet.	60 square feet	The greater of 60 sf or 5% of wall areas, allotted to the individual establishment
2. Maximum Height	Building elevation	Building elevation	Building elevation
3. Number of Building Signs Allowed***	One per elevation	One sign per common entrance	One per building elevation per tenant
<p><i>*As provided in Section 1501 and Table 2 herein, "aggregate sign area" includes all freestanding or building signs regardless of whether or not a permit for a particular type of sign is required.</i></p> <p><i>**Limited to monument and standard informational signs. Billboards and stanchion signs prohibited as provided in Table 2 herein.</i></p> <p><i>*** Two (2) per building elevation where one (1) sign is in the form of a canopy/awning, and where the cumulative square footage of both does not exceed the "maximum number of total square feet" for building signs.</i></p>			

EXHIBIT E: SIGN PROFILE.







*City of Statesboro – Department of Community Development*  
**DEVELOPMENT SERVICES REPORT**

P.O. Box 348  
 Statesboro, Georgia 30458

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

**REQUEST FOR SPECIAL EXCEPTION**  
**SE 11-08-04**  
**BRANNEN STREET**

**LOCATION:** Brannen Street

**REQUEST:** Grant of Special Exception for use as a commercial car lot.

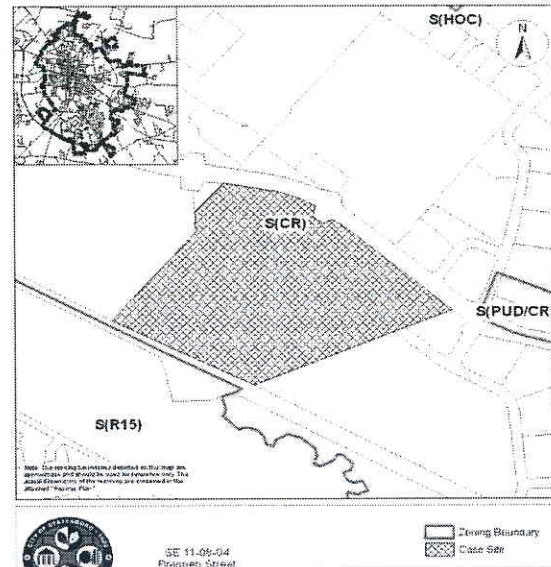
**APPLICANT:** Vaden Auto Sales

**LAND AREA:** Portion of 28.84 acres

**PARCEL TAX** MS8400001000 000  
**MAP #s:**

**COUNCIL**  
**DISTRICT:** 5 (Chance)

**SE 11-08-04 Brannen Street**  
 Location Map



**BACKGROUND / PROPOSAL:**

Applicant anticipates the acquisition and development of the subject site in a commercial fashion and seeks the grant of a special exception permitting a portion of the subject to be utilized as an automobile dealership. "Automotive and allied sales and services" is a permissible use by right only within the HOC (Highway Oriented Commercial Retail) zoning district for the City of Statesboro. The subject site is zoned CR (Commercial Retail). Applicant's desired utilization of the subject site as an automobile dealership is not permitted without either the rezoning of the property to HOC or the grant of a special exception permitting the requested use by the Mayor and City Council. Upon advice of city staff, applicant has elected to seek a special exception permitting the desired use.

**SURROUNDING LAND USES/ZONING:**

ZONING:		LAND USE:
<b>NORTH:</b>	CR (Commercial Retail)	Retail and food service
<b>SOUTH:</b>	CR (Commercial Retail)	Retail and food service
<b>EAST:</b>	CR (Commercial Retail)	Retail and food service
<b>WEST</b>	CR (Commercial Retail)	Retail and food service

Properties to the north, south, east, and west of the subject site are all zoned CR (Commercial Retail) and include a mix of restaurant and retail sale sites, including Wal-Mart, the Statesboro Mall, Gentilly Square, and the Statesboro Crossing commercial development.

## COMPREHENSIVE PLAN:

The subject property lies within the "Activity Centers" character area as defined by the *Statesboro Comprehensive Plan*. Activity Center character areas are identified as districts that incorporate (or will incorporate) a wide range of land uses, but have historically developed in a manner that is auto-oriented – with an abundance of large surface parking lots. The long-term development pattern preferred for Activity Centers is to incorporate features that mitigate these expanses of surface parking by incorporating new landscaping, framing parking areas with street-oriented infill construction, and including features that support other transportation options. Suggested development and implementation strategies of the Activity Center character areas include:

- Infill and redevelopment in these areas should occur according to a master plan that allows for mixed uses, transportation choices and urban design that mitigates the appearance of auto-dependence (such as screening parking lots or locating parking areas primarily to the sides and rear of buildings).
- Require shade trees to be planted in parking lots and along highway corridors.
- Evaluate parking ordinances for appropriate standards, including minimum and maximum standards and shared parking provisions.
- Incorporate inter-parcel connectivity, especially along major thoroughfares.
- Connect these areas with existing and proposed networks of bicycle paths, sidewalks and multiuse trails.
- Require shade trees to be planted in parking lots and along highway corridors.
- Include community gathering spaces, such as squares, plazas, etc. into commercial and mixed use developments.

(Community Agenda, Page 18 [List not all-inclusive])

Identified appropriate land uses for the Activity Center character area include retail/commercial, office, medical, services, and multi-family.

## TRANSPORTATION:

The subject site takes vehicle access from Brannen Street. Brannen Street functions well in both volume and capacity and no negative impact on either is expected as a result of the request contemplated herein. However, the concept plan submitted by the applicant, attached hereto as **Exhibit B**, anticipates the division of the subject site into multiple parcels – some large tracts and some smaller outparcels. This anticipation, the consideration of the context of the parcel in conjunction with other nearby commercial developments, and the City's objective to maintain appropriate volumes and capacity on Brannen Street have resulted in several comments regarding public access, design standards, and parcel interconnectivity for the site by the City Engineering Department. Community Development and other city staff support these comments and have suggested them herein as conditions for approval of the requested special exception.

## COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject property is stubbed for service by all city utilities. The site is already served by city public safety services. No negative impact on city services is anticipated by the request contemplated herein.

## ENVIRONMENTAL:

A portion of the subject site is considered to be wetlands. However, it is anticipated that all environmental issues related to the development of the property could be addressed during standard permitting and inspection procedures.

## HISTORIC AND CULTURAL RESOURCES:

There are no known historical or cultural resources on or adjacent to the subject property that would be affected by the request.

## ANALYSIS:

### I. **Whether a special exception should be granted to permit the subject site to be used as an automobile dealership.**

"Automobile and allied sales and services: service stations and repair shops, used car and truck sales, automotive parts and accessories, new car and truck sales, boat and marine sales, trailer and mobile home sales, heavy equipment and/or farm implement sales, and shops" are listed permissible uses allowable by right only within the HOC (Highway Oriented Commercial) zoning district. The subject site requesting the use of automobile sales is zoned CR (Commercial Retail). Automobile and allied sales and services is not a permissible use by right for the subject site.



The following uses are permissible by right within the CR district: retail or wholesale establishments; business or professional offices; office buildings; food service facilities; personal service facilities; indoor theatre or other places of indoor amusement or recreation; newspaper publishing, job printing; hotel or motel; parking lot, not to include automobile junkyard; healthcare facilities, to include hospitals and nursing homes. Additionally, the following uses are allowed "when authorized as a special exception": Laundry or dry cleaning establishments; and any use of the same general character as any of the uses herein before specially permitted without requirements of a special exception. It is pursuant to this allowance that the applicant seeks the grant of the requested special exception for the proposed automobile dealership. See Sections 1001 and 801, *Statesboro Zoning Ordinance*.

The Commercial Retail zoning district for the City of Statesboro is generally considered to be appropriate for commercial development that is more compact in density, but likely higher in intensity of use, than those uses permitted within the HOC district. The HOC district, therefore, requires deeper setbacks and larger minimum lot sizes than the CR district. Furthermore, the purpose statement for the HOC district specifically states that HOC zones should be located along major thoroughfares and should be maintained for those uses "not encouraged in commercial retail areas." Therefore, it is the recommendation of staff that adjusting the zoning of the subject site to HOC in order to permit the desired use would be inappropriate for this parcel given its location, the surrounding character and context, and the guidance of the Activity Center character area (of which this is part) from the *Statesboro Comprehensive Plan*.

A special exception (sometimes also called a conditional use variance) is, in essence, a special permit which grants the allowance of a specified use, which would otherwise not be allowed, approved by the governing body, after a showing by applicant of compliance with the stated standards for granting of the conditional use variance or special exception.

The *Statesboro Zoning Ordinance* permits the grant of a special exception upon a finding by the governing body that the requested use is "of the same general character" as those uses permitted within the district without the grant of a special exception and requires that "in determining the compatibility of the conditional use with adjacent properties and the overall community, the mayor and city council (will) consider the same criteria and guidelines [as for] determinations of amendments, as well as the following factors:

- A. Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level;
- B. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;
- C. Off street parking and loading, and the entrance to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use;
- D. Public facilities and utilities are capable of adequately serving the proposed use;
- E. The proposed use will not have a significant adverse effect on the level of property values or the general character of the area;
- 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;
- G. Approval of a proposed use by the mayor and council does not constitute an approval for future expansion or additions in 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." Section 2406, *Statesboro Zoning Ordinance*.

The factors established for an amendment are established in Section 2007 and 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.



It should be noted that special exceptions may not be extended without the consent of the governing body; expire if not timely exercised; and are personal to the applicant – they do not run with the land and cannot be transferred by the sale of property. It should also be noted that the grant of the special exception would render only the requested use as permissible and only to the approved applicant. Development of the site for the approved use would remain subject to appropriate reviews, regulations, and permitting processes – at approved standards for the CR zoning district – and future users of the same fashion would require council approval.

The requested use of an automobile sales lot may be of the same general character of those uses permitted by right within the CR district – specifically the use of "parking lot, not to include automobile junkyards". Furthermore, the anticipated project, in the nature and form suggested by this applicant, is not found to be incompatible with the site's surrounding uses, character, or context. Grant of the special exception would permit development of the site to move forward while preserving the ability of the governing body to consider any future use and applicants in the proposed fashion; thereby allowing the opportunity for the property to be returned to use in a form true to the CR district should future circumstances warrant.

Review of this application and subject site in light of the criteria established in 2406 and 2007 finds that the property has remained undeveloped, although it could be developed in accordance with the Commercial Retail development regulations. The requested development is not anticipated to have a negative impact on the environment, existing or future land use patterns, population densities, living conditions, or property values in the area. However, it is expected that the requested development (as shown on the attached concept plan) would have an impact on traffic patterns, congestion, and volume at Brannen Street. However, this impact could be successfully mitigated to acceptable levels – and the objectives of inter-parcel connectivity and pedestrian access articulated with the Statesboro Comprehensive Plan realized - with appropriate site design regarding access and travel fares for the property. Therefore, staff has suggested several conditions in this regard for consideration by the mayor and city council.

**STAFF RECOMMENDATION:**

It is the staff recommendation that the considerations of Sections 1001, 2406, and 2007 of the *Statesboro Zoning Ordinance* have been or could be met by applicant, and as such, approval of the requested special exception is recommended subject to the following conditions:

1. Approval of minor subdivision plat in accordance with the standards of the Statesboro Subdivision Regulations.
2. Construction of the proposed street connecting to Brannen Street's intersection with the Wal-Mart driveway at time of development. Said street shall be constructed to City of Statesboro standards, with an 80' right of way, and dedicated to the City of Statesboro as a public street.
3. Construction of the proposed street connecting to Brannen Street's intersection with the Statesboro Mall driveway. Said street shall be constructed to City of Statesboro standards, with a 60' right of way, and dedicated to the City of Statesboro as a public street.
4. Design, route, and construction of said streets to the satisfaction of the City Engineer to permit for the connection of the two proposed streets in a "T" intersection with Henry Boulevard at development of parcel 2.

**PLANNING COMMISSION RECOMMENDATION:**

Planning voted 3-0 to recommend approval of the special exception requested by this application with the following conditions:

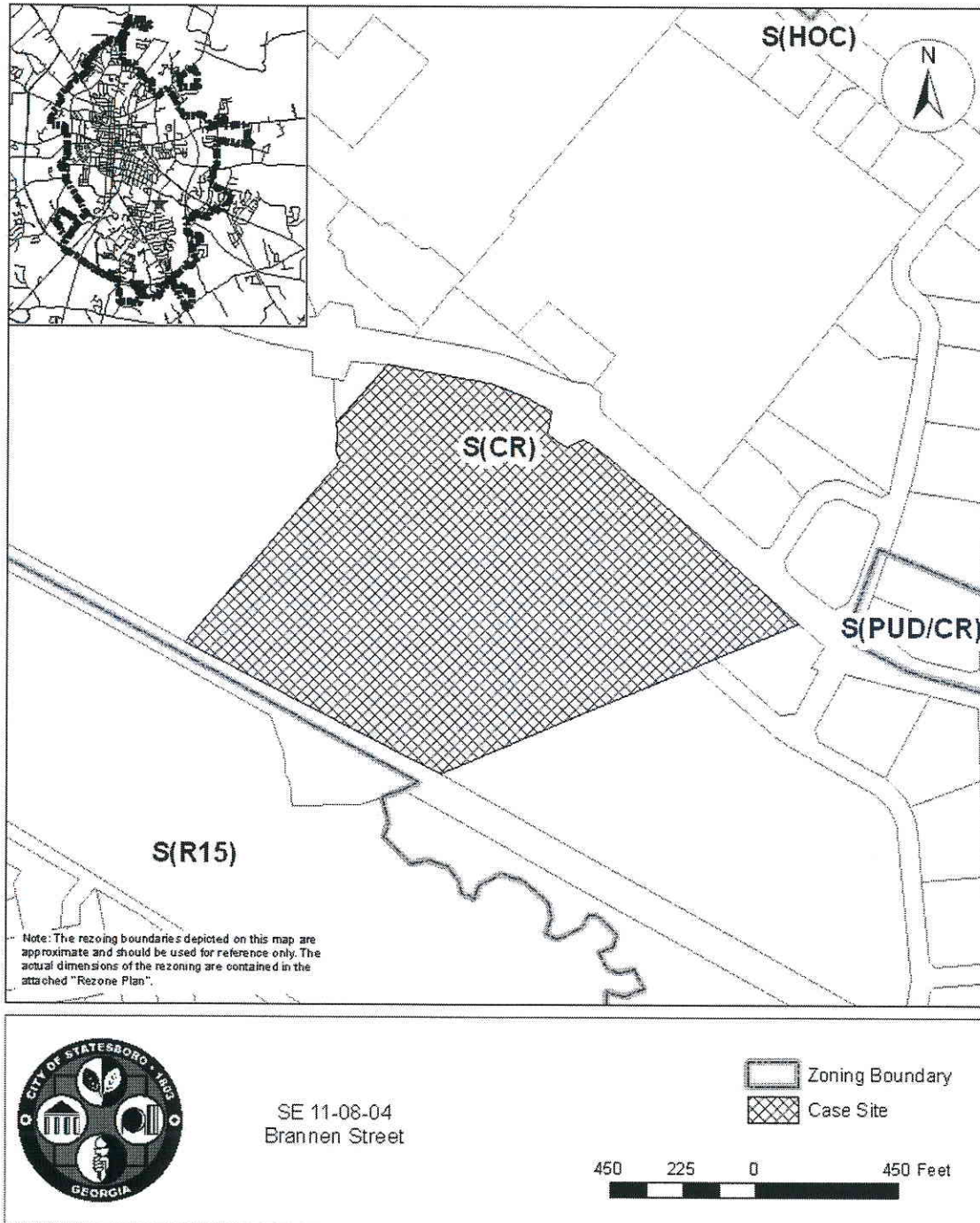
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4. Design, route, and construction of said streets to the satisfaction of the City Engineer to permit for the connection of the two proposed streets in a "T" intersection with Henry Boulevard at development of parcel 2.

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

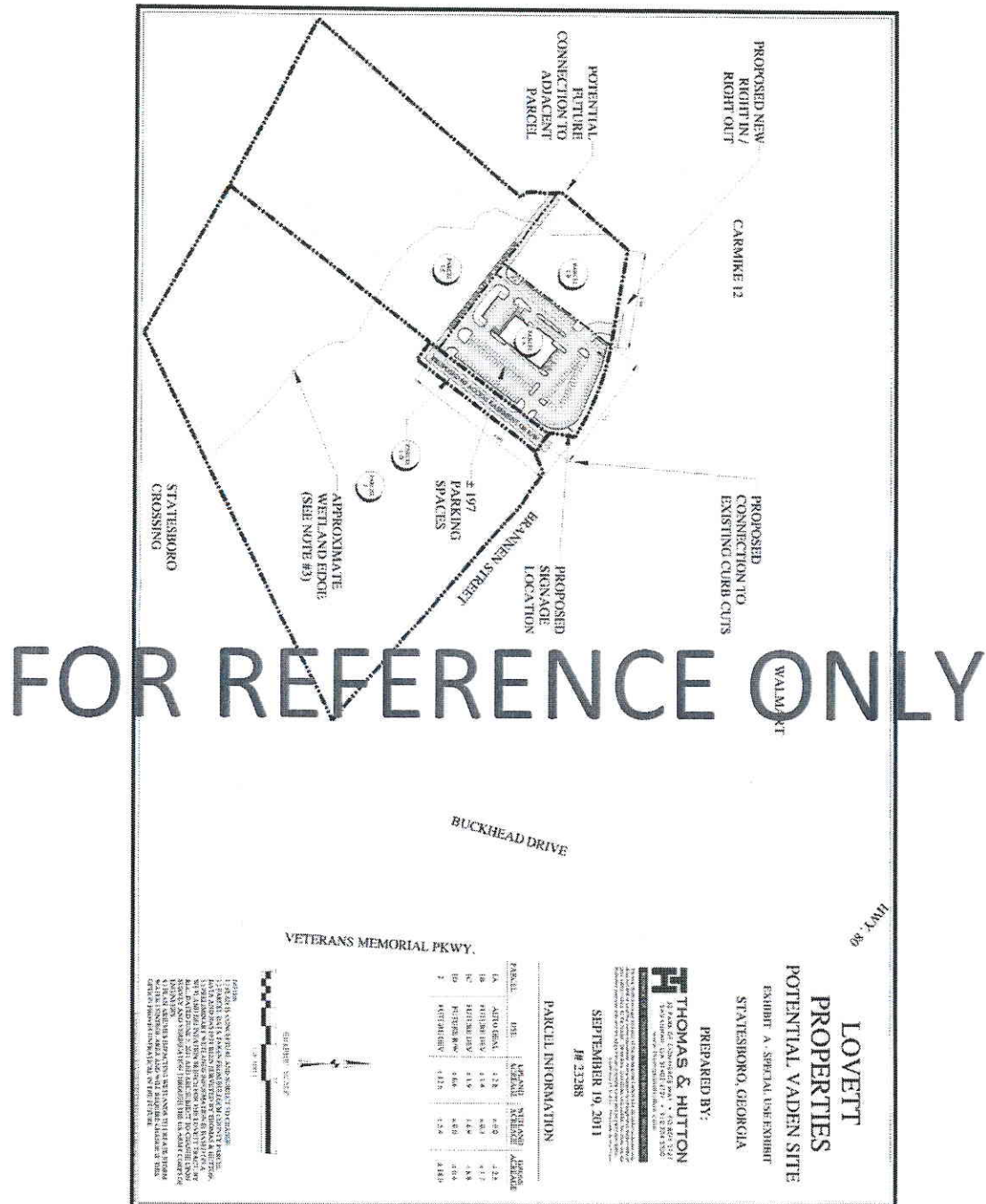


EXHIBIT A: LOCATION MAP

**SE 11-08-04 Brannen Street**  
Location Map



**EXHIBIT B: SKETCH PLAN**





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



**Subject Site.**

PROPOSED October 4, 2011

RESOLUTION 2011-31: A RESOLUTION ADOPTING THE SCHEDULE OF  
FEES AND CHARGES FOR THE WATER AND WASTEWATER DEPARTMENT  
OF THE CITY OF STATESBORO, GEORGIA

THAT WHEREAS, the City of Statesboro operates a Water and Wastewater Department, which operates and maintains the physical plant necessary to treat, test, pump, store, and distribute potable water; and to collect, pump, treat, test, and discharge wastewater meeting all federal and state laws and administrative regulations; and

WHEREAS, in order to finance some of these operations, the City has previously and must continue to impose various fees and charges; and

WHEREAS, the Mayor and City Council have previously implemented said schedule of fees and charges; and

WHEREAS, the City Manager has recommended an increase in the schedule of fees and charges to help offset the effects of inflation over the last two years; and an increase in tap fees to offset the actual costs to the City;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia this \_\_\_\_ day of \_\_\_\_\_, 2011 as follows:

Section 1. That the document entitled "Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia", attached hereto and incorporated into this Resolution by reference, is hereby adopted and approved as the fees and charges authorized to be charged by the department.

Section 2. That any provision of any ordinance or resolution, or administrative policy in conflict with this schedule for the Water and Wastewater Department is hereby repealed to the extent of any such conflict; and the provisions of this Resolution shall take precedence in determining the fees and charges to which they apply.

Section 3. That this Resolution shall be and remain effective from and after its date of adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF STATESBORO, GEORGIA

\_\_\_\_\_  
By: Joe Brannen, Mayor

\_\_\_\_\_  
Attest: Sue Starling, City Clerk



Schedule of Fees and Charges for the Water and Wastewater Department of the City of Statesboro, Georgia

October 2011

**WATER AND SEWER RATES:**

**GOVERNMENTAL RATES INSIDE CITY LIMITS:**

( COUNTY: STATE: FEDERAL ENTITIES: SCHOOL BOARDS: BOARD OF REGENTS)

**11) Water and Sewer Governmental Customers *Inside* City Limits:**

Base Charge Water = \$9.00/Month

0-9,000 gallons at \$2.70 per 1,000 gal

10-19,000 gallons at \$2.85 per 1,000 gal

ALL OVER 19,000 gallons at \$3.00 per 1,000 gal

Base Charge Sewer = \$9.00/Month

0-9,000 gallons at \$3.25 per 1,000 gal

10-19,000 gallons at \$3.40 per 1,000 gal

ALL OVER 19,000 gallons at \$3.55 per 1,000 gal

**12) Water Only Governmental Customers *Inside* City Limits:**

Base Charge Water = \$18.00/Month

0-9,000 gallons at \$2.70 per 1,000 gal

10-19,000 gallons at \$2.85 per 1,000 gal

ALL OVER 19,000 gallons at \$3.00 per 1,000 gal

**13) Sewer Only Governmental Customers *Inside* City Limits:**

Base Charge Sewer = \$18.00/Month

0-9,000 gallons at \$3.25 per 1,000 gal

10-19,000 gallons at \$3.40 per 1,000 gal

ALL OVER 19,000 gallons at \$3.55 per 1,000 gal

**GOVERNMENTAL RATES OUTSIDE CITY LIMITS:**

( COUNTY: STATE: FEDERAL ENTITIES: SCHOOL BOARDS: BOARD OF REGENTS )

**24) Water and Sewer Governmental Customers *Outside* City Limits:**

Base Charge Water = \$18.00/Month

0-9,000 gallons at \$5.40 per 1,000 gal

10-19,000 gallons at \$5.70 per 1,000 gal

ALL OVER 19,000 gallons at \$6.00 per 1,000 gal

Base Charge Sewer = \$18.00/Month

0-9,000 gallons at \$6.50 per 1,000 gal

10-19,000 gallons at \$6.80 per 1,000 gal

ALL OVER 19,000 gallons at \$7.10 per 1,000 gal

**25) Water Only Governmental Customers *Outside* City Limits:**

Base Charge Water = \$36.00/Month

0-9,000 gallons at \$5.40 per 1,000 gal

10-19,000 gallons at \$5.70 per 1,000 gal

ALL OVER 19,000 gallons at \$6.00 per 1,000 gal

**26) Sewer Only Governmental Customers *Outside* City Limits:**

Base Charge Sewer = \$36.00/Month

0-9,000 gallons at \$6.50 per 1,000 gal

10-19,000 gallons at \$6.80 per 1,000 gal

ALL OVER 19,000 gallons at \$7.10 per 1,000 gal

**NOTE:**

BASE CHARGES FOR ACCOUNTS SERVED BY A **MASTER WATER METER** shall be calculated by multiplying the number of entities served times the appropriate Base Charge.

**WATER AND SEWER TAP FEES:**

	<b>Inside City Rate</b>	<b>Outside City Rate</b>
4" SEWER (In R-6;R-8;R-10;R-15;R-20;R-30;R-40 or R-3 Districts if installed by the Developer)	\$ 200.00	\$ 300.00
4" SEWER	\$ 600.00	\$ 900.00
6" SEWER	\$1,190.00	\$ 1,785.00
8" SEWER	\$2,975.00	\$ 4,463.00

**NOTE:**

Sewer Tap to serve more than one residential, apartment, business or commercial unit shall be calculated by multiplying the number of units served times the Fee for a 4" Sewer Tap.

Example:

20 apartments served by a single Sewer Tap Inside City 20 X \$600.00 = \$12,000.00 Tap Fee  
 20 apartments served by a single Sewer Tap Outside City 20 X \$900.00 = \$18,000.00 Tap Fee

**AID TO CONSTRUCTION FEES (ATC FEES)**

**\$1.60 per gallon of sewer per day: As Calculated Based Upon Ordinance:**

**ATC FEE HAS NOT BEEN ADJUSTED SINCE 1981:**

¾" WATER ( In R-6;R-8;R-10;R-15;R-20;R-30 R-40 or R-3 District if installed by Developer)	\$ 950.00	\$ 1,428.00
¾" WATER	\$ 1,220.00	\$ 1,825.00
1" WATER	\$ 1,520.00	\$ 2,280.00
1-1/2" WATER	\$ 2,740.00	\$ 4,110.00
2" WATER	\$ 3,800.00	\$ 5,700.00
3" WATER	\$ 5,320.00	\$ 7,895.00
4" WATER	\$ 8,365.00	\$12,550.00
6" WATER	\$12,930.00	\$19,390.00
8" WATER	\$19,010.00	\$28,515.00
10" WATER	\$23,575.00	\$35,360.00

**FIRE SPRINKLER SYSTEMS FEES:**

*Monthly Fire Service Fees:*

*Residential, Commercial and Industrial within the FIRE SERVICE DISTRICT*

\$12.50 per inch of diameter of the Fire Service Supply Line.

For example, if the Fire Service Supply Line is 6 inches in diameter, the Monthly Fire Service Fee would be \$12.50 X 6" \$75.00

*Residential, Commercial and Industrial outside of the FIRE SERVICE DISTRICT*

\$15.00 per inch of diameter of the Fire Service Line

*Governmental within the FIRE SERVICE DISTRICT*

\$17.50 per inch of diameter of the Fire Service Line

*Governmental outside of the Fire Service District*

\$20.00 per inch of diameter of the Fire Service Line



## TEMPORARY WATER SERVICE FROM FIRE HYDRANTS:

1. A refundable security deposit of \$700.00 per meter set will be charged.
2. A one-time \$60.00 service fee to set each meter will be charged.
3. Actual water usage will be charged and billed using the applicable water rate schedule as determined by the Water/Sewer Superintendent.

### **NOTES:**

2. Within residential subdivisions zoned R-6, R-8, R-10, R-15, R-20, R-30, R-40, or R-3 that require extension of the City's water or sewer mains, the developer's underground utility contractor shall make the required water and sewer service taps and install water meters, meter boxes, backflow preventors, gate valves, sewer service taps and sewer service lines. In those residential subdivisions **not** developed using the City's Residential Subdivision Incentive Program, the Sewer Tap Fee shall be \$200.00 and the ¾" Water Tap Fee shall be \$952.00 in recognition of the fact that the City's costs will have been decreased by the developer's installation.

### SEPTIC SEWER FEES:

#### Fees For Approved Septic Tank Haulers:

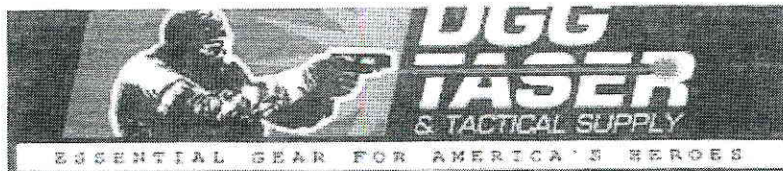
Regular/Single Family Septic Fee	\$65.00 per 1,000 gallons of Truck Tank Capacity
Grease Trap Grey Water Septic Fee	\$65.00 per 1,000 gallons of Truck Tank Capacity or, 1,000 gallons of Discharge to System

Fees for Portable Toilets	\$37.50 per Load or portion thereof (Maximum of 500 gallons per load)
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### WATER TESTING FEE:

For City of Statesboro Water Customers	No Charge
For All Others	\$100.00

Water Service Fee	\$25.00
Gas Service Fee	\$25.00
Seasonal Gas Reconnect Fee	\$55.00
Account Establishment Fees	\$30.00



Quote	QTE0000004902
Date	9/22/2011
Page	1

DGG Taser, Inc.  
8725 Youngerman Ct # 203  
Jacksonville FL 32244

www.dggtaser.com

**Bill To:**

Statesboro Police Department  
25 West Grady Street  
Statesboro GA 30458

**Ship To:**

Statesboro Police Department  
25 West Grady Street  
Statesboro GA 30458

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
9/22/11 X2 TRADE	STATESBORO02981	CARSTEN KROGH	UPS GROUND	NET 30	0/0/0000	41.543
Quantity	Model Number	Description	Unit Price	Ext. Price		
21	22002	TASER X2 ECD, Black - *MUST BUY EXT WARRANTY @ TIME OF PURCHASE	\$950.00	\$19,950.00		
24	22012	TASER X2 Tactical Performance Power Magazine (TPPM) 22012	\$49.95	\$1,198.80		
21	22500	BladeTech Holster, X2, Right Hand 22500	\$59.95	\$1,258.95		
21	22014 *SO	TASER X2 4-Year Extended Warranty 22014 *CAN ONLY BE PURCHASED AT TIME OF PURCHASE	\$299.99	\$6,299.79		
21	22015 *SO	TASER Online X2 Training 22015	\$29.95	\$628.95		
63	22151	TASER 25' Live Smart Cartridge for X2/X3 22151	\$28.95	\$1,823.85		
		TRADE IN VALID THRU 12/31/11. NO SUBSTITUTIONS. CREDIT WILL BE GIVEN WHEN TRADE IN UNITS ARE SENT BACK TO TASER INTL.				
63	22150	TASER 15' Live Smart Cartridge for X2/X3 22150	\$26.95	\$1,697.85		
17	22151	TASER 25' Live Smart Cartridge for X2/X3 22151	\$28.95	\$492.15		
1	22013	TASER X2 Dataport Download Kit 22013 / One Size	\$159.95	\$159.95		

Thank you for your business!

Subtotal	\$33,510.29
Misc	\$0.00
Tax	\$0.00
Freight	\$225.00
Trade Discount	\$3,300.00
Total	\$27,435.29





17800 N. 85th St. \* Scottsdale, Arizona \* 85255 \* 1-480-991-0797 \* Fax 1-480-991-0791 \* www.taser.com

September 23, 2011

**SOLE SOURCE LETTER FOR TASER INTERNATIONAL PRODUCTS**

This letter is to confirm TASER International is the sole source manufacturer of the following TASER brand products:

- Electronic control devices (ECDs):
  1. TASER X2™ Models: 22002, and 22003.
  2. TASER X3® Models: 33209, and 33210.
  3. TASER X26™ Models: 26511, 26523, 26517, 26011, 26014, 26026, 26023, 26020, 26017, 26311, 26314, 26326, 26323, 26320, 26317, 26512, 26524, 26518, 26012, 26015, 26027, 26024, 26021, 26018, 26312, 26315, 26327, 26324, 26321, 26318, 26029, 26049, 26082, 26083, 26088, 26089, 26092, 26097, 26095, 26096, 26093, 26094, 26084, 26085, 26086, and 26087.
  4. TASER X3W™ Models: 33228, and 33229.
- TASER ECD cartridges (applicable cartridges are required for the X26, M26™ and Shockwave™ ECDs to function in the probe deployment mode):
  1. 15-foot Model 34200.
  2. 21-foot Model 44200.
  3. 21-foot non-conductive Model 44205.
  4. 25-foot Model 44203.
  5. 35-foot Model 44206.
- TASER Smart cartridges (compatible with the X2, X3, and X3W ECDs; required for the ECDs to function in the probe deployment mode):
  1. 15-foot Model 22151.
  2. 25-foot Model 22100.
  3. 35-foot Model 22152.
- TASER Smart blue training-use only cartridges (compatible with the X2, X3, and X3W ECDs; required for the ECDs to function in the probe deployment mode):
  1. 25-foot Model 33102.
  2. 35-foot Model 33104.
- TASER® CAM™ recorder, Model 26750 (full video and audio) and 26753 (full video and **NO** audio). This accessory item can be downloaded by USB with the TASER CAM Download Kit, Model 26737.
- TASER eXtended Range Electronic Projectile (XREP®), Models 50002 and 50005. TASER International's XREP rounds may be fired by the TASER X12™ Less Lethal Shotgun (LLS) by Mossberg, manufactured by Mossberg®, TASER Model 50024.
- TASER Shockwave ECD, Models 90012, 90011, 90013, and 90010. The TASER Shockwave ECD runs off of a Shockwave Power Magazine (SPM), Model 90007.
- Power Modules for X26 ECD: Digital Power Magazine (DPM) Model 26700; eXtended Digital Power Magazine (XDPM) model 26701; and Controlled Digital Power Magazine (CDPM), Models 26702 and 26703.
- Power Modules for X2 ECD: Performance Power Magazine (PPM) Model 22010; Tactical Performance Power Magazine (TPPM) Model 22012; and Automatic Shut-Down Power Magazine (APPM) Model 22012.

Power Module for X3 and X3W ECDs: Enhanced Digital Power Magazine (EPM) Model 33203

- **TASER AXON™ system:**
  1. AXON Tactical Computer Model 70000.
  2. AXON Com Hub user interface Model 70001 (regular length cable) and 70002 (long cable).
  3. AXON HeadCam headgear Model 70010.
  4. AXON Headband Model 70011.
  5. AXON Ballcap Mount Model 70944.
  6. AXON Collar Mount Model 70022.
  7. AXON Kit Model 70941 (Includes 70000, 70001, 70010, and 70011).
  8. SYNAPSE™ Evidence Transfer Manager (ETM) Models 70926, 70927, 70928, 70936 and 70929.
  9. EVIDENCE.com™ services 1-year subscription license Model 85018.
  10. AXON Bat Holster Model 70900.
  11. AXON Radio Integration Cable 3.5 MM Motorola Model 70918.
  12. AXON Training Model 85014.
  
- **TASER Blast Door Repair Kit Model 44019 and TASER Blast Door Replenishment Kit Model 44023**

Mossberg® is a registered trademark of O.F. Mossberg & Sons, Inc.

AXON™, EVIDENCE.com™, Smart™, SYNAPSE™, TASER CAM™, X2™, X3W™, X12™ and X26™ are trademarks of TASER International, Inc., and TASER®, XREP® and X3® are registered trademarks of TASER International, Inc., registered in the U.S. © 2011 TASER International, Inc. All rights reserved.

<b>AUTHORIZED TASER DISTRIBUTOR FOR GEORGIA</b>	<b>SOLE AUTHORIZED REPAIR FACILITY TASER BRAND PRODUCTS</b>
<p style="text-align: center;"><b>DGG Taser Inc.</b>  <b>8725 Youngerman Court, Suite 305</b>  <b>Jacksonville, FL 32244</b>  <b>866-626-8273 Phone</b>  <b>904-777-4801 Local Phone</b>  <b>904-777-4802 Fax</b></p>	<p style="text-align: center;"><b>TASER International, Inc.</b>  <b>17800 N. 85<sup>th</sup> Street</b>  <b>Scottsdale, AZ 85255</b>  <b>Phone: 480-905-2000 or 800-978-2737</b>  <b>Fax: 480-991-0791</b></p>

Please contact us at 1-800-978-2737 with any questions.

Sincerely,



Jim Halsted  
Vice President, LE Sales  
TASER International, Inc.



**CITY OF STATESBORO, GEORGIA  
REQUISITION FORM**

P.O. Number: \_\_\_\_\_

Vendor Name: DGG Taser  
 Vendor Address: 825 Youngerman Court Suite 305 Jacksonville, Fla 32244  
 phone # 866-626-8273 ext 30

DATE: 9/27/11

Department: POLICE

Account #	Account Balance	Quantity	Item Description	Unit Price	Total Price
		21	Taser X2 ECD Black	\$950.00	\$19,950.00
		24	Taser X2 Tactical Performace Power Mag	\$49.95	\$1,198.80
		21	Blade Tech X2 Right Hand 22500	\$59.95	\$1,258.95
		21	4 year Extended Warranty	\$299.99	\$6,299.79
		21	Taser Online X2 Training	\$29.95	\$628.95
		63	Taser 25' Live Smart Cartridges	\$28.95	\$1,823.85
		63	Taser Training Smart Cartridges	\$26.95	\$1,697.85
		17	Taser 25' Live Smart Cartridges	\$28.95	\$492.15
		1	X2 Download Kit	159.95	\$159.95
		21	Trade In Allowances	(\$300.00)	-\$6,300.00
		1	Freight	\$225.00	\$225.00
250.3200.53.160106			2011 Justice Assistance Grant	\$20,955.90	
224.3200.53.1601			Bryne Seized Fund Account	\$6,479.39	
224.11.610301			Seized Funds - Federal	(\$6,479.39)	
224-11.111101			Sweep Investment	\$6,479.39	
			Ship to: Statesboro PD		
			Attn: Det Sgt Bryan		
			25 W Grady St		
			Statesboro GA 30458		
<b>TOTAL</b>					<b>\$27,435.29</b>

Possible Vendors and Quotes:

- 1 DGG Taser - Sole Source for Georgia
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_

Requested By:  Date: 9/27/11

I HEREBY CERTIFY THAT THE ITEMS REQUESTED ARE NECESSARY TO PROPERLY CONDUCT THE ACTIVITIES OF THIS DEPARTMENT.

  
Director of Public Safety

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I HEREBY CERTIFY THAT THERE ARE SUFFICIENT FUNDS WITHIN THIS ACCOUNT TO AUTHORIZE THIS PURCHASE, AND THAT IT IS AN APPROPRIATE EXPENDITURE FROM THIS ACCOUNT.

Finance Director OR Designee: \_\_\_\_\_ Date: \_\_\_\_\_

# Memo



**TO:** Frank Parker, City Manager

**FROM:** Darren Prather, Purchasing Director

**DATE:** 9-27-2011

**Re:** Bid Award: Price Extension/Residential Side-loader Refuse Truck

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In March of this year, the City of Statesboro received eight sealed bids for the purchase of a new automated side-loader refuse truck. As approved by City Council on April 5, 2011, the vendor submitting the lowest responsive bid and approved by Council was Peterbilt Truck Centers of Savannah with a bid amount of \$229,537.00 (See complete bid results on following page). The model offered was a 2012 Peterbilt 320 with a 2012 New Way 31 Yard Side-winder body. This truck, if approved, would be purchased via a price extension from our previous bid process. Peterbilt Truck Centers of Savannah has agreed to honor and hold their submitted bid price from March. All terms and conditions would apply as we would be "piggy-backing" our own contract from earlier in the year. It is felt that we received good pricing and this brand of truck and body has performed admirably in our fleet in past years. This unit, if approved, would be purchased using solid waste collection revenues. If needed, SPLOST revenues will be available by the delivery time to supplement the purchase of this truck as well. This truck would become one of our two (2) main residential service units replacing a 2008 unit with increasing maintenance costs. The truck purchased this past March replaced a 2006 unit. This would provide us with two new primary route trucks and two reliable back-up units. The old back-up units, a 1998 and 2003 model, would then be surplus. Leading up to the four year mark, history has proven that maintenance becomes an issue with a main-line refuse truck as these trucks are used forty hours a week for fifty-two weeks a year in the collection of 6,500 polycarts on a weekly basis.

While we do have the option to enact the full bidding process for this unit, it is believed that the City of Statesboro received very competitive pricing and a highly desirable product as a result of the previous bidding process in March. Due to the projected delivery time, this truck would arrive at the point when the current truck (2008 model) would complete four years of main-line service. Further, the purchase of this truck was approved in this year's Solid Waste Collection CIP. Therefore, we recommend that the City of Statesboro offer an extension of the previous bid award for the purchase of a 2012 Peterbilt refuse truck with a New Way body in the amount of \$229,537.00 from Peterbilt Truck Centers of Savannah.



<u>Dealer</u>		<u>Bid Amount</u>	<u>Alt. Bid</u>	<u>Alt. Bid 2</u>	<u>Alt. Bid 3</u>
1. Peterbilt Truck Centers Savannah, GA		\$229,537.00	\$236,514.00		
2. Beck Motor Co. Albany, GA		\$229,584.00	\$236,561.00		
3. Consolidated Disposal Systems Smyrna, GA		\$236,239.00	\$243,216.00	\$248,522.00	\$255,499.00
<u>Notes:</u>					
<u>Peterbilt Truck Centers offered:</u>					
	2012 Peterbilt 320 with a New Way Side-winder body in their base bid and a 2012 Peterbilt 320 with a Labrie body for the alternate bid.				
<u>Beck Motors offered:</u>					
	Same as Peterbilt Truck Centers for base bid and alternate bid				
<u>Consolidated Disposal Systems offered:</u>					
	2012 Mack MR with a 2011 New Way Side-winder body for their base bid				
	2012 Mack MR with a 2011 Labrie body for their first alternate bid				
	2012 Autocar with a 2011 New Way Side-winder for their second alternate bid				
	2012 Autocar with a 2011 Labrie body for their third alternate bid				

# CITY OF STATESBORO

## COUNCIL

Thomas N. Blich  
John C. Riggs  
William P. Britt  
Travis L. Chance  
Gary L. Lewis



Joe R. Brannen, Mayor  
Frank Parker, City Manager  
Sue Starling, City Clerk  
City Attorney

50 EAST MAIN STREET • P.O. BOX 348  
STATESBORO, GEORGIA 30459-0348

MEMORANDUM  
September 29, 2011

To: Mr. Frank Parker, City Manager

From: Wayne Johnson, Director of Water & Wastewater

RE: ELIMINATION OF CAPITAL COST RECOVERY (CCR) FEES FOR THE  
SOUTHEAST ANNEXATION AREA (CAWANA ROAD):

With the passing of the 2010 Bond Issue and the resulting installation of water and sewer mains to serve the Old Register Road, Lanier Road and Langston Chapel Road are and in paying off the GEFA loan associated with the Cawana Road CCR District the City is creating an increased cost to develop these two drainage basins. The CCR Fees will add thousands of dollars per acre to the developers cost to develop in this are. This will significantly restrict future development and give other section an unfair advantage.

The purpose of the CCR Fee was to assist in repaying the GEFA loan and provide funding for future installation of water and sewer mains in the Southeast Annexation Area as detailed in documents prepared by HGBD dated October 2009.

It is my recommendation that the Council rescind the CCR Fees but retain all other aspects of the defined are and the City/County Intergovernmental Agreement concerning development of the Southeast Annexation Area . This is the area bounded by Cawana Road, Burkhalter Road and Highway 80.

I would request a resolution rescinding all Capital Cost Recovery (CCR) Fees for the Southeast Annexation Area.