



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

A regular meeting of the Statesboro City Council was held on November 3rd, 2015 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Jan J. Moore, Council Members: Will Britt, Phil Boyum, John Riggs, Gary Lewis and Travis Chance. Also present were Deputy City Manager Robert Cheshire, City Clerk Sue Starling, City Attorney Alvin Leaphart, Director of Public Works and Engineering Jason Boyles and Director of Planning and Development Mandi Cody.

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

The Invocation was given by DSDA Director Allen Muldrew and the Pledge of Allegiance was led by Councilman Travis Chance

Recognitions/Public Presentations: None

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) 10-20-2015 Council Minutes

B) Consideration of a Motion to adopt Ordinance 2015-10: The approval of an extension of a ninety (90) day moratorium on accepting applications for zoning permits for permanent consumer fireworks retail sales facilities.

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

Councilman Britt and Boyum joined the meeting.

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

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

Those who would be testifying in the hearing were sworn in by Mayor Moore. Attorney Wes Taulbee spoke on behalf of Mr. Gharachorloo. He stated "Moonshiners" would not meet the 50/50 reporting period if the establishment could not count the coke that was used in the mix drink. He also stated that if the establishment could count the coke in the mixed drink then the 50/50 report would be in compliance. He stated the ordinance was not clear on the intention of how it should be calculated. Police Lt. Winskey was concerned as to why the beer and wine percentages decreased when they are not mixed with coke. Mr. Gharachorloo stated that before he fixed his reporting system; the bar tenders were ringing up cokes and beer and wine under the same key. He also stated his amended report showed the break down which would decrease the percentage in sales of beer and wine. After nearly an hour of hearing arguments; Mayor Moore stated the Council has the task of deciding as to whether the ordinance is to be interpreted as counting coke in the mixed drink separate or counting the coke in the mixed drink as part of the mixed drink and, therefore, is subject to excise taxes for the full cost of the drink. Councilman Boyum made a motion, seconded by Councilman Lewis to interpret the ordinance to read that the intention of the ordinance is that coke may not be separated from the mixed drink. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried in a 5-0 vote.

Councilman Lewis made a motion, seconded by Councilman Boyum to state that "Moonshiners" or "Club 125, LLC", at that time, was in violation of the 50/50 alcohol report for 2 consecutive quarters in a 12 month period. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried in a 5-0 vote.

Councilman Boyum made a motion, seconded by Councilman Lewis to consider this a second offense. The punishment will be a three day suspension to start on Thursday November 5th, 2015 and run consecutively for 3 days and moving forward, until the new ordinance is in place, Mr. Gharachorloo needs to operate as a 21 and over establishment. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried in a 5-0 vote.

Consideration of a Motion to approve Resolution 2015-43, pursuant to the COS Grant Policy, to approve submittal of semi-finalist application materials for the America's Best Communities competition. Submittals include a required application, an expenditure plan for the \$100,000 of potential winnings, and a Master Redevelopment Plan for the Blue Mile.

Bob Mikell, behalf of Darren Burnett, thanked all the people who are working on this project for South Main Street. Councilman Boyum made a motion, seconded by Councilman Riggs to approve Resolution 2015-43, pursuant to the COS Grant Policy, to approve submittal of semi-finalist application materials for the America's Best Communities competition. Submittals include a required application, an expenditure plan for the \$100,000 of potential winnings, and a Master Redevelopment Plan for the Blue Mile. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried in a 5-0 vote.

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

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

Stephanie Ellis spoke loudly against the proposed temporary vendor ordinance. After much discussion with no guidance or recommendations from Council as to how to proceed or how they would like the ordinance to read; Councilman Boyum made a motion, seconded by Councilman Lewis to close the public hearing. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried in a 5-0 vote. There was no action taken.

Consideration of a Motion to approve Resolution 2015-44, pursuant to the COS Grant Policy, to approve acceptance of the FY 2016 Georgia Council for the Arts Tourism Product Development Grant in the amount of \$15,000 and to authorize the Mayor to execute a contract for the same. In accordance with a previously approved MOU, the City of Statesboro will act as a pass through agency for the Averitt Center for the Arts use of the winnings in construction of the Arts Incubator portion of the Fab Lab and Business Innovation Center.

Councilman Chance made a motion, seconded by Councilman Riggs to approve Resolution 2015-44, pursuant to the COS Grant Policy, to approve acceptance of the FY 2016 Georgia Council for the Arts Tourism Product Development Grant in the amount of \$15,000 and to authorize the Mayor to execute a contract for the same. In accordance with a previously approved MOU, the City of Statesboro will act as a pass through agency for the Averitt Center for the Arts use of the winnings in construction of the Arts Incubator portion of the Fab Lab and Business Innovation Center. Councilman Britt, Boyum, Riggs, Lewis and Chance voted in favor of the motion. The motion carried in a 5-0 vote.

Councilman Gary Lewis left the meeting briefly.

Consideration of a Motion to approve an Inducement Agreement and PILOT Agreement

Councilman Riggs made a motion, seconded by Councilman Britt to approve the Inducement Agreement. Councilman Britt, Boyum, Riggs, and Chance voted in favor of the motion. The motion carried in a 4-0 vote.

Councilman Riggs made a motion, seconded by Councilman Chance to approve the PILOT Agreement. Councilman Britt, Boyum, Riggs, and Chance voted in favor of the motion. The motion carried in a 4-0 vote.

Mayor Moore called for a 10 minute recess.

Councilman Travis Chance left the meeting and did not return.

Discussion on Director of Public Safety Model

Director of Human Resource Jeff Grant discussed the removal of Sec.2-101 of the Code of Ordinance in reference to the hiring and firing of the Police Chief. He stated the hiring and firing should be the responsibility of the City Manager not the Mayor and Council. Councilman Britt agreed as he stated the City Manager would keep Council updated on potential candidates.

Councilman Boyum made a motion, seconded by Councilman Lewis to direct the Director of Human Resource Jeff Grant to create a Police Chief and Fire Chief Model and to present it to Council at the next meeting along with a resolution changing the ordinance. Councilman Britt, Boyum, Riggs, and Lewis voted in favor of the motion. The motion carried in a 4-0 vote.

Discussion on Elected Official retirement benefits

Councilman Britt had previously asked Director of Human Resource Jeff Grant to look into the cost of raising the retirement benefit for Council Members. The current benefit is \$35.00 per month for every year a Council Member serves. Councilman Britt would like to raise that to \$40.00 per month for every year served. Mayor Moore said she was not in favor of the benefit raise. Councilman Riggs also stated he would not vote for the raise.

Councilman Britt made a motion, seconded by Councilman Riggs to direct Mr. Grant to present a proposal at the next Council meeting regarding the retirement benefits. Councilman Britt, Boyum, Riggs, and Lewis voted in favor of the motion. The motion carried in a 4-0 vote.

Discussion of holding a Council meeting at Statesboro High School in the Spring of 2016 and at Georgia Southern University in the Fall of 2016.

Council directed staff to move forward on the arrangements for holding a Council meeting at GSU and Statesboro High School. Mayor Moore stated a vote would be taken when tentative dates have been suggested at the off-site locations. The off - site Council meetings would be held in the spring and fall.

Other Business from City Council

Councilman Britt thanked the Police Department for their help.

City Managers Comments

Interim Public Safety Director Rob Bryan updated Council on the handicap program. He stated the volunteer list had been filled and was put into effect on November 1, 2015.

Public Comments (General)

Pat McCarty spoke with Council regarding the interaction of the Police Department with students and the neighborhood businesses that serve alcohol. He felt the Police were harsh at times and needed to frequently communicate with the students. He stated the students view them as harassing the businesses and their patrons. He also stated that underage drinking would never be stopped.

Bill Thomas had previously requested to address Council. He was not present.

Consideration of a Motion to Adjourn

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

The meeting was adjourned at 12:05 p.m.