



**November 15<sup>th</sup> , 2011 6:00 P.M.**

1. Call to Order by Mayor Joe Brannen
2. Invocation and Pledge of Allegiance by Councilman Tommy Blich
3. Recognitions/Public Presentations
  - a) Recognition of Van Collins, Matt Aycock, Dakota Deloach and Laura Fuller for scoring 100% for the blind lab testing
4. Public Comments (Agenda Item):
5. Consideration of a Motion to adopt a "Consent Agenda" for its regular Council Meetings
6. Consideration of a Motion to approve Items on the Consent Agenda
  - A) Approval of Minutes:
    - a) Nov. 01, 2011 Council Minutes
    - b) Nov. 01, 2011 Work Session Minutes
  - B) Consideration of a Motion to approve Special Event Permit:
    - a) Black Tie Christmas Ball – Larry Scarboro
  - C) Consideration of a Motion to approve 2<sup>nd</sup> reading for the application of alcohol license:
    - a) Heath Charles Robinson (The NYC Pizzeria LLC)
  - D) Consideration of a Motion to approve 1<sup>st</sup> reading for the application of alcohol license:
    - a) Karen Pittman Brown – French Quarter Sports Bar and Grill
  - E) Consideration of a Motion to approve 2<sup>nd</sup> reading of **Ordinance 2011-10**: An Ordinance to Amend Business License Insurers of the Statesboro Code of Ordinance Part II Chapter 18- Article II
  - F) Consideration of a Motion to approve 2<sup>nd</sup> reading of **Ordinance 2011-11**: An Ordinance Amending Article XVI of the Statesboro Zoning Ordinance regarding off street parking requirements.
  - G) Consideration of a Motion to approve 2<sup>nd</sup> reading of **Ordinance 2011-12**: An Ordinance adopting Article XXIX of the Statesboro Zoning Ordinance regarding administrative variances.

- H) Consideration of a Motion to approve the Christmas bonuses for the City of Statesboro employees in the amount of \$100.
- I) Consideration of a Motion to approve Change Order in the amount of \$3,782.24 for the Great Dane Water and Sewer Extension
- 7. First Reading and Consideration of a Motion to approve Resolution to amend **Ordinance 2011-13**: An Ordinance amending Chapter 86 of the City of Statesboro's Code of Ordinances titled "Urban Forest Beautification and Conservation Ordinance".
- 8. Consideration of a Motion to approve 1<sup>st</sup> reading of **Ordinance 2011-14**: An Ordinance Amending Chapter 6 of the City of Statesboro's Code of Ordinances titled Alcoholic Beverages
- 9. Consideration of a Motion to Approve Award of Contract to Preferred Site Construction, LLC in the amount of \$78,634.75 to construct new parking lot on E. Vine Street behind the City Utility offices and GSU City Campus. Improvements to be funded by 2007 SPLOST.
- 10. Consideration of a Motion to award the second lowest bidder, Tucker Utilities, Inc. in the amount of \$350,997.14 for the Gateway II Industrial Park (Cannady Tract) water and sewer extension
- 11. Consideration of a Motion to approve the TransformHealthRX Health Clinic Proposal and Contract
- 12. Consideration of a Motion to amend the service contract to 5 years with Northland Cable for the installation of Fiber Optic Cable
- 13. Other Business from City Council
- 14. Consideration of a Motion to enter into Executive Session to discuss personnel matters in accordance with **O.C.G.A. §50-14-3 (2010)**
- 15. Consideration of a Motion to Adjourn



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

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

**Approval of Minutes:**

**a) October 18, 2011 Council Minutes**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Blitch to approve the Council Minutes of October 18, 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:** None

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

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

**a) Theatre Production - Tim Chapman**

Councilman Blitch made a motion, seconded by Mayor Pro Tem Will Britt to approve the Special Event Permit for the Theatre Production. 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/deny 1st reading for the application of alcohol license:**

- a) Surujpaul Beharry - CIB Investments Inc**
- b) Steven Jones - Sugar Magnolia Bakery & Cafe**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to approve the 1st reading for the application of alcohol license for Surujpaul Beharry - CIB Investments Inc. and Steven Jones - Sugar Magnolia Bakery & Café. 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 the 2<sup>nd</sup> reading of Ordinance 2011-09: An Ordinance Amending the Statesboro Municipal Code Regarding the City's Finance Department, and the Purchasing Department**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Blitch to approve 2<sup>nd</sup> reading of Ordinance 2011-09: An Ordinance Amending the Statesboro Municipal Code Regarding the City's Finance Department, and the Purchasing Department. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**Public Hearing and Consideration of a Motion to approve 1<sup>st</sup> reading of Ordinance 2011-10: An Ordinance to Amend Business License Insurers of the Statesboro Code of Ordinance Part II Chapter 18- Article II.**

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to approve 1<sup>st</sup> reading of Ordinance 2011-10: An Ordinance to Amend Business License Insurers of the Statesboro Code of Ordinance Part II Chapter 18- Article II. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**Public Hearing and Consideration of a Motion to approve 1<sup>st</sup> reading of Ordinance 2011-11: An Ordinance Amending Article XVI of the Statesboro Zoning Ordinance regarding off street parking requirements.**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Riggs to approve 1<sup>st</sup> reading of Ordinance 2011-11: An Ordinance Amending Article XVI of the Statesboro Zoning Ordinance regarding off street parking requirements with the condition to amend #6 second bullet point to read: Currently, the article requires a 50/50 provision of 9' and 10' wide spaces. This revision provides for 9 1/2' wide spaces. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

**Public Hearing and Consideration of a Motion to approve 1<sup>st</sup> reading of Ordinance 2011-12: An Ordinance adopting Article XXIX of the Statesboro Zoning Ordinance regarding administrative variances.**

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to approve 1<sup>st</sup> reading of Ordinance 2011-12: An Ordinance adopting Article XXIX of the Statesboro Zoning Ordinance regarding administrative variances. 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 adopt Resolution 2011-33: A Resolution accepting rights of way and associated utility easements of three (3) streets located within Northbridge Subdivision as public streets to be owned and maintained by the City of Statesboro. The three (3) streets to be considered for acceptance are Northbridge Drive, Bridgeport Drive, and Goldengate Lane.**

Councilman Blitch made a motion, seconded by Mayor Pro Tem Will Britt to adopt Resolution 2011-33: A Resolution accepting rights of way and associated utility easements of three (3) streets located within Northbridge Subdivision as public streets to be owned and maintained by the City of Statesboro. The three (3) streets to be considered for acceptance are Northbridge Drive, Bridgeport Drive, and Goldengate Lane. 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 bid for Fiber Optic Cable installation to Northland Cable in the amount of \$32,967.39.**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Blitch to award the bid for Fiber Optic Cable installation to Northland Cable in the amount of \$32,967.39. 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 the purchase of 4 police package Chevrolet Tahoe's for the amount not to exceed \$99,600 off the Georgia State Contract (local dealer has been consulted and cannot bid or compete with Ga. State Contract pricing).**

Councilman Blitch made a motion, seconded by Councilman Lewis to approve the purchase of 4 police package Chevrolet Tahoe's for the amount not to exceed \$99,600 off the Georgia State Contract (local dealer has been consulted and cannot bid or compete with Ga. State Contract pricing). 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 change order No. 1 for the GSU Reuse Water System in the amount of \$ 7,963.50**

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to approve change order No. 1 for the GSU Reuse Water System in the amount of \$ 7,963.50. 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
- b) Department Head Reports

City Engineer Robert Cheshire updated Council on the GSU City Campus parking lot. Director of Community Development Mandi Cody updated Council on the hosting of the training session for the new Planning Commission members and also the progress of the Community Development newsletter.

**Public Comments (General):** None

**Other Business from City Council:** None

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

Councilman Riggs made a motion, seconded by Councilman Lewis to enter into Executive Session at 10:00 am with a 10 minutes break to discuss personnel 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 and Director of Human Resources Jeff Grant.

After the doors were opened back to the public, Councilman Riggs made a motion, seconded by Councilman Lewis to come out of executive session. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote. Mayor Joe Brannen called the regular Council session back to order at 10:51 a.m. Mayor Brannen announced no action had been taken in executive session.

**Consideration of a Motion to Adjourn**

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to adjourn. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote. The meeting was adjourned at 10:52 a.m.





**CITY OF STATESBORO  
CITY COUNCIL WORK SESSION MINUTES  
November 1<sup>st</sup>, 2011**

A work session of the Statesboro City Council was held on November 01, 2011 at 11:20 a.m. in the Council Chambers at City Hall. Present were Mayor Joe R. Brannen, Council Members: Will Britt, John Riggs, and Travis Chance. Also present were Interim City Manager Frank Parker, City Clerk Sue Starling, City Engineer Robert Cheshire, Director of Human Resource Jeff Grant, and Finance Director Cindy West. Also present was Chairman of the Tree Board Henry Clay as well as other staff members and citizens.

Topics for Discussion:

**Proposed Revisions to the City's Tree Ordinance**

City Engineer Robert Cheshire updated Council on the changes to the Tree Ordinance with Henry Clay giving input on areas of concern. They would like to see more green space surrounding parking lots with asphalt.

Mayor Brannen left the meeting at 11:45 am.

**Transform Health Rx ---Health Clinic Proposal**

Director of Human Resource Jeff Grant along with Director of Operations from Transform Health Brandi McDonald updated Council on the health clinic and how the City and employees would benefit from the use of the clinic.

**First Quarter Financial Statements**

Director of Finance Cindy West gave Council an update on the first quarter of the financial statement for the City

**Discussion of a Consent Agenda**

City Clerk Sue Starling and City Manager Frank Parker presented to Council the idea of having a consent agenda as part of the regular Council Meeting also stating it is designed to streamline the meeting.

**General discussion on emerging issues**

City Manager Frank Parker suggested that we list Public Hearings and Council meeting times and dates in the community calendar of the Statesboro Herald. He also stated that public hearings would be held in the Council work sessions if they were not mandated to be published or held separately.

Mr. Parker also gave Council a "work in progress" of changes to the Alcohol Ordinance.

The meeting was adjourned at 12:20 p.m.

\*\*\*\*\*THERE WAS NO ACTION TAKEN\*\*\*\*\*

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

APPLICATION FOR A SPECIAL EVENT PERMIT  
30 DAY NOTICE IS REQUIRED BEFORE THE EVENT

DATE OF APPLICATION Nov. 7. 2011  
DATE OF EVENT Dec. 3. 2011  
TIME OF EVENT 9:00 P.M.  
LOCATION OF EVENT Spring Hill Marriott  
TYPE OF EVENT (DETAILED DESCRIPTION) Black Tie Galy  
Benefit Ball (Christmas Dance)

IF THIS IS A THEATRE PRODUCTION, PROVIDE A DESCRIPTION.

Truthful Lodge 4th annual Black Tie Galy  
Ball (Christmas Dance)

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.

WILL THERE BE FOOD SERVED? IF SO WHO WILL BE CATERING?

Yes small sandwiches / N/A  
Truthful lodge will provide  
Portals & A



WILL THERE BE MUSIC AND DANCING? IF SO DESCRIBED

Yes (DJ) Bro Larry Clark

IF RAISING MONEY FOR A CHARITY, WHAT IS THE NAME OF THE ORGANIZATION \_\_\_\_\_

PROVIDE A NAME AND PHONE NUMBER OF THE CHARITY ORGANIZATION CONTACT \_\_\_\_\_

IF THE EVENT IS FOR A CHARITY, PROVIDE A COPY OF THE APPROVED RECOGNITION OF EXEMPTION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE.

ARE FLYERS BEING DISTRIBUTED? \_\_\_\_\_ YES ☒ NO  
IF YES ATTACH TO APPLICATION.


NAME OF APPLICANT Larry T. Seaboard

APPLICANT'S ADDRESS 27 West Main

APPLICANT'S PHONE NUMBER 912-678-1673

APPLICANT IS REQUIRED TO ATTEND THE COUNCIL MEETING.

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

  
SIGNATURE OF APPLICANT

OFFICE USE:

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

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

## ALCOHOL APPLICATION CHECKLIST

The NYC Pizzeria

Business Name: \_\_\_\_\_

1. ☒ Zoning/Planning
2. ☒ Fire Inspection
3. ☒ Background Check (Police Department)
4. ☒ Food Service Permit (Health Department)
5. NA Food Sales Permit (Department of Agriculture)
6. \_\_\_\_\_ State License - Alcohol (Issued after City Approves & Issues City License)
7. ☒ Affidavit
8. ☒ Copy of Identification
9. ☒ Affidavit of Publication (Alcohol License Only)  
(Advertised during the 1<sup>st</sup> and 2<sup>nd</sup> readings)

☒ **No Issues With Any Departments**

8-2-11 First Reading \_\_\_\_\_ Second Reading

\_\_\_\_\_ **Date Approved/Denied By Mayor and City Council**

Teresa Skinner

Teresa Skinner – Tax Clerk



CITY OF STATESBORO, GEORGIA

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

DATE OF APPLICATION \_\_\_\_\_ NEW ☒ RENEWAL \_\_\_\_\_

TYPE OF BUSINESS TO BE OPERATED:

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

APPLICANTS FULL NAME Heath Charles Robinson

BUSINESS NAME The NYC Pizzeria LLC

DBA The New York City Pizzeria

BUSINESS ADDRESS 1200 Brampton Rd Suite C Statesboro, GA 30458

BUSINESS MAILING ADDRESS 1508 Sugarberry Ct. Statesboro, GA 30458

BUSINESS TELEPHONE # 912-871-1100 (not active, please use home #)

APPLICANTS HOME ADDRESS \_\_\_\_\_

APPLICANTS HOME PHONE # \_\_\_\_\_

APPLICANTS AGE 35 DATE OF BIRTH \_\_\_\_\_

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

HAVE YOU EVER BEEN ARRESTED FOR ANYTHING? ☐ YES ☒ NO

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

IF NO, WHAT IS YOUR TITLE IN THE BUSINESS? \_\_\_\_\_

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

PLEASE LIST BELOW:

Heath Robinson Lisa Robinson

\*\*\*\*\*

FOR OFFICE USE ONLY: APPROVED DENIED (REASON ATTACHED)

Police Department \_\_\_\_\_

Community Development \_\_\_\_\_

Fire Department \_\_\_\_\_

Building Official \_\_\_\_\_



*City of Statesboro*  
*Department of Community Development Memorandum*

50 East Main Street

P.O. Box 348

» (912) 764-0630

Statesboro, Georgia 30458

Statesboro, Georgia 30459

» (912) 764-0664 (Fax)

DATE: July 25, 2010

TO: Teresa Skinner, Tax Clerk

SUBJECT: BUSINESS OCCUPATION TAX APPLICATION (The NYC Pizzeria LLC doing business as The New York City Pizzeria).

The Department of Community Development has reviewed the business occupation tax application submitted by the New York City Pizzeria for 1200 Brampton Rd Suite C. The applicant is proposing "Pizza Restaurant" use at the location. The proposed use is permitted at the location and the application may be APPROVED. Staff's recommendation is based on the following:

- 1) Zoning District: 1200 Brampton Road Suite C is located in the CR (Commercial Retail) district.
- 2) Zoning Use Classification: Per Article X, by reference to Article VIII, a "restaurant" may be classified in the CR (Commercial Retail) district as

- Food services facility.

3) Parking: This use is proposed to be located in a previously approved development. No additional parking is required in order for the tenant to locate within the unit proposed by the application for an occupation tax certificate.

4) Signage: This property is located in Sign District 3. Per Article XV (Signs) of the *Statesboro Zoning Ordinance*, all proposed signage – whether a new sign or modification of an existing sign – must obtain a sign permit from the Statesboro Engineering Department.

5) Alcoholic Beverages: The Department of Community Development has reviewed the subject property for consistency with the proximity restrictions of Chapter 6, Article III of *Statesboro Municipal Code*. The proposed location does conform to the proximity restrictions of said provisions and is eligible for approval to be considered for licensing for the sale of alcoholic beverages. Community Development review does not serve as an approval or denial to serve alcoholic beverages at this location; but, is a recommendation to the City Clerk's Office to proceed with the processing of an "application for alcoholic beverage license" in accordance with the applicable provisions of Chapter 6 (Alcoholic Beverages) of *Statesboro Municipal Code*.

Department of Community Development approval is based on the information provided within the business occupational tax application submitted for our review. This approval merely indicates that the proposed use is allowed in the zoning district. This approval does not confer rights to open or operate the proposed business until all dimensional requirements of the *Statesboro Zoning Ordinance*, or applicable requirements of any other chapter of City Code have been met.

The Department of Community Development encourages all applicants to access the *Statesboro Zoning Ordinance* online at <http://www.sboro.net/>. A copy of the ordinance may also be obtained through the Community Development office at City Hall for a fee of \$10 - \$20. Any questions concerning the *Statesboro Zoning Ordinance* may be directed to the Department of Community Development at (912) 764-0630. The applicant is also encouraged to consult directly with representatives of the Engineering, Fire, Community Development and other permitting departments if any work on the building or site is occurring to determine whether or not building or site plans associated with the proposed use are necessary.

Respectfully,

Martin Laws,  
City Planner

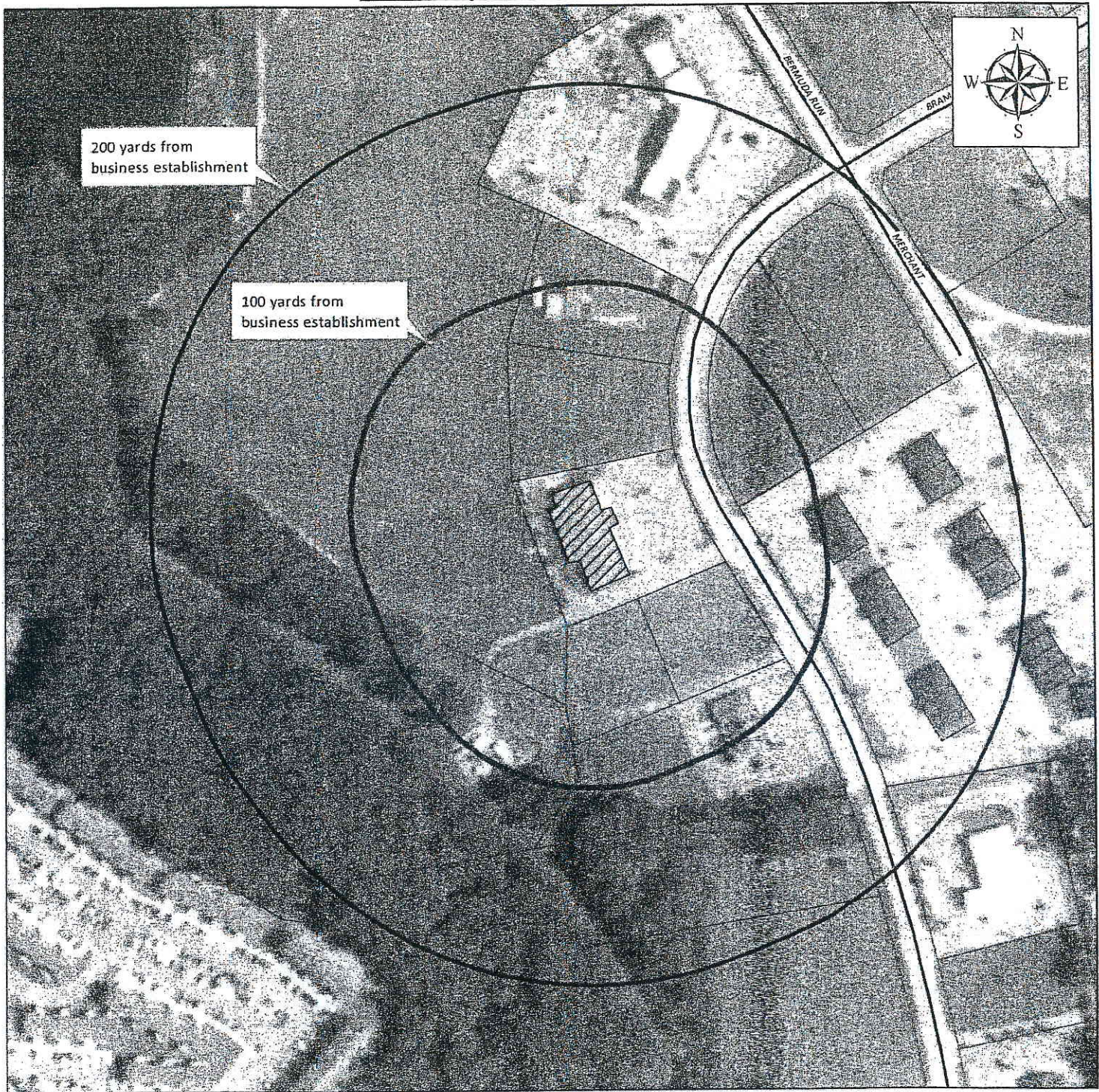
Attachments: Proximity Map






Application for Alcohol Beverage License

NYC Pizzeria

Proximity Restriction Review



Note: This map was prepared in accordance with Section 6-57 (c) of the Statesboro Municipal Code.

-  The NYC Pizzeria
-  100 yard radius per Section 6-57 (a)(1)(a), (a)(2) and (a)(3)
-  200 yard radius per Section 6-57 (a)(1)(a)

0 20 40 80 Yards  
|-----|-----|-----|

The City of Statesboro  
Community Development Department  
July 25, 2011







# Statesboro Fire Department

*Proudly serving the City of Statesboro and  
surrounding communities since 1905!*




Print Date: 11/3/2011

## INSPECTION SUMMARY REPORT

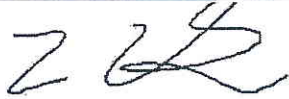
Page 1 of 1

Name: The NYC Pizzeria 1200 Brampton AVE,		
Date: 11/3/2011	Contact: Heath Robinson	
Inspector Name:	Fire Inspector Dallas K McPhee	Date notice sent: 11/3/2011
Type of Inspection:	Complete	
Property Notes:	Business Owner Heath Robinson E-Mail Address : heathcr9@hotmail.com	
Fire Code Reference	Discrepancy / Remarks	Date Resolved
N/A	No violations noted Recomend issuance of OTC and CO	

Inspector Signature



Site Signature





J.R. HOLLOWAY  
Police Commander

## STATESBORO POLICE DEPARTMENT

25 West Grady Street | Statesboro, Georgia 30458  
Phone: (912)764-9911 | Fax: (912)489-5050



WENDELL TURNER  
Public Safety Director

July 29, 2011

Sue Starling, City Clerk  
City of Statesboro

*Via Hand-Delivery*

REF: Licensing

BUSINESS: The New York City Pizzeria, 1200 Brampton Ave., Suite C, Statesboro  
APPLICANT: Heath Charles Robinson, 1508 Sugarberry Ct., Statesboro

The responses received from the fingerprints submitted show no state or federal record on file for Mr. Robinson.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Major Scott P. Brunson".

Major Scott P. Brunson



CITY OF STATESBORO, GEORGIA

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

DATE OF APPLICATION 11/7/11 NEW ☒ RENEWAL ☐

TYPE OF BUSINESS TO BE OPERATED:

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

APPLICANTS FULL NAME Karen Pittman Brown

OWNERS NAME Karen Pittman Brown

DBA (BUSINESS NAME) French Quarters Sports Bar & Grill

BUSINESS ADDRESS 106 Savannah Ave. Ste B

BUSINESS MAILING ADDRESS 205 Sassafras Ln Graytown Ga 30813

BUSINESS TELEPHONE #

APPLICANTS HOME ADDRESS

APPLICANTS HOME PHONE #

APPLICANTS AGE 36 DATE OF BIRTH

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

HAVE YOU EVER BEEN ARRESTED FOR ANYTHING? ☐ YES ☒ NO

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

IF NO, WHAT IS YOUR TITLE IN THE BUSINESS? \_\_\_\_\_

HOW MANY PARTNERS, SHAREHOLDERS, ETC. ARE INVOLVED IN THE BUSINESS 0

PLEASE LIST BELOW:

\*\*\*\*\*

FOR OFFICE USE ONLY: APPROVED DENIED (REASON ATTACHED)

Police Department \_\_\_\_\_

Community Development \_\_\_\_\_

Fire Department \_\_\_\_\_

Building Official \_\_\_\_\_

2011-10

ORDINANCE

To impose license fees on insurers conducting business within the City of Statesboro, Georgia; to impose a gross premiums tax on insurers operating within the State of Georgia; to provide an effective date; to repeal conflicting ordinances; and other purposes.

Be it ordained by the Mayor and Council of the City of Statesboro, Georgia; and it is hereby ordained by authority thereof:

Section 1. Insurers License Fees

There is hereby levied for the year 2012 and for each year thereafter an annual license fee upon each insurer doing business within the City of Statesboro, Georgia in the amount of one-hundred dollars (\$100.00). For each separate business location in excess of one not covered by Section 2, which is operating on behalf of such insurers within the City of Statesboro, Georgia, there is hereby levied a license fee in the amount of one-hundred dollars (\$100.00). For the purposes of this ordinance, the term "insurer" means a company which is authorized to transact business in any of the classes of insurance designated in O.C.G.A. Sec. 33-3-5.

Section 2. License Fees for Insurers Insuring Certain Risks at Additional Business Locations

For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales offers, solicits or takes application for insurance through a licensed agent of an insurer for insurance said insurer shall pay an additional license fee of thirty-five dollars (\$35.00) per location for the year 2012 and for each year thereafter.

**Section 3. Gross Premiums Tax Imposed on Life Insurers**

There is hereby levied for the year 2012 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the State of Georgia in an amount equal to one percent (1%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. Sec.33-8-8.1. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. Sec.33-8-4. The premium tax levied by this section is in addition to the license fees imposed by Section 1 of this ordinance.

**Section 4. Gross Premiums Tax, All Other Insurers**

There is hereby levied for the year 2012 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer, other than an insurer transacting business in the class of insurance designated in subsection 1 of O.C.G.A. Sec.33-3-5, doing business within the State of Georgia in an amount equal to two and one-half percent (2.5%) of the gross direct premiums received during the preceding calendar year in accordance with O.C.G.A. Sec.33-8-8.2. Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. Sec.33-8-4. The premium tax levied by this section is in addition to the license fees imposed by Section 1 of this ordinance.

**Section 5. Due Date for License Fees**

License fees imposed in Sections 1 and 2 of this ordinance shall be due and payable on the first day of 2012 and on the first date of each subsequent year.

**Section 6. Administrative Provisions**

The City Clerk is hereby directed to forward a duly certified copy of this ordinance to the Insurance Commissioner of the State of Georgia within 45 days of its enactment.

**Section 7. Effective Date**

This ordinance shall become effective January 1, 2012.



Section 8. Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of Statesboro, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 9. Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the Mayor and Council of the City of Statesboro, Georgia.

FIRST READING: November 1, 2011

SECOND READING: November 15, 2011

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

I hereby certify that the foregoing is a true and accurate copy of an ordinance of the City of Statesboro, Georgia adopted on the

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City Seal

\_\_\_\_\_  
City Clerk



*City of Statesboro*  
*Department of Community Development Memorandum*

---

50 East Main Street

P.O. Box 348

» (912) 764-0630

Statesboro, Georgia 30458

Statesboro, Georgia 30459

» (912) 764-0664 (Fax)

TO: Mayor and City Council, City of Statesboro  
City Manager Frank Parker

FR: Mandi Cody, Director Planning & Community Development *MC*

RE: Amended Article XVI, Parking Regulations, *Statesboro Zoning Ordinance*

Date: November 15, 2011

Attached please find proposed revisions for Article XVI of the *Statesboro Zoning Ordinance* regarding off street parking regulations for all zoning districts other than the Central Business District. (Developments located within the CBD are not required to provide off street parking).

The article presented for your consideration at this second reading is the same as that presented at the first reading with the following two exceptions:

1. The required parking stall width was changed from 9 feet to 9 ½ feet at council's request; and
2. The requirement regarding plantings in tree islands was removed from this article as a provision requiring tree islands in parking areas is being included within the proposed tree ordinance revisions being considered by Council. Staff discussions of the two provisions determined that the tree ordinance was the better place to house this provision administratively and would also result in improved uses of green spaces city wide.

Statesboro Planning Commission voted 5 to 0 to recommend approval of these revisions to the City Council. Planning Commission members voting in support of the revisions were Nick Propps, Jonathan McCollar, Teresa Concannon, Brian Hulsey, and Rick Barr. (The other members were not in attendance for this vote).

In its discussion and vote of this proposed revision, the Statesboro Planning Commission also voted to request and encourage City Council's support for requiring (by ordinance) bicycle facilities at destination points within appropriate developments and land uses within the city of Statesboro.

**ORDINANCE 2011-11****ARTICLE XVI. OFFSTREET PARKING AND LOADING****Section 1600. Off Street Parking Facilities.**

Except with respect to lots in the CBD district, there shall be provided off street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be as shown in the following list:

Use	Parking Spaces Required
<b><i>Single-Family Residential</i></b>	
Single-family residence / Manufactured home	2 per dwelling unit
<b><i>Multi-Family Residential</i></b>	
Duplexes / Condominiums / Single family attached	1 per bedroom
Multiple-family uses	1 per bedroom + 1 per 10 dwelling units
<b><i>Lodging Facilities / Health Care Lodging Facilities</i></b>	
Hotel / Motel / other lodging facilities.	1 per guestroom + spaces required for additional uses (ex. Restaurants, meeting areas etc...)
Health care facilities (including Hospitals, Group Homes and Nursing Homes)	1.4 for each 4 beds
<b><i>Commercial Retail, Services, and Entertainment:</i></b>	
Retail Establishments	1 per every 500 square feet of retail sales area
Furniture, home furnishing, hardware and equipment store	1 per every 500 square feet of retail sales area
Shopping / strip center	2.5 per every 1000 square feet of customer service area
Restaurant, cafeteria, fast food (with seating)	1 per every 1000 square feet of retail sales area
Restaurant, fast food w/drive-in facility (no seating)	2.5 per every 1000 square feet of customer service area
Garden store / produce stand	2.5 per every 1000 square feet of retail sales area
Funeral home / mortuary	1 for every 4 seats in chapel
Dry Cleaning / Laundromat	1 for every 1000 square feet of customer service area
Business and Professional Offices	1 per every 1000 square feet of area
Banks and Financial Institutions	1 for every 500 square feet of area
Agencies, studios, schools	1 per every 500 square feet of area accessible to patrons
Personal service facilities	1 per every 500 square feet of area accessible to patrons
Vehicle and machinery sales, service, and repair	1 per every 1000 square feet of retail sales area or customer area



<b>Industrial Storage / Warehousing / Wholesale Trade:</b>	
Mini-warehouse (self-service storage facilities)	1 for every 30 storage units
Warehouse	1 for each employee during a maximum working shift plus space for storage of truck or vehicle used
Junkyard, salvage yard	1 per every 1000 square feet of office space
Wholesale, trade establishments	1 per every 1000 square feet of sales floor area
<b>Industrial Manufacturing Establishment / Processing:</b>	
Manufacturing and industrial uses	1 for each employee during a maximum work shift
<b>Public Assembly / Institutional:</b>	
Auditorium, assembly hall, civic center, religious facility, spectator sport facilities, theatre	1 for every 5 seats
Places of public assembly or amusement without fixed seating	1 space for each 1000 square feet of floor space devoted to public use
Childcare facilities	Spaces equal 25 percent of capacity
Clubs and lodges, non-commercial	1 for every 1000 square feet
<b>Park / Recreation / Conservation:</b>	
General outdoor recreational areas, parks, etc.	1 for each 5,000 square feet of land area
General indoor amusement or place of recreation	1 for each 500 square feet of general customer service area (not to include dedicated recreation area such as bowling alleys, skating rinks, etc.)

## **Section 1601. Design Requirements for Multifamily, Commercial, and Industrial Parking Lots.**

The following rules shall be observed:

- A. With the exception of drive aisles, a minimum setback of three feet is required of all parking facilities. Measurements will be made from the closest property line to the curb or curb bumper.
- B. The following minimum design standards (based on the Parking Consultants Council and the National Parking Association's Recommended Guidelines for Parking Geometrics) shall be observed in laying out off street parking facilities:

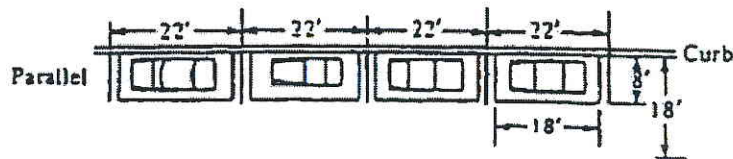
**TABLE INSET:**

Angle	Inter-lock Reduction	Over-hang	Vehicle Projection	Aisle Width	Module Widths				
	i	o	VP	AW	W 1	W 2	W 3	W 4	W 5
45°	2'-4"	2'-1"	18'-0"	13'-0"	31'-0"	49'-0"	46'-8"	44'-4"	44'-10"
50°	2'-1"	2'-4"	18'-8"	13'-8"	32'-4"	51'-0"	48'-11"	46'-10"	46'-4"
55°	1'-10"	2'-5"	19'-2"	14'-8"	23'-10"	53'-0"	51'-2"	49'-4"	48'-2"
60°	1'-8"	2'-7"	19'-6"	16'-0"	35'-6"	55'-0"	53'-4"	51'-8"	49'-10"
65°	1'-4"	2'-9"	19'-9"	17'-0"	36'-9"	56'-6"	55'-2"	53'-10"	51'-0"
70°	1'-1"	2'-10"	19'-10"	18'-4"	38'-2"	58'-0"	56'-11"	55'-10"	52'-4"
75°	0'-10"	2'-11"	19'-9"	20'-0"	39'-9"	59'-6"	58'-8"	57'-10"	53'-8"

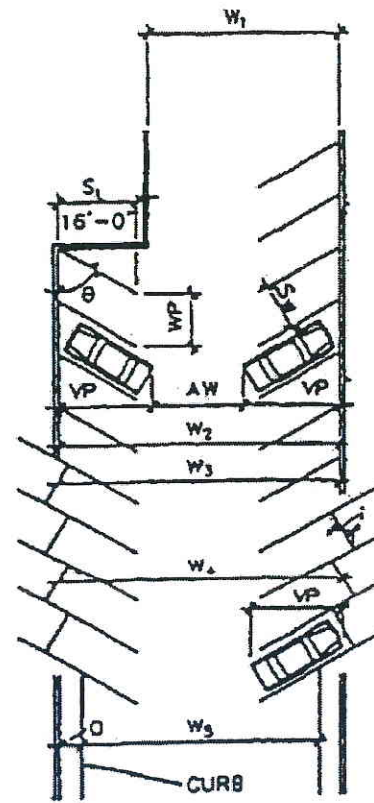


90°	0'-0"	3'-0"	18'-8"	24'-8"	43'-4"	62'-0"	62'-0"	62'-0"	56'-0"
-----	-------	-------	--------	--------	--------	--------	--------	--------	--------

$\theta$	Parking angle
$W_1$	Parking module width (wall to wall), single-loaded aisle
$W_2$	Parking module width (wall to wall), double-loaded aisle
$W_3$	Parking module width (wall to interlock), double-loaded aisle
$W_4$	Parking module width (interlock to interlock), double-loaded aisle
$W_5$	Parking module width (curb to curb), double-loaded aisle
AW	Aisle width
WP	Stall width parallel to aisle
VP	Projected vehicle length, measured perpendicular to aisle
$S_L$	Stall length
$S_w$	Stall width = 10 feet for 50% of available parking spaces and
$o$	Overhang clearance
$i$	Interlock reduction



\* R-4 Multi-family development may utilize nine (9) foot stall widths



C. **Stacking.** For any use with a drive-up facility that requires vehicles to wait for merchandise or service, such as a restaurant, a vehicular stacking area shall be provided with sufficient area for a minimum of four vehicles to park in line behind one vehicle stopped at the facility's first stopping point. The stacking area shall be provided entirely on the property and shall be designed so it does not prohibit vehicles from entering or exiting parking spaces or the lot itself and it shall not be within a required drive aisle.

D. **Islands.** Parking facilities that are part of a commercial development requiring fifty (50) or more spaces shall include landscape islands at the rate of one landscaped for every fifty (50) required spaces. Islands may be landscaped and counted towards requirements of *Chapter 86, Division 2, Section 86-62 of the Statesboro Code of Ordinances*

E. **Shared and Joint Parking Facilities.**

1. Shared Parking between day and night users. One half of the off street parking spaces required by a use whose peak attendance will be at night or on Sundays may be shared with a use that will be closed at night or on Sundays.

2. Joint Parking. Parking spaces that are proposed to be shared among two or more uses must be clearly available to all uses collectively and not appear to be serving a particular use, either

through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.

3. Shared Parking Agreements. Joint or Shared parking arrangements involving two or more parcels must be committed to writing in an instrument acceptable to the Director of Planning/Community Development and approved by the owners of each of the affected properties or uses. A copy of the agreement shall be filed for record with the Clerk of the Superior Court of Bulloch County.

4. Shared Parking for multiple or mixed uses. The Zoning Administrator may approve a reduction of up to 20% in the number of parking spaces required for a specific use where inter-parcel access is provided and a shared parking arrangement demonstrates that adequate parking will be provided for the affected uses.

**F. Surfacing Material.**

1. All parking lots and loading areas shall be paved with concrete, asphalt, concrete/brick pavers or similar "all weather" surface materials approved by the City Engineer.
2. Notwithstanding the foregoing, the following may utilize contained alternative surfacing material to include, but not limited to, porous asphalt, turf, gravel, wood, mulch and cobble for spaces other than areas dedicated for disability access:
  - a. Minimum parking, pursuant to Section 1600, of five (5) spaces or less;
  - b. Parking reserved exclusively for employees or company vehicles (provided in addition to minimum required spaces for customers);
  - c. Parks, playgrounds, fields used for organized sports, fairgrounds, and other similar uses;
  - d. Overflow parking areas for religious facilities, flea markets, produce stand or uses similar in nature;
  - e. Other uses as approved by Administrative Variance.
3. An Administrative Variance may be granted from the paving, marking, and or curb/gutter requirements of this provision if negative impact to the environment would occur, or, if the provision of alternative surface materials, curbing, or access control would be more compatible with the character of the area or more suitable for environmental, drainage, storm water, or other relevant considerations. Administrative relief may be granted from this provision upon a showing of facts substantiating the requested relief, rather than upon a showing of hardship.

G. Proper grading to eliminate sheet flow of drainage water onto sidewalks, public rights-of-way, and abutting property shall be designed and constructed. Provisions may be necessary for the on-site collection and storage of drainage water. The effects of sheet flow may be mitigated by the use of pervious surfaces for parking facilities.



H. Adequate aisles and turn-around areas shall be provided so all vehicles may enter and exit the parking facility in a forward manner.

I. Clear and permanent markings shall be provided to define individual parking spaces, drive aisles, drive lanes, and intersections in accordance with specifications approved by the city engineer. Markings shall not be required of spaces used exclusively for demonstration of inventory.

J. Wheel stops shall be provided in all parking facilities that do not already have curbing for all spaces abutting property lines, buildings, and landscaping. No vehicle shall overhang a public right-of-way. They shall be a minimum of four inches in height and width and six feet in length. They shall be firmly attached to the ground and so constructed as to withstand normal wear.

K. Parking facilities shall be at all times maintained at the owner's expense in a clean, orderly, dust free, and undeteriorated condition and in conformance with the provisions of this section.

J. Parking facilities must be in conformance with the provisions of this section prior to the issuance of a certificate of occupancy for the building served by the parking facilities or an occupational tax certificate for a business on the property.

L. Parking facilities shall be constructed or enlarged and meet all applicable provisions of this article when a new building is constructed, an existing building is enlarged, additional dwelling units are created, or when a use is intensified by the addition of floor space, seating capacity, or change in use.

#### **Section 1602. Required off street loading spaces.**

Loading spaces required under this section shall be at least 50 feet long and 12 feet wide. The regulations of this section are not applicable in the CBD district. Every lot used for commercial or industrial purposes and having a building or buildings with a total area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet, shall be provided with an off street loading space. An additional off street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds 100,000 square feet.

#### **Section 1603. Requirements for single-family and two-family residential parking.**

For single-family and two-family dwellings within the R-15, R-20, R-30, and R-40 zoning districts, the following restrictions shall apply:

A. It shall be unlawful for any person to park, place, or allow the parking or placement of an automobile, truck, trailer, motorcycle, all-terrain vehicle, recreational vehicle, boat, or similar item on an unimproved surface within the area between any outside wall of a house and a property line which is also a public right of way boundary. If the property abuts more than one public right of way, this prohibition shall apply to the area between any outside wall of the house and any property line that is also a public right-of-way boundary.

B. Vehicles and other items as described above may be parked or placed on an unimproved surface only if located on a part of the property that is not between the house and a property line that is also a public right of way boundary and only if parked or placed in an orderly fashion.

C. The owner of the property must provide an adequate area meeting the provisions above for all vehicles and/or other items used or owned by residents or visitors of the property.

D. The planning director for the city shall have the authority to waive, in whole or in part, the provisions of subsections A, B, and C above in the event of a hardship related to physical constraints of the property or health of a resident of the property. The property owner shall be required to provide proof of a hardship sufficient to warrant a waiver.

E. All vehicles and other items referenced in section 1605.A shall have valid and current license and/or registration as required by the State of Georgia and shall be legally and safely operable as originally designed.

In the event of a conflict between the requirements of this section and any other access control and driveway standards and specifications in use by the City of Statesboro, the most restrictive specifications and requirements shall take precedence.





*City of Statesboro*  
*Department of Community Development Memorandum*

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50 East Main Street      P.O. Box 348      » (912) 764-0630  
Statesboro, Georgia 30458      Statesboro, Georgia 30459      » (912) 764-0664 (Fax)

TO: Mayor and City Council, City of Statesboro  
City Manager Frank Parker

FR: Mandi Cody, Director Planning & Community Development *MC*

RE: Proposed Article to *Statesboro Zoning Ordinance*: Administrative Variances

Date: November 15, 2011

Attached please find the proposed addendum to the *Statesboro Zoning Ordinance* providing authority for the administrative (staff) grant of variances of a twenty percent (20%) deviation from the minimum or maximum standards for enumerated provisions of the *Statesboro Zoning Ordinance* as presented to the City Council for first reading on November 1, 2011.

The Statesboro Planning Commission voted 3 to 2 to recommend approval of this article to the City Council. Commission members Rick Barr, Nick Propps, and Brian Hulsey voted in favor of approval.

Commission members Teresa Concannon and Jonathan McCollar voted against the proposed article. Ms. Concannon stated that she felt the twenty percent deviation standard was "too high" and therefore voted against the article. Mr. McCollar stated that he felt that the articles proposed zoning committee of three (3) members was too small (he suggested 5) and that the twenty percent deviation amount was too large, therefore he voted against.

Attached to this memorandum, please find a spreadsheet staff prepared for assistance in evaluating the twenty percent deviation for the proposed article.

## **Ordinance 2011-12**

### **Article XXIX. ADMINISTRATIVE VARIANCES**

#### **Section 2901. Authority.**

The Zoning Committee for the City of Statesboro shall have the authority to grant or deny administrative variances from certain provisions of the *Zoning Ordinance* of the City of Statesboro, Georgia as enumerated in this article, where in the opinion of the Zoning Committee, the intent of this Ordinance can be achieved and equal performance obtained by granting an administrative variance.

The grant of an administrative variance shall not exceed 20 percent from the minimum or maximum standards provided in the *Zoning Ordinance* of the City of Statesboro in said articles and sections provided herein unless other standards are clearly provided pursuant to a specific section of this Ordinance.

Where this section omits specific references to the Zoning Committee's authority to grant an administrative variance and such authority is clearly evident in a provision of this Ordinance, the omission from this article shall not be construed as limiting the Zoning Committee's authority.

#### **Section 2902. Zoning Committee Defined.**

The Zoning Committee shall be comprised of the Zoning Administrator, the City Engineer, and the City Manager or his/her designee who will attend regularly scheduled meetings to review and render decisions on administrative variance requests.

#### **Section 2903. Administrative Variances by the Zoning Committee.**

In addition to any other administrative variances specifically authorized by the *Zoning Ordinance* of the City of Statesboro, Georgia, the following provisions of this article may be administratively varied by the Zoning Committee, subject to the specific limitations of this section.

- (a) Setback lines for front yards, side yards, corner side yards, and rear yards as said footage is applied to the construction of improvements on real property;
- (b) Building Coverage regulations for lot areas;
- (c) Section 1600, as said section applies to "Required off street parking facilities". Said 20 percent variance shall apply to the minimum number of parking space requirements.
- (d) Section 1601, as said section applies to width of parking spaces;
- (e) Article XXIII, as said article applies to "Buffer Requirements";
- (f) Article XV, as said article applies to "Signs". Said 20 percent variance shall apply to the maximum aggregate sign area;
- (g) Section 2203.1, as said section applies to "Minimum size dwelling".



#### **Section 2904. Requirements for Administrative Variance Applications.**

To initiate an application for administrative variance, an application must be submitted to the Department of Planning & Community Development which shall include at minimum the following:

- (a) An application form supplied by the department and a statement of hardship form included with the application form must be completed by the applicant.
- (b) A non-refundable fee as fixed from time to time by the governing body.
- (c) Plat or boundary survey. One (1) scale copy and one (1) reproducible size copy (no larger than 11" x 17") of a plat or boundary survey of the property or properties involved in the application.

The Zoning Committee in reviewing an application shall also be authorized to require any supporting information necessary to review an administrative variance on the record necessary to resolve the request for relief. These may include but are not limited to architectural renderings, concept plans or as-built surveys.

#### **Section 2905. Criteria for Administrative Variances.**

In acting upon applications for administrative variances, the zoning committee shall consider whether one or more of the following condition(s) exist to justify or provide grounds for approval of said request:

- (a) 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;
- (b) The special conditions and circumstances do not result from the actions of the applicant;
- (c) The application of the ordinance to this particular piece of property would create an unnecessary hardship;
- (d) Relief, if granted would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.

#### **Section 2906. Decision.**

After the receipt of a completed application for an administrative variance, the zoning committee shall have ten (10) business days to render a decision.

After review of the application, the zoning committee may determine to approve, approve with conditions, or deny the request. Following the decision of the zoning committee, a notice of action on an administrative variance shall be sent by mail to the applicant stating the approval, conditions, if any, or reason(s) for denial.

In the event the requested administrative variance exceeds a 20 percent deviation from the required minimum/maximum standards of the aforesaid articles and sections, or otherwise deviates from the express authority of the Zoning Committee provided within this Ordinance, the Zoning Committee shall have no authority to approve such request but shall be required to deny the same.

Upon the Zoning Committee's denial of any application for administrative variance, the applicant shall have the right to submit an application for a variance pursuant to the provisions of this Ordinance. The Zoning Administrator shall be authorized to require any supporting information necessary to review the variance request.

First Reading November 1, 2011

Second Reading November 15, 2011

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Joe R. Brannen, Mayor

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Sue Starling, City Clerk





Joe R. Brannen, Mayor

**COUNCIL**

Thomas N. Blitch - DISTRICT 1  
Gary L. Lewis- DISTRICT 2  
William P. Britt - DISTRICT 3  
John C. Riggs - DISTRICT 4  
Travis L. Chance - DISTRICT 5

# CITY OF STATESBORO

**WATER & WASTEWATER**  
302 BRIARWOOD ROAD  
STATESBORO, GEORGIA 30458  
(912) 681-1161  
FAX: (912) 681-8932

H. Wayne Johnson,  
Director of Water & Wastewater  
Van H. Collins,  
Assistant Director of Water &  
Wastewater  
Matthew Aycok,  
Wastewater Superintendent  
Aulbert Brannen III,  
Maintenance Superintendent  
Danny Lively,  
Water Superintendent

## Change Order

**Contractor's Name & Address:** TUCKER UTILITIES, LLC  
5498 Akins Pond Road  
Statesboro, Georgia 30461

Date: November 8, 2011	Change Order No. 1 (Summary)
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**RE:** GATEWAY PHASE II ( GREAT DANE ) WATER and SEWER EXTENSION

**Description of Work to be Added, Deleted or Substituted:**

See Attached

**Justification:** Item quantity adjustment and items not included in original bid.

**Revised Completion Date:** November 8, 2011

Original Contract Amount.....	\$ 305,784.14
Total Add/Delete Previous Change Orders.....	\$ 0.00
Total Add This Change Order.....	\$ 3,782.24
Revised Contract Amount.....	\$ 309,566.38

This change order amends above referenced contract and is subject to all terms and conditions stated in original contract.

Recommended By: *[Signature]*

Date: 11/8/11

*City of Statesboro w/s*

Accepted By: *[Signature]*

Date:           

Contractor: TUCKER UTILITIES, LLC

Approved By: *[Signature]*

Date:           

Owner: City of Statesboro, Georgia

# TUCKER UTILITIES, LLC

6498 Akins Pond Road  
Statesboro, Georgia 30461  
Fax: 912-587-9898  
Cell: 912-536-8825

Gateway Phase II Water and Sewer Extension

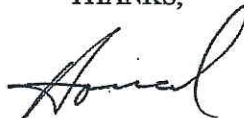
October 3, 2011

REQUEST FOR PAYMENT

FINAL PAY REQUEST

ORIGINAL CONTRACT AMOUNT	\$ 305,784.14
CHANGE ORDERS	\$ 0.00
TOTAL CONTRACT AMOUNT ADJUSTED	\$ 309,566.38
VALUE OF WORK PERFORMED	
TO DATE	\$ 309,566.38
VALUE OF MATERIAL STORED	\$
SUBTOTAL	\$ 309,566.38
LESS 5% RETAINAGE	\$ 15,289.21
LESS AMOUNT OF PREVIOUS PAYMENTS	\$ 292,677.17
TOTAL DUE THIS PAY REQUEST	\$ 16,889.21

THANKS,



HOWARD



# TUCKER UTILITIES, LLC

6498 Akins Pond Road  
Statesboro, Georgia 30461  
Fax: 912-587-9898  
Cell: 912-536-8825

Gateway Phase II Water and Sewer Extension

October 3, 2011

Item	Description	Estimated Quantity	Actual Quantity	Unit Cost	Contract Amount	Actual Cost
1	12" PVC					
	Water Main	2308'	1985'	20.98	\$48421.84	\$41645.30
2	12' RJ Water	969'	1020	36.92	35775.48	37658.40
3	Connect to					
	Existing Line	3	3	500.00	1500.00	1500.00
4	12' GV & Box	16	16	1503.57	24057.12	24057.12
5	4' Domestic					
	Water Line	795'	733'	19.30	15343.50	14146.90
6	2" Irrigation	36'	36'	5.00	180.00	180.00
7	2" Service Saddle	1	1	500.00	500.00	500.00
8a	FH Valve, tee	3	4	2406.62	7219.86	9626.48
8b	FH 1' Riser	1	3	450.00	450.00	1350.00
8c	FH 2' Riser	1	2	500.00	500.00	1000.00
9	2' Water Meter					
	Backflow & Box	1	1	2100.00	2100.00	2100.00
10	4" Water Meter					
	Box & 2 RPZ's	1	1	7227.00	7227.00	7227.00
11	Freeze Protection					
	Enclosures	2	2	3350.00	6700.00	6700.00
12	10" DI Main	790'	780'	27.25	21527.50	21255.00
13	Misc Water Fittings	1985lbs.	2989	4.06	8075.00	12,135.34
14a	Concrete Vault					
	For 10" Fireline	1	1	3200.00	3200.00	3200.00
14b	Install 10" Backflow	1	1	7500.00	7500.00	7500.00
15	Post Indicator Valve	1	1	2256.00	2256.00	2256.00
16	Siamese Connection	1	0	1250.00	1250.00	0.00
17	12" Sanitary Sewer	1227'	1227'	24.00	29448.00	29448.00
18	12' Lined Sewer	20'	20'	50.00	1000.00	1000.00
19	8" Sanitary Sewer	2168'	2150'	14.00	30352.00	30100.00
20	Manholes 6'-8'	2	2	1388.10	2776.20	2776.20
	Manholes 8'-12'	9	9	1450.00	13050.00	13050.00
21	Saddle Manhole	1	1	3175.00	3175.00	3175.00
22	Sewer Fittings	144lbs	144lbs	4.06	584.64	584.64

Tucker Utilities, LLC  
Gateway Phase II Water and Sewer Extension

Item	Description	Estimated Quantity	Actual Quantity	Unit Cost	Contract Amount	Actual Cost
23	Outside Drop MH	1	1	5825.00	\$5825.00	\$ 5825.00
24	Grassing	14000SY	14000Sy	.25	3500.00	3500.00
25	Silt Fence	3280'	3280'	3.00	12840.00	12840.00
26	Remove Unsuitable Replace Stone	50CY	145CY	7.00	350.00	1015.00
27	Remove Unsuitable Replace Borrow	50CY	495CY	7.00	350.00	3465.00
28	Raise MH 6"	1	1	250.00	250.00	250.00
29	Raise MH 12"	1	1	500.00	500.00	500.00
30	Clean Up, Bond, Mobilization,Etc.	Job	Job	8000.00	8000.00	8000.00
					-----	-----
					\$307,966.38	\$309,566.38

*approved*  
T. T. L.

10-10-11



**Ordinance #2011-13**

A RESOLUTION TO AMEND CHAPTER 86, URBAN FOREST BEAUTIFICATION AND CONSERVATION, OF THE CODE ORDINANCES, WITHIN THE CITY OF STATESBORO, GEORGIA.

**WITNESSETH**

**WHEAREAS**, the City has previously adopted an ordinance regulating urban forest beautification and conservation; and

**WHEAREAS**, the Mayor and City Council have determined there is sufficient reason and need to amend Chapter 86 (Urban Forest Beautification and Conservation) of the Code of Ordinances, City of Statesboro, Georgia:

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

That Chapter 86 (Urban Forest Beautification and Conservation) of the Code of Ordinances, City of Statesboro, Georgia is hereby amended by replacing it in full.

**APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF STATESBORO** at a regular meeting of the Mayor and Council on \_\_\_\_ day \_\_\_\_\_, 2011.

First Reading November 15, 2011  
Second Reading December 06, 2011

CITY OF STATESBORO, GEORGIA:

\_\_\_\_\_  
Joe Brannen, Mayor

ATTEST:

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

## DIVISION 1. GENERALLY

### Sec. 86-26. Title.

This article shall be known as the "Urban Forest Beautification and Conservation Ordinance of the City of Statesboro, Georgia."  
(Ord. of 12-19-95, § I)

### Sec. 86-27. Jurisdiction.

The provisions of this article shall apply to all lands within the city.  
(Ord. of 12-19-95, § II)

### Sec. 86-28. Purpose.

The purpose of this article is to:

- Protect the aesthetic quality provided by the natural tree cover on tracts of land being converted to urban development.
- Protect and enhance the aesthetic quality provided by street and park trees.
- Prevent soil erosion.
- Prevent reductions in the drainage holding capacity of land.
- Prevent increases and promote reductions in air pollution and carbon dioxide levels in the air.
- Consistent with the expressed purpose of this article, all persons shall make reasonable efforts to preserve and retain certain existing, self-supporting trees as defined herein. It is also the intent of this article that all applicable sites within the city maintain or obtain a 35% minimum tree canopy, as defined and explained herein.

#### A. Minimum Canopy Requirements

- 1) A basic condition of the Urban Forest Beautification and Conservation Ordinance of the City of Statesboro is that all applicable sites maintain a minimum tree canopy of 35%. Applicable sites except those exempted under Sec. 86-29 of this ordinance, for this section, include but are not limited to:
  - a) Parks and public grounds;
  - b) Any activity requiring issuance of a land disturbance permit is carried out;
  - c) Commercial development;

The canopy requirement must be met whether or not a site had trees prior to development or disturbance of the applicable site. The canopy may be achieved by preserving existing trees, by planting new trees according to the minimum standards in this Ordinance or by a combination of the two. Minimum tree canopy shall be calculated and established pursuant to the formula and analysis set forth in Appendix 1 to this Ordinance. Any existing tree (acceptable species) of four (4) inches or greater DBH left in good growing condition on the property is eligible to be counted toward the minimum required canopy and has to be protected. The property owner shall be subject to the minimum tree canopy requirement set forth in this section. The property owner shall base the canopy calculation on the gross site area.



- 2) Trees replanted to achieve canopy requirements are to be selected species from the City of Statesboro, Tree Species Selection List set forth in Appendix 6 (which will list values of canopy coverage in square feet for various groups of trees and minimum area for planting), on file with the City. In addition, replanting shall be at the ratio of not less than one (1) overstory tree for every three (3) understory trees. Canopy credit may be met by planting all overstory trees, but not by planting only understory trees. All replacement trees will be maintained properly to ensure their survivability.

B. Canopy Recovery Plan

- 1) Development plans shall include a canopy recovery plan for replacement of trees and vegetation approved for removal. A canopy recovery plan shall include the following:
  - a) Areas to be cleared and areas preserved;
  - b) The number of trees required for replacement, to achieve 35% canopy coverage.
- 2) In order to promote diversity, no more than twenty five (25%) percent of the replacement trees shall be of the same species;
- 3) Where the City Representative determines that a site cannot sustainably support the required replacement, due to the size and shape and/or structures and/or other viable site constraints, a fee shall be paid to the City of Statesboro Tree Bank. This fee shall be the actual and verified cost of the required tree replacement and shall be submitted prior to the issuance of a Certificate of Occupancy; and
- 4) If a property owner has preserved extensive overstory trees and clusters of native trees and vegetation, in such a manner as to provide extensive shading within the built environment, value shall be 100% of the drip line area of groupings, excluding wetlands. An exhibit depicting the aforementioned shall be submitted that calculates the canopy spread based on DBH and species of a tree.

C. Alternative Compliance to Canopy Density Requirement

- 1) One of the intentions of this Ordinance is to ensure that a minimum canopy density of trees is maintained on all applicable sites, as defined in this ordinance. If this intent cannot be met because a site will not bear the required density of trees (as confirmed by the City's Tree Board), contributing to the City of Statesboro Tree Bank may be an acceptable method of compliance.
- 2) The following standards have been established for administering these alternative compliance methods. The City representative must review and approve all requests for alternative compliance. In no instance shall more than 60% of the required site canopy be met through alternative compliance. The site in question must be planted with as many trees as can reasonably be expected to survive.
- 3) No development approval (as defined by this ordinance), land disturbance permit, or building permit shall be issued until the City representative has approved the request and received the necessary documentation and/or funds for the alternative compliance method.
- 4) As a method of alternative compliance, the City of Statesboro will accept donations to the City of Statesboro Tree Bank. These donations will be used for the sole purpose of planting trees on public property within the City of Statesboro. For calculating contributions to the City of Statesboro Tree Bank, see Appendix 2 of this Ordinance.
- 5) The City of Statesboro Tree Bank will be administered by the designated City representative. An annual report shall be submitted to the City of Statesboro City Manager showing amounts collected, amounts spent, and the type and location of trees planted.

(Ord. of 12-6-11)



## Sec. 86-29. Exemptions.

The following activities and properties are exempt from the regulations in this Chapter and no tree removal permit is required in the following instances:

- A. The removal of dead, diseased, or damaged trees.
- B. The removal of trees necessary for the construction, operation and maintenance of drainage facilities and sanitary and storm sewers as approved by the City.
- C. The removal of trees for construction of public streets and improvements as approved by the City.
- D. The removal of trees in time of emergency, but not limited to: tornadoes, windstorms, floods, freezes, or other natural disasters or which pose potential danger to life or property.
- E. Utilities in connection with overhead service, distribution, transmission lines, underground service, and distribution lines are exempt from the requirements of this section with the following exceptions:
  - 1) Pruning or trimming a tree inconsistent with current ANSI 300A-2001, as amended, is prohibited.
  - 2) Removal of trees twelve (12) inches DBH and larger within corridors and/or easements shall require notification, prior to removal, by telephone to the City Engineer or his/her designee and notification to the property owner and/or occupant at least three (3) business days prior to removal.
  - 3) The removal of trees of special significance.
  - 4) Utility lines, which are tunneled beneath tree roots in order to protect feeder roots, are permitted. Elsewhere trenching is allowed no closer to a tree's trunk than of the dripline radius. However, protective measures shall be taken as specified in the, Best Management Practices Manual which protective measures for feeder roots are incorporated herein by reference.
- F. Construction (including clearing of the lot) of a detached, semi-detached or attached single-family or two family (duplex) residential structure where such structure is the principal use on an individual lot, except that exceptional trees on such lots will not be exempt.
- G. Single Family Residential Subdivisions.
- H. Any land recognized by the City upon which bona fide agricultural or commercial nursery or tree farm uses are being conducted.

(Ord. of 12-6-11)

## Sec. 86-30. Definitions.

For the purpose of this article, certain words or terms used in this article, shall be defined as follows. Words not defined in this section shall be interpreted so as to give them the meaning they have in common usage and to give the regulations set out in this article their most reasonable application. Words used in the singular shall include the plural, and the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall encompass the phrases "arranged for," "designed for," "intended for" and "occupied for."

*Acceptable species* means a species determined by the tree board to be of acceptable quality and with acceptable characteristics when planted on the appropriate site as a street, park, or lawn tree in the city. The board shall develop and maintain a list of acceptable species, and such list shall be approved by the City Council and kept on file and available to the public in the office of the City Engineering Department.

American National Standards Institute A300 (ANSI A300) are the industry consensus standards for pruning trees, which is incorporated herein by reference.



Best Management Practices Manual is the documentation of the standards and specifications based on generally accepted practices developed by the City of Statesboro Tree Board for sound arboricultural practices, techniques and procedures which shall serve as guidelines for trees regulated by this Section 86, including but not limited to tree selection, planting, pruning, alteration, treatment, protection, and removal as approved by City Council, and available through City Engineering Department.

Building means any structure having a roof supported by columns or walls that encloses a space and is intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature, or as may be further defined in the building code of the City.

Caliper means the diameter or thickness of the main stem of a young tree or sapling as measured at six inches above ground level. This measurement is used for nursery-grown trees having a diameter of four inches or less.

Canopy means the area consisting of a tree's branches in all directions from its trunk, the outer edge which is the Dripline.

Canopy Coverage means aerial extent of the ground within the dripline of the tree.

City Engineer is the qualified designated official of the City of Statesboro, or his or her designee, assigned to carry out the enforcement of this ordinance related to City right-of-way and other City owned property except property in City parks.

Clear-Cutting means the indiscriminate removal of protected trees from a site or tract with a DBH of 6" or greater.

Critical root zone (CRZ) includes all the area within a radius equal to one and one-half feet (1.5') for every one inch diameter of the tree trunk (as measured at breast height). Example: The CRZ radius of a 20 inch diameter tree is thirty feet Appendix 3. The radius is measured outward from the root flare at ground level. NOTE: This is not the same as dripline.

Dead or Beyond Recovery shall mean more than 50% of the tree is dead, is a hazardous tree as defined herein, or in a state of irrecoverable decline.

Developer means the legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Development means a planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

Diameter at breast height (DBH) means the diameter or width of the main stem of a tree in inches as measured 4.5 feet above the natural grade at the base of a tree. Whenever a branch, limb, defect or abnormal swelling of the trunk occurs at this height, the diameter at breast height shall be measured at the nearest point above or below 4.5 feet at which a normal diameter occurs.

Directional Pruning or target pruning, involves removing only those limbs that will come in contact with energized conductors. This reduces the number of times the tree must be pruned and directs growth away from the power lines, thus allowing the tree to achieve its natural height and shape.

*Dripline Radius* shall mean a radius equal to the horizontal distance from the trunk of the tree to the end of the longest branch.

*Exceptional tree* means any tree determined by the tree board and recommended to and approved by the Mayor and City Council as provided for in this article, to be of notable historic interest, of high aesthetic value, or of unique character because of species, type, age or size (80% of state champion size).

*Greenspace* means any area retained as permeable unpaved ground and dedicated to supporting vegetation.

*Greenspace plan* means a map and supporting documentation which describes, for a particular site, where vegetation (greenspace) is to be preserved or planted in compliance with this article. The greenspace plan includes the tree establishment plan, the tree protection plan and the irrigation plan.

*Heritage trees* are defined as large, native trees with special characteristics such as historical significance.

*Irrigation plan* means a map and supporting documentation which describes, for a particular site, the locations of permanent water sources and/or irrigation lines.

*Large tree* means a tree that is expected to attain a height of 50 feet or greater at maturity under ideal growing conditions.

*Master Street Tree Plan* means a plan outlining the urban tree management policies and plans for public trees in the areas of tree selection and planting, tree removal, tree pruning, tree maintenance, and tree protection, administered by the City's Streets and Parks Divisions.

*Medium tree* means a tree that is expected to attain a height of greater than 25 feet and less than 50 feet at maturity under ideal growing conditions.

*Minimum canopy requirement* is the minimum percentage (35%) of tree canopy required to be preserved or planted on any tract of land being developed.

*Out parcel* means a parcel of land within the total acreage acquired. Such parcel is set aside and undisturbed, yet has potential for future development. Left as such, it is not counted as part of current development.

*Over story tree* means those trees that compose the top layer or canopy of vegetation and will generally reach a mature height of forty (40) feet or more.

*Planted tree* means a tree that is to be planted on a site during or after development and that will be protected after planting.

*Preserved tree* means an existing tree on a site that is to be preserved and protected during construction.

*Preferred species* means a species determined by the tree board to be of excellent quality and with highly desirable characteristics, as approved by the City Council. The Tree Board shall develop and maintain a list of preferred species, and such list shall be approved by the City Council and kept on file and available to the public in the office of the City Engineering Department. The list shall further contain a list of tree quality ratings of individual species which shall be referred to in the construction and operation of this article.

*Protective fencing* means a physical and visual barrier installed around the critical root zone of a tree to prevent damage to the tree and its root system. At a minimum this would include three to four foot tall orange safety fencing



*Recommended species* means a species determined by the tree board to be of very good quality and with desirable characteristics. The Tree Board shall develop and maintain a list of recommended species, and such list shall be approved by the city council and kept on file and available to the public in the office of the City Engineering Department. The list shall further contain a list of tree quality ratings of individual species which shall be referred to in the construction and operation of this article Appendix 6.

*Required buffer* means any of the following three alternative types of buffers:

- 1) Natural buffer strip: A strip at least 50 feet wide, having an existing natural growth equivalent to a densely planted evergreen screen.
- 2) Landscape buffer strip: A strip at least ten feet wide, densely planted with shrubs and/or trees at least three feet high at the time of planting, of a type that will possess growth characteristics of such a nature as to produce a dense, compact evergreen planting screen capable of growing to a height of at least six feet within three years.
- 3) Landscape buffer wall: A buffer-strip at least ten feet wide, containing an opaque wall or barrier or uniformly painted fence at least six feet in height. Buffer strip shall have five feet of landscape plantings on the exterior side of the wall and shall be planted with appropriate trees, shrubs, and groundcover as to provide a transition from the wall to both edges of the buffer strip.

*Sight triangle* is an area on either side of street intersections, street corners or vehicular access points which allows for sufficient sight distance to allow drivers approaching simultaneously to see each other in time to prevent a traffic accident. The size of the sight triangle is governed by space, time and traffic volume of the subject intersection. All sight distance requirements will be established by City Engineering Department.

*Small tree* means a tree that is expected to attain a height of 25 feet or less at maturity under ideal growing conditions.

*Spread* means the crown diameter measured by taking the average of the widest branch Spread and the branch Spread perpendicular to it.

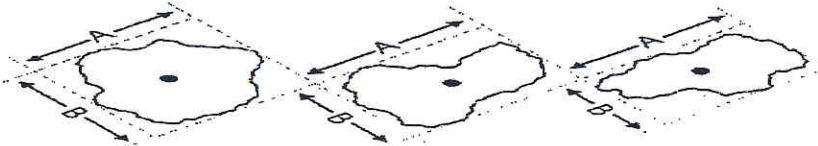


Fig. 1 Add A and B together and divide by 2 to get the Spread.

*Tree board* means a legally constituted body of nine individuals, appointed by the mayor, and adopted by the City Council, whose responsibility is to advise the Mayor, City Council, and City Manager in all tree-related matters.

*Tree density* means the spread of tree canopy on a square footage area of greenspace.

*Tree establishment plan* means a map and supporting documentation which describes, for a particular site, the species and locations of trees to be planted in compliance with the requirements of this article.

*Tree establishment zone* means the area essential to a tree's health and survival, including both above ground and below ground space, surrounding a planted tree which is protected within the guidelines of this article.

Tree manager or Streets and Parks Superintendent is a person with special knowledge of the cultural requirements, identification and characteristics of trees.

Tree Plan Designer for the purposes of this article means, an architect, engineer, surveyor or landscape architect who prepares a planting plan for a development project.

*Tree protection plan* means a map and supporting documentation which describes, for a particular site, where existing trees are to be preserved in compliance with the requirements of this article and the species of trees.

*Tree protection zone (TPZ)* means the area essential to a tree's health and survival, including both above ground and below ground space, surrounding a preserved or planted tree which is protected within the guidelines of this article (further defined in the Best Management Practices Manual).

Tree quality rating means, for a planted tree, a square footage area that is assigned to each category of mature tree size and tree quality (unacceptable, acceptable, recommended, and preferred).

Tree species list means a list of tree species prepared by the City arborist/tree manager, University of Georgia Extension Service, and Georgia Forestry Commission in which tree species are categorized by size and recommendation. The list is made a part of this article by reference and incorporated herein. The list may be revised by the Tree Board and the Engineering Department upon submission to and approval by the City Council. The list is a part of the Best Management Protection Manual attached hereto [by reference].

Unacceptable species means a species determined by the Tree Board and to be of poor quality and with undesirable characteristics. The Tree Board shall develop and maintain a list of unacceptable species, and such list shall be approved by the city council and kept on file and available to the public in the office of the City Engineering Department Appendix 7. Canopy area requirement credit not received for unacceptable species.

*Underbrushing* means the removal of woody brush and other vegetation at the groundline, as in mowing.

*Understory tree* means those trees that grow beneath the overstory, and will generally reach a mature height of under forty (40) feet.

*Vegetative practices* means measures to stabilize erodible or sediment-producing areas by covering the soil with plantings such as:

- 1) Permanent seeding, sprigging or planting producing a long-term vegetative cover;
- 2) Short-term seeding, producing temporary vegetative cover; or
- 3) Sodding areas with a turf of perennial sod-forming grass.

(Ord. of 12-19-95, § V; Ord. of 9-6-00; Ord. of 12-6-11)

**Cross references:** Definitions and rules of construction generally, § 1-2.

#### **Sec. 86-31. Permit required for clearing.**

Except as provided in this article, no person, partnership, corporation, or business entity shall clear land (as defined in Sec. 86-30) or permit the clearing of land without first obtaining a land disturbance activities permit as provided for in Division 4 of this article.

(Ord. of 12-19-95, § VI)



**Sec. 86-32. Best Management Practices Manual.**

- A. The Best Management Practices Manual., which provides detailed information and standards in reference to the provisions of this article, hereby adopted by reference and made a part of this article as adopted by Mayor and City Council.
- B. All land clearing and required greenspace shall be provided in a manner consistent with the provisions contained in this article and the Best Management Practices Manual.

(Ord. of 12-6-11)

**Sec. 86-33. Other jurisdictions.**

Tree Maintenance within Right-of-Way

It shall be the duty of all owners of property encumbered or crossed by City rights-of-way, to keep tree limbs from their property from protruding into the City rights-of-way so that motor vehicle and pedestrian traffic are not obstructed at intersections, points of ingress and egress, and/or sidewalks on the public rights-of-way. Where proper trimming is not maintained, the City may, after notifying the property owner responsible for the trimming, enter upon that property and perform the work necessary to comply with code. Upon performing such work, the City will charge the property owner for the actual cost and administrative costs. Property owners are also responsible for trimming overhanging limbs within any City rights-of-way to a minimum height of eight feet (8') over sidewalks and for a minimum height of fourteen feet (14') above any public roadway.

- a) Maintenance shall be done under the direction and with the approval of the City Streets and Parks Superintendent. Protected trees of any size on private or public property shall not be cut by topping.
- b) Trees of all sizes shall be pruned as needed to maintain health and safety. Pruning shall retain the natural form of that tree species. All tree pruning shall be conducted according to the latest edition of the National Arborists Association (NAA) standards, the International Society of Arboriculture (ISA) standards, and the American National Standards Institute (ANSI) A-300 that are hereby incorporated by this reference. Trees deemed to be pruned beyond recovery as defined in Sec. 86-30 shall be replaced as per applicable sections of this Division.

(Ord. of 12-6-11)

**Sec. 86-34. Unlawful activity – Tree Removal Permits**

It shall be unlawful for any person or contractor to directly or indirectly, cut down, destroy, improperly prune, remove, top or move any protected or replacement trees, or to authorize the cutting down, destroying, removing, topping, moving, or damaging of any protected or replacement trees on City Property, except those persons who are employees of the City or are appointed or designated by the Mayor and/or City Council, without first obtaining approval from the City Engineering Department, or exemption, as provided in this ordinance. Historic trees may not be removed unless deemed dead, beyond recovery or dangerous by the City Streets and Parks Superintendent.

The City Engineering Department or designee shall have the authority to stop work at a site if unauthorized tree work is occurring. Once a Stop Work order is issued, work shall not commence until the necessary permits have been issued and any applicable fine has been paid. Violations for this section shall be subject to Sec. 86-36 of this ordinance.

Notwithstanding the above stated requirements, protected trees that are shown to be preserved and are a part of an approved site plan or landscape plan for existing or new development, or are shown to be preserved as part of the approval of conditional uses by the City Engineering Department and Tree Board or other development orders or review process requirements are included as protected trees and cannot be removed without first

obtaining proper approval. Approval must be given by the City Engineering Department or Tree Board, whichever is applicable.

Furthermore any protected trees approved for removal by the City Engineering Department shall not subsequently need approval from the Tree Board.

(Ord. of 12-6-11)

**Sec. 86-35. Enforcement.**

The City Engineer shall be charged with the enforcement of this article and is hereby authorized to do all acts necessary to ensure compliance with the terms and conditions of this article, including but not limited to the issuance of citations for violation of this article.

(Ord. of 12-19-95, § XIV; Ord. of 9-6-00)

**Sec. 86-36. Violation penalty.**

Each violation of the provisions of this article shall be punishable by a fine not to exceed \$1,000.00 per violation. The removal or destruction of each tree covered by the terms and conditions of this article shall constitute a separate offense under this article.

(Ord. of 12-19-95, § XV)

**Sec. 86-37. Abrogation and greater restrictions.**

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. of 12-19-95, § XVI)

**Sec. 86-38. Trees on existing developed properties.**

No more than 65% of the tree canopy shall be cut from an existing developed property, except for single-family dwellings, without the consent of the City Engineer or the Tree Board.

**Sec. 86-39. Nonliability of City**

The contents of this Ordinance shall not in any way be deemed to impose any liability upon the City or upon any of its officers or employees, nor shall it relieve the owner and/or occupant of any private property from duty to keep trees upon private property or under his/her control in a safe condition as not to affect the health, safety and general welfare of the public and to follow all provisions of the ordinance.

(Ord. of 12-6-11)

**Secs. 86-40--86-60. Reserved.**



## DIVISION 2. PRINCIPLES AND STANDARDS FOR GREENSPACES, TREE PROTECTION, TREE ESTABLISHMENT AND LANDSCAPING

### Sec. 86-61. Applicability and plans required.

Except as herein provided, there shall be provided for each new development a greenspace plan. Such plan shall incorporate a tree protection plan and a tree establishment plan as part of the greenspace plan or as a separate document. Such tree protection plan and tree establishment plan shall conform to the standards and requirements set out in this article.

(Ord. of 12-19-95, § VII)

### Sec. 86-62. Greenspace design principles and standards.

The following principles and standards shall apply to the greenspace on a site to be developed.

- A. *Greenspace.* A minimum of 15% of the total area of any development, including all buildable areas, shall be devoted to greenspace; i.e., for every one acre in the total area of the development fifteen-hundredths acre (6,534SF) shall be reserved as greenspace.
  - 1) The 15% minimum greenspace requirement is calculated from the total area of the development.
  - 2) Required buffers: Existing trees in required buffer zones can be counted in the total calculations of tree canopy required for the development.
  - 3) Out parcel development is subject to all requirements contained in this article and shall not be permitted without prior approval.
- B. *Tree density.* Each greenspace shall have a tree canopy density of at least 15,246 square feet of canopy for every 43,560 square feet of greenspace (35%).
- C. *Canopy area requirement.* The total canopy area requirement (CARs) required may consist of a combination of canopy area for preserved trees and planted trees.
- D. *Paved surfaces.* If the total of all paved surface areas in the development is 10,000 square feet or greater, then a minimum of 15% of the paved surface must be in greenspace.
  - 1) The greenspace within paved surface areas must be distributed in islands or peninsulas within and throughout the paved surface areas. Tree islands and peninsulas shall be placed no more than 10 consecutive parking spaces apart.
  - 2) This greenspace must have a tree density of at least 50% tree canopy.
  - 3) The number of canopy area requirements within the paved surface areas shall count toward the number of canopy area requirements required for the total area of the development.
- E. *Trees in poor condition.* Trees in poor condition are not eligible for canopy area requirements. A tree shall be determined to be in poor condition upon evaluation by the Tree Board and/or the City Engineering Department using guidelines set forth in the Best Management Practices Manual resource material, which is incorporated in this article and which is available in the office of the City Engineering Department and City tree manager.
- F. *Canopy area requirement for preserved trees.* The canopy area requirement for a preserved tree is calculated by measuring canopy coverage of all trees saved. Preserved trees may only count for up to 60% of minimum canopy area requirement. Unacceptable species or trees (acceptable species) less than four (4) inches will not be assigned canopy coverage area.
- G. *Canopy area requirement for planted trees.* The canopy area requirements for a planted tree are assigned based upon mature tree size. Refer to Table No. 1, for the canopy area requirement assigned to each category of planted tree, and to the land clearing and tree protection manual for further information. No one species shall make up over 25% of the total number of trees planted.



Table No. 1

Mature Size	Canopy area in square feet
Small Canopy Trees (Less than 25')	250
Medium Canopy Trees (30'--50')	550
Large Canopy Trees (50' and larger)	1500

- H. *Unacceptable species.* Unacceptable species as listed in the tree species guidelines incorporated in this article will not be assigned canopy area requirement. Reference shall be made to the tree species list Appendix 7.
- I. *Minimum caliper.* The minimum caliper (measured at six inches above the ground) for planted trees is two (2) inches. Multi-stemmed trees must have three to four stems and be six to eight feet tall. Refer to the tree species list located in the manual for information on the mature size of a specific species.
- J. *Protection of preserved or planted trees.* All preserved and/or planted trees shall be protected from land disturbance resulting from any building or facility construction.
- K. *Maintenance of minimum tree canopy requirements.* The required minimum tree canopy requirements must be maintained on the site as living trees for the life of the development.  
(Ord. of 12-19-95, § VII; Ord. of 9-6-00; Ord. of 12-6-11)

**Sec. 86-63. Tree protection and tree establishment**

- A. *Protection of preserved trees.* Tree protection zones shall be established and maintained for all preserved trees. The following provisions apply to such zones and trees within them.
- 1) A tree protection plan shall accompany all applications identifying how existing trees within tree protection zones are to be protected during clearing and construction of the project. Such plan shall be approved by the City Engineering Department when it is determined that the plan adequately addresses the criteria set forth in the Best Management Practices Manual. The tree protection plan may be either a separate plan or included as part of the greenspace plan. This plan will be reviewed by the City Engineer or his designee. For projects four acres or more, this plan shall be developed by either a landscape architect, certified arborist or a horticulturist.
  - 2) Standards for Protected Tree preservation in preparation of building plans and during development, demolition, and construction
    - a) Before plans are submitted for permit, the City Engineering Department or designee is to be consulted before any permanent structure or impervious paving is constructed within the tree protection area.
      - i. A tree protection barrier plan shall be provided illustrating how trees located on or adjacent to the subject property will be protected from any adverse effects of proposed construction or grade changes. The plan must include the tree protection barrier that will be installed.
      - ii. If a major root of any protected tree affected by a grade change visibly extends beyond its drip line, then City Engineering Department or designee may require additional root protection.
      - iii. Prior to demolition and/or construction, a tree protection barrier shall be placed and maintained as necessary to prevent damaging protected trees on, or adjacent to the subject property. Shield Critical Tree Protection Zone: Active protective barriers shall be installed along the outer edge of and completely surrounding the critical tree protection zones of all specimen trees or stands of trees, and otherwise designated tree save areas, prior to any land



disturbances. The tree save areas shall include no less than the total area beneath the tree(s) canopy as defined by the farthest canopy dripline of the tree(s). When necessary to protect the health of the tree, the City Engineer may require a tree save area in excess of the area defined by the tree's dripline. Refer to Appendix 3 – Critical Root Zone.

- iv. Tree protection barriers are to be placed at or beyond the tree's drip line whenever possible. At no time shall the tree protection barrier(s) be closer than (10) ten feet from a trunk unless existing or proposed structures are within that range Refer to Appendix 4 – Tree Protection.

- 3) No vehicles shall be parked, construction material stored or substances poured or disposed of or placed, within any tree protection zone at any time during clearing or construction of the project.
- 4) No application of an herbicide, defoliant, or pre-emergent to any tree without first obtaining a permit.
- 5) Where clearing has been approved, trees shall be removed in a manner that does not physically impact the trees to be preserved. Felling trees into Tree Save Areas shall be treated as a violation and shall be punishable in accordance with this Ordinance.
- 6) No change in grade within the tree protection zone shall be allowed except for a maximum addition of two inches of sandy loamy topsoil covered with sod or mulch.
  - a) Before any grade changes involving the removal of any soil, the property owner or permittee shall:
    - i. Leave the area within the drip-line at its original grade with terraces by use of dry retaining walls at the drip-line that are constructed to allow for drainage and aeration;
    - ii. Cut roots cleanly and re-trim them after excavation;
    - iii. Cover exposed root system and keep moist;
    - iv. Irrigate tree to compensate for root loss.
  - b) Violations of this section will result in a citation of \$350 per protected tree per day.
- 7) Precautions required for excavation and paving around protected trees
  - a) Whenever possible, water, sewer, and other underground utility lines shall be routed around the drip-lines of protected trees.
  - b) If compliance with subsection (a) is impossible, then tunneling or directional boring for the utility shall be routed under the protected tree's root system to prevent damage to major roots. Mechanical trenching is prohibited.
  - c) Suitable pervious pavement may be placed within the drip-line of a protected tree as long as the tree is not damaged by grade change, soil compaction, or any other cause. There is to be no disturbance to the trunk root flair.
  - d) Violations of this section will result in a citation of \$350 per protected tree per day.
- 8) Boundary Trees shall also be protected and included in Tree Save Areas.
- 9) Upon request by the applicant, the use of perforated pavers shall be allowed upon approval by the City Engineering Department if it is determined the following conditions exist:
  - a) The pavers cannot be counted in the total percent of greenspace; and
  - b) If the use shall not restrict the water supply or root system of planted or existing trees.

B. *Protection of planted trees.* Tree establishment zones shall be established by the developer and maintained for all planted trees by the landowner, leaseholder and/or developer. The following provisions apply to such zones and trees within them.

- 1) Any planted tree must have a minimum tree establishment zone based upon its mature size (see tree species list for mature size). The minimum size tree establishment zone centered upon the planted tree shall be as specified below and detailed further in the Best Management Practices Manual:
  - a) Small trees – 100 square feet.
  - b) Medium trees – 200 square feet.



- c) Large trees – more than 400 square feet.
- 2) Tree planting shall follow current horticultural planting practices as detailed in Appendix 5 and Best Management Practices Manual.
- 3) A tree establishment plan identifying the location of all planted trees shall be provided. The tree establishment plan may be either a separate plan or included as part of the greenspace plan. For projects four acres or more, this plan shall be developed by either a landscape architect, certified arborist or a member of the tree board. This plan will be reviewed by the tree board, City arborist/tree manager or a consulting urban forester/arborist hired by the City.
- 4) To minimize traffic hazards at street intersections and avoid conflicts with city infrastructure all tree plantings must follow listed guidelines Table No. 2:

**Table No. 2**

<b>Mature Size</b>	<b>Large 50 – 70'</b>	<b>Medium 30 – 40'</b>	<b>Small 15 – 20'</b>	<b>Evergreen 40 – 50'</b>
Minimum Width of Tree Space	8' +	8'	4'	8' +
Spacing between trees	50'	40'	20'	30'
Overhead utilities	DO NOT PLANT	DO NOT PLANT	Okay	DO NOT PLANT
Intersections	40'	40'	40'	40'
Stop signs, traffic signs, street lights, traffic signals	30'	30'	30'	30'
Fire hydrant, gas or water valves	10'	10'	10'	10'
Underground utilities	10'	10'	10'	10'

- 5) No tree shall be planted under overhead utility distribution lines if the average mature height of the tree is greater than the lowest overhead wire.
- 6) No tree is to be planted in any area between a sidewalk and curb that is less than three feet (3) wide.
- 7) The area within the tree establishment zone must remain open and unpaved. The use of perforated pavers may be allowed subject to approval of the City Engineering Department.
- 8) No vehicles shall be parked, or construction material stored, or substances poured, or disposed of or placed within any tree establishment zone at any time during clearing or construction of the project, prior to establishment.

**C. Irrigation requirements. Except as provided for in this article, irrigation or a permanent water source shall be provided for all trees, planted, including medians and boulevards within subdivisions, according to the following provisions.**

- 1) Irrigation Systems. An independent low-flow drip and/or micro-spray irrigation system may be used for establishing all trees planted within the critical root zone of a protected tree. Irrigation system for trees shall be on a separate zone to insure adequate watering for trees. Utilize re-use water where available.
- 2) A permanent water source shall be installed not more than 100 feet from each tree protection or tree establishment zone, but shall not encroach more than 12 inches into any tree protection or establishment zone.
- 3) For development of 10 acres or more, the locations and descriptions of the required permanent water sources and/or irrigation lines shall be placed on a separate irrigation plan or shall be included as part of the greenspace plan.
- 4) The minimum permanent water source shall be a 1/2-inch hose bib.
- 5) All irrigation systems connected to any potable water supply shall conform to city and state



requirements to prevent contamination of the potable water supply.

6) Irrigation shall not be required where:

- a) Existing individual trees of clumps or groups of existing trees or wooded areas are to be preserved and grading, filling or other land disturbing activities have not disturbed the natural ground water supply to such trees; or
- b) For planted trees if it is determined by the City Engineering Department that the natural ground water supply and/or the natural soil condition is sufficient to sustain tree growth.

D. *Designation of exceptional trees.* The Mayor and City Council may, on its own initiative or upon petition, designate a tree as "exceptional," as defined in this article. All nominations for exceptional tree designations shall be reviewed by the Tree Board who shall make a recommendation on such nomination to the Mayor and City Council. Trees so designated shall thereafter be considered a public landmark and shall not be destroyed or endangered. The designation of an exceptional tree shall be based upon an evaluation of the tree in relation to the following criteria:

- 1) The tree is demonstrated to have an association with a documented historical event, or is located on an historic site.
- 2) The tree has unusually high aesthetic value.
- 3) The tree is of unique character because of its age, species, variety, location, or because of the size and development of its crown, trunk, or main stem.
- 4) The tree is free of disease, pests or serious injury.
- 5) The tree has a life expectancy of more than ten years.
- 6) The tree is free from structural defects which could present a hazard to the public.

E. *Prohibited trees along street and in public areas.* Trees that are prohibited along streets and in public areas within the city are found in Appendix 7.

F. *Trees on adjacent City property.*

- 1) A property owner or person authorizing or responsible for any land disturbing activity within the drip line of a tree located on City property shall provide for the protection of such tree(s) to the standards described in these regulations.
- 2) Any person authorizing or who engages in land disturbing activity that causes damage to or affects the health or growth of a tree or tree's surrounding environment or support system on city property shall be responsible for damages to the tree or to the surrounding environment, including replacement value, as determined by the tree board. Upon notice of the amount of damages, an appeal as to the amount of damages may be filed with the City Council within 15 days of notice. In the event the damages are not paid within 30 days of the lapsing of the time for filing a final appeal or final decision by the city council, the damages shall become a lien on the adjacent property from which the damage emanated and shall be collected in the same manner and fashion as authorized by state law for the collection of delinquent tax liens.

(Ord. of 12-19-95, § VII; Ord. of 9-6-00; Ord. of 12-6-11)

**Sec. 86-64. Parking Lot and Perimeter Requirements**

A. *Applicability:* The requirements of this section shall apply to off-street parking lots and their perimeters. To meet the requirements of this section, only shade trees listed in Appendix 6, as amended from time to time by resolution of the City Council, equal or larger than two (2) inches in caliper shall be planted. Trees known to be intolerant of paving conditions or whose physical characteristics may be injurious to the public shall not be used to comply with the provisions of this section.

B. *Parking Lot Requirements and Guidelines*

Parking lots which are required to include greenspace and tree canopy shade shall contain landscaping and planting as follows:

- 1) At least one (1) tree island for each ten (10) consecutive parking spaces.
- 2) Each tree shall be at least two (2) inch caliper at time of planting and shall be a species designated in approved city planting list.
- 3) The minimum planting area or space for each tree shall be in accordance with Sec. 86-63(B)(1)
- 4) Trees shall be planted in open-space planter with suitable groundcover.
- 5) Such open-space planters may be constructed through the deletion of paving or asphalt behind the wheel stops, bumper stops, or curb.
- 6) Trees shall be located to avoid underground and overhead utilities.
- 7) Parking lots may be designed so that water runs into the landscaped areas to the greatest extent possible in order to maximize stormwater retention.
- 8) At least thirty 30% of the trees planted shall consist of Overstory Trees.

(Ord. of 12-6-11)

#### **Sec. 86-65. Underbrushing requirements.**

On tracts of land containing 20 or more acres, the City Engineering Department shall approve underbrushing of no greater than two-inch diameter trees upon the following findings:

- 1) The City Engineering department has found that sufficient tree cover exists such that the removal of such trees will not impair the ability of the site to comply with the requirements of these regulations, and;
- 2) The removal of such trees is not in conflict with the purpose and intent of these regulations.

(Ord. of 12-19-95, § VII)

#### **Sec. 86-66. Tree banking.**

For those projects that the 35% Minimum Canopy Requirement cannot be achieved as determined by the Tree Board, a cash payment can be made to the City's Tree Bank. These funds will be used for the purchasing and planting of trees at the City's discretion.

(Ord. of 9-6-00; Ord. of 12-6-11)

#### **Secs. 86-67--86-80. Reserved.**



### DIVISION 3. ADMINISTRATION

#### Sec. 86-81. Creation and establishment of a city tree board.

- A. *Tree board.* There is hereby created and established a tree board for the City which shall consist of nine members, who shall be appointed by the mayor with the approval of the city council, with consideration for expertise in the areas of administration, urban forestry, conservation, preservation of environmental attributes, horticulture, landscaping, and commercial or private construction.
- B. *Term of office.* The term of the nine members shall be three years except that the term of three of the members appointed to the first nine-member tree board shall be for one year and three of the members appointed to the first nine member tree board shall be two years. In the event that a vacancy should occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. All may be reappointed to successive terms; however, no member shall serve more than six consecutive years (two terms). Members who have served for six consecutive years on the nine-member tree board may be reappointed to the tree board after a one-year break in service.
- C. *Compensation.* Members of the tree board shall serve without compensation.
- D. A request for a variance shall be heard by the tree board, which may grant the variance of a special use permit if it determines the following criteria are met:
  - 1) The variance requested will not adversely impact the intent and purpose of these regulations.
  - 2) The variance will not promote soil erosion or interfere with drainage holding capacity of the land, or increase air pollution and carbon dioxide levels in the air.
  - 3) The variance will be consistent with the aesthetic quality of forest and conservation patterns predominant in the surrounding areas;
  - 4) The variance will not have a negative impact on surrounding property values or forest and conservation patterns; and
  - 5) Failure to grant the variance would result in an undue or exceptional hardship.
- E. *Ex-officio tree board members.* The tree board may appoint persons as ex-officio tree board members as it desires. Such members shall be persons from the community or city, state or federal government whose expertise, job responsibilities or knowledge is such that it would enhance or bring special knowledge to the tree board and from whose participation the tree board would benefit. Ex-officio members shall function as a part of the tree board; however, they are not eligible to cast a vote on issues being decided by the tree board in a voting manner.

(Ord. of 12-19-95, § VIII)

#### Sec. 86-82. Designator of the administrator of this article.

The City Engineering Department is hereby appointed to administer and implement the provisions of this article.  
(Ord. of 12-19-95, § VIII)

Secs. 86-83--86-100. Reserved.

## DIVISION 4. LAND CLEARING ACTIVITIES

### Sec. 86-101. Application for land disturbance activities permits.

Applications for permits for land disturbance and clearing activities shall be submitted by the land owner or a legally authorized agent on a form provided for this purpose, available from the City Engineering Department. Such application shall be submitted to the City Engineering Department along with all required attachments. Each land disturbance activities permit application shall include the data, items, plans, and other documents listed below. Required data may be combined into a single document as long as clarity is maintained. Complete applications shall be reviewed by the City Engineering Department. If application is not routine, then it will be reviewed by the Tree Board. Silvicultural activities, including timber harvesting and planting, and removal of hazardous and diseased trees do not require this permit, but must follow the best management practices for forestry. In addition, on tracts where timber is harvested, where possible, a 25' buffer of existing trees shall be left undisturbed along each property line including street rights of way. (Ord. of 12-19-95, § IX; Ord. of 9-6-00)

### Sec. 86-102. Plans required for land disturbance activities permit.

- A. *Project description.* Such description shall include:
- 1) Purpose of the requested permit.
  - 2) Map(s) showing existing and proposed land uses, building, parking, and other pertinent elements of development.
  - 3) A boundary survey which shall include the location of all easements, building setback lines, nearby governmental jurisdictional boundaries, and nearby zoning district boundaries.
  - 4) Anticipated starting and completion dates for each phase of the project. Any permit granted under this article shall lapse unless construction or field work on the site is commenced within six months of issuance of the permit.
- B. *Greenspace plan.* The greenspace plan shall include the following plans. These may be separate documents, or may be included as part of the overall greenspace plan.
- 1) *Tree protection plan.* Such plan shall include:
    - a) A map showing existing tree cover and tree cover that is to be removed.
    - b) The location and species of all trees to be preserved on the site.
    - c) The location, species, specifications if different from those listed in the Best Management Practices Manual.
    - d) The DBH of all trees located on adjacent city right-of-way.  
However, where a grouping or cluster of 20 or more trees is located within a proposed tree protection zone, the location of individual trees within such cluster is not required to be spotted on the plan, provided the number of trees for each species within the cluster is given, and the average DBH is identified for each species.
  - 2) *Tree establishment plan.* Such plan shall include:
    - a) The location of tree establishment zones.
    - b) A listing of all trees to be planted on the site giving their respective species.
    - c) A description of tree planting specifications if altered from those listed in the land clearing and tree protection manual.
  - 3) *Irrigation plan.* Such plan shall include the location of permanent water sources and/or irrigation lines.
- C. *Permits for multi-phase developments.* If a tract is to be developed in phases, then a separate permit shall be required for each phase



D. *Denial of permit.* If a permit is denied, the reason for denial shall be furnished to the applicant in writing. (Ord. of 12-19-95, § IX; Ord. of 12-6-11)

**Sec. 86-103. Appeals, modifications, and variances.**

A. *Appeals.* Appeals from the orders, rulings or decisions of the City Engineering Department or requests for variance from the provisions of this article shall be made in writing within 15 days of the order, ruling or decision to the City Tree Board on forms provided for such purpose by the City Engineering Department. The Tree Board shall consider the appeal or variance at its next regularly-scheduled meeting, but in no event more than 45 days following the request. Any appeal or variance may be appealed to the City Council by filing written notice with the City Clerk following a decision by the Tree Board.

B. *Modifications.* Requests for modification shall be submitted in writing to the City Engineering Department, who will pass it on to the City Tree Board for consideration with an explanation of how the plan with modifications stills meets the intent of the ordinance.

Modifications may be sought for the following:

- 1) Species selection – for use of non listed specie cultivars that share characteristics of species listed but not shown on recommended specie list.

C. *Variance.* Variances shall only be granted upon determination that the variance is the minimum necessary to afford relief. Requests for variance will be accompanied by a nonrefundable fee of \$30.00.

D. *Reasons for granting variances.* Variances shall only be granted upon:

- 1) A showing of good and sufficient cause;
- 2) A determination that failure to grant the variance would result in exceptional hardship; and
- 3) A determination that the granting of a variance will not adversely impact the intents and purposes of these regulations.

E. *Additional standards.* In consideration of variances and appeals, and the purpose set forth for these regulations, the Tree Board may impose or require such additional standards as may be necessary to protect the value and use of property in the general neighborhood.

F. *Submitting a request for variance.* Variances shall be submitted to the City Engineering Department prior to the next regularly-scheduled Tree Board meeting. If the Tree Board receives the request for variance from the City Engineering Department within five working days of the next regularly-scheduled tree board meeting, the variance will be reviewed and a ruling returned to the City Engineering Department within five days after the meeting.

(Ord. of 12-19-95, § IX; Ord. of 12-6-11)

**Secs. 86-104—86-120. Reserved.**

## DIVISION 5. PUBLIC TREE PLANTING

### Sec. 86-121. Definition of street trees and park trees.

Street trees are herein defined as trees and all woody vegetation on land lying on either side of all streets within the City, within the designated public street right-of-way. Park trees are herein defined as trees and all woody vegetation in public parks and other areas owned by the City to which the public has free access.  
(Ord. of 12-19-95, § X)

### Sec. 86-122. Selection of trees for streets and parks.

Prior to planting a tree on any street, park or other public land, the species to be planted must be approved by the City Engineering Department.  
(Ord. of 12-19-95, § X)

### Sec. 86-123. Placement of street trees and park trees.

A. To minimize traffic hazards at street intersections and avoid conflicts with City infrastructure all tree plantings must follow listed guidelines:

Mature Size	Large 50 – 70'	Medium 30 – 40'	Small 15 – 20'	Evergreen 40 – 50'
Minimum Width of Tree Space	8' +	8' +	4'	8' +
Spacing between trees	50'	40'	30'	30'
Overhead utilities	DO NOT PLANT	DO NOT PLANT	Okay	DO NOT PLANT
Intersections	40'	40'	40'	40'
Stop signs, traffic signs, street lights, traffic signals	35'	35'	35'	35'
Fire hydrant, gas or water valves	10'	10'	10'	10'
Underground utilities	10'	10'	10'	10'

#### B. Distance from curb and sidewalk:

- 1) The distance public trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes in the Statesboro Recommended List of street trees and no trees may be planted closer to the curb or sidewalk than the following:
  - a) Small trees: two feet (minimum of a four foot wide treelawn)
  - b) Medium trees: three feet (minimum of a six foot wide treelawn)
  - c) Large trees: four feet (minimum of an eight foot wide treelawn) except in special plantings designed or approved by the City Tree Board and City Engineering Department.

(Ord. of 12-6-11)

Secs. 86-124--86-140. Reserved.



## **DIVISION 6. PUBLIC TREE CARE**

### **Sec. 86-141. Tree removal.**

The Tree Board may recommend to the Engineering Department the removal of any tree or part thereof which is in an unsafe condition or which by reason of its nature is a public hazard or is injurious to any public improvement and if affected with any fungus, insect or disease which constitutes a potential threat to other trees in the City.

(Ord. of 12-19-95, § XI)

### **Sec. 86-142. Stump removal.**

All stumps of street and park trees shall be removed below the surface of the ground.

(Ord. of 12-19-95, § XI)

### **Sec. 86-143. Tree pruning.**

Trees on public property may be pruned for utility line clearance only by tree pruners who have attended at least one city sponsored utility line clearance workshop within a 12-month period of pruning activity. Participants will be trained and certified by the city tree board. At each pruning site, names of pruning crew with date of certification shall be available for City's review. The City Streets & Parks Superintendent shall be notified three (3) days in advance the locality of any pruning activities taking place. All pruning of public trees shall be done in accordance with the current American National Standard for Tree Care Operations (ANSI A300-2001) and the most current standards as developed by the National Arborist Association.

(Ord. of 12-19-95, § XI; Ord. of 9-9-99; Ord. of 9-6-00)

### **Sec. 86-144. Tree topping.**

Tree topping is not permitted. Tree topping is an unacceptable practice and is not permitted for any reason.

(Ord. of 12-19-95, § XI)

### **Sec. 86-145. Tree management.**

Tree management of street, park and other public trees will be carried out in accordance with the policies established in the Best Management Practices Manual and administered by the Public Works Department.

(Ord. of 12-19-95, § XI)

## APPENDIX 1

### Example 1: Following site to be developed:

Step 1: 10 acre site = 435,600 sq. ft.

Step 2: 35% canopy cover figure

$$\underline{435600 \times 0.35 = 152,460 \text{ sq. ft. to meet 35\% canopy cover}}$$

Step 3: Preserved trees left on site = 108,900 sq. ft. (2.5 acres)

$$\underline{152,460 \text{ minus } 108,900 = 43,560 \text{ sq. ft. of replacement trees}}$$

Step 4: Replacement trees required to meet 35% CR (canopy area requirement)

CR = canopy area requirement

➤ 43,560 sq. ft. of area to be planted in trees

a. Overstory trees = 1500 sq. ft./tree planted

✓	24 overstory (large canopy trees) x 1500 sq. ft. =	36,000 sq. ft.
✓	12 overstory (medium canopy trees) x 550 sq. ft. =	6,600 sq. ft.
✓	Total sq. ft.	42,600 sq. ft.

b. Understory trees = 250 sq. ft./tree planted

$$\checkmark \quad \underline{6 \text{ understory (small canopy trees) x 250 sq. ft. = } 1,500 \text{ sq. ft.}}$$

c. Total square footage of trees planted: 44,100 sq. ft.

THE 44,100 SQ. FT. OF PLANTED TREES HAS MET 35% CANOPY AREA REQUIREMENT



## APPENDIX 2

### CITY OF STATEBORO TREE BANK FORMULA FOR DETERMINING CONTRIBUTIONS

Contribution calculations are based on two (2) inch caliper replacement trees with a value updated annually, and on file with the City, representing the average size and cost of materials, labor and guarantee for trees planted in The City of Statesboro area.

Example: Based on unit value of tree replacement of \$500.00 (amount subject to change)

To determine the appropriate Canopy Requirement (CR) contribution, first calculate the *Implantable Square Footage (ISF)* of tree space which cannot be planted on the site.

Divide the ISF by 1500 sq. ft. (the sq. ft. value of a 2" caliper overstory replacement tree) and multiply by \$500.00.

Example 2: From Example 1 the total sq. ft. of 35% CR required is 43,560 sq. ft.

Due to space limitation and other site problems, the site only has 29,000 sq. ft. of Plantable Area (PA) for replacement trees.

To determine the CR trees not plant able on site use the following formula:

$$\text{ISF} = \text{CR} - \text{PA}$$

In this example:

$$\text{CR (43,560 sq. ft.)} - \text{PA (29,000 sq. ft.)} = 14,560 \text{ sq. ft. of ISF}$$

$$\text{CR} = \text{ISF} \div 1500 \text{ sq. ft.}$$

$$\text{CR} = 14,560 \div 1500 \text{ sq. ft.} = 9.707 \text{ replacement trees}$$

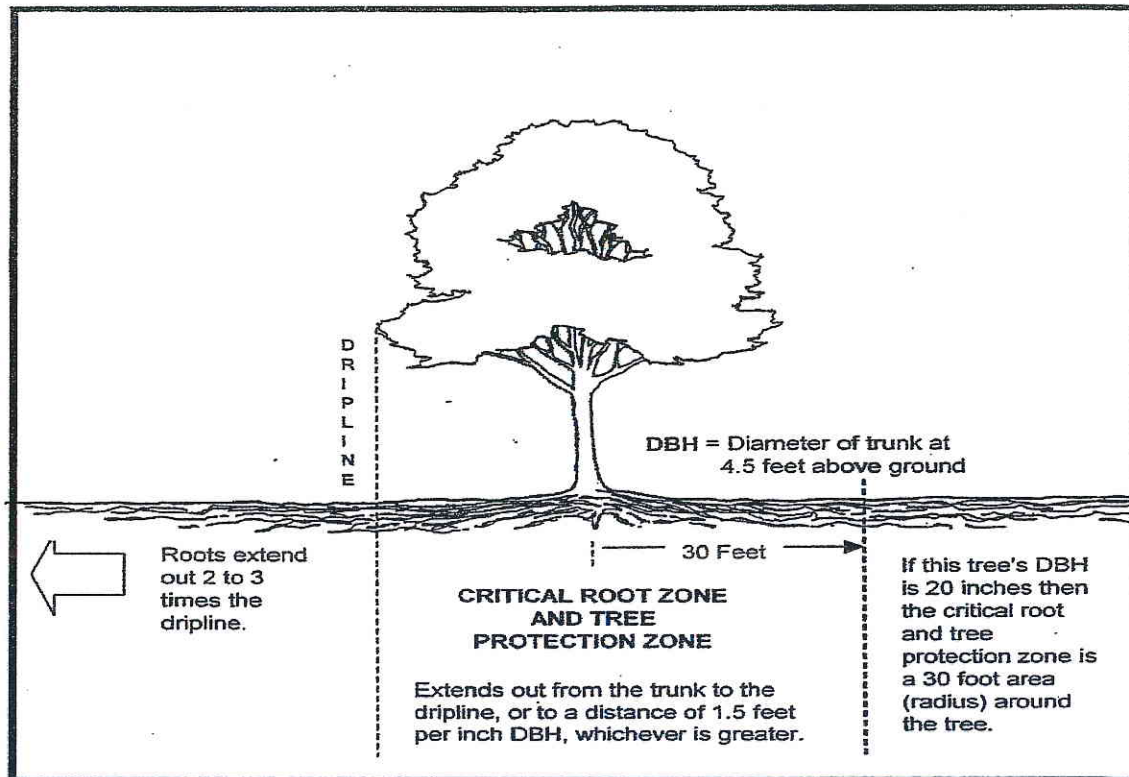
This means the developer must contribute to The City of Statesboro Tree Bank the value of 10 trees.

Determine the acceptable contribution amount as follows:

$$10 \times \$500.00 = \$5,000 \text{ TOTAL CONTRIBUTION TO TREE BANK}$$

### APPENDIX 3

#### CRITICAL ROOT ZONE (CRZ)



To calculate critical root zone radius, begin by measuring the diameter at breast height (DBH). This is done by measuring the tree's trunk diameter (thickness) at a point 4.5 feet above the ground. The measurement should be done in inches. For each inch of DBH, allow for 1.5 feet of critical root radius for significant or sensitive trees, or 1.0 feet for tolerant trees. For example, if a tree's DBH is 10 inches, then its critical root radius is 15 feet ( $10 \times 1.5 = 15$ ). The PRZ is an area around the tree with a diameter of 30 feet ( $2 \times \text{radius}$ ) and is the area in which a critical amount of the tree's roots may be found. Whenever possible, isolate this area from construction disturbance

Approximate a tree's Protected Root Zone by calculating the critical root radius (crr). First, measure the tree diameter in inches at breast height (DBH). Then multiply that number by 1.5 or 1.0. Express the result in feet.

Example:

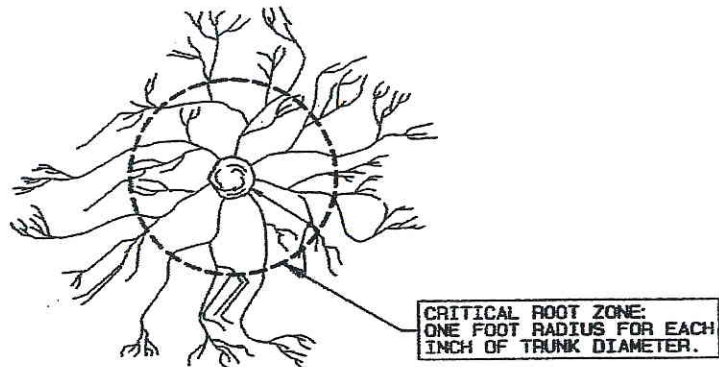
dbh = 8 inches  
 $8 \times 1.5 = 12$   
crr = 12 feet

Measure diameter (width) = dbh

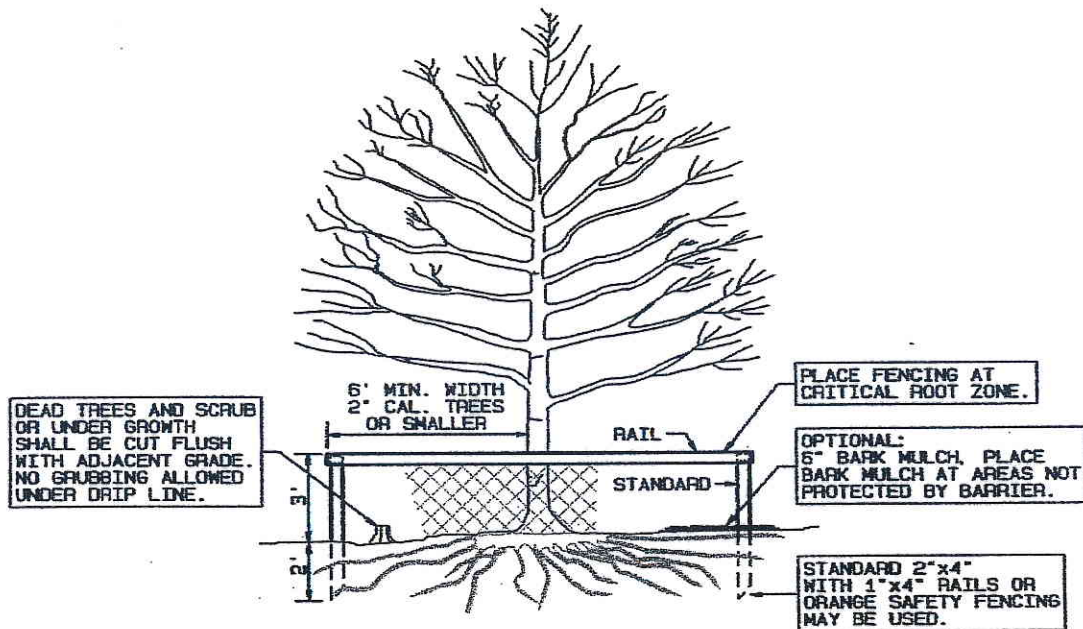


## APPENDIX 4

### Tree Protection Details:



PLAN VIEW OF CRITICAL ROOT ZONE



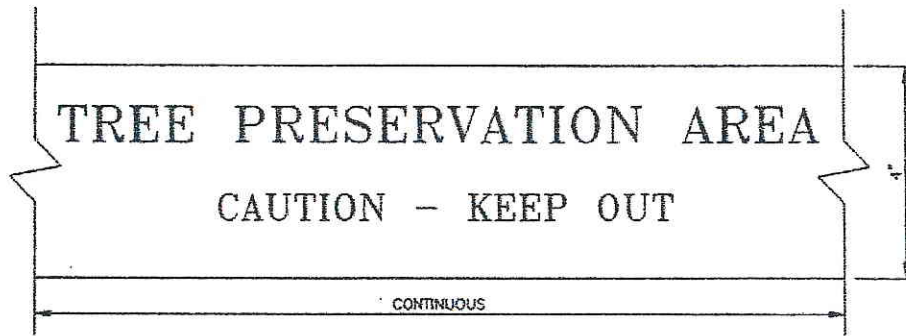
SECTION VIEW

#### NOTES:

1. SEE PLANS FOR LOCATION OF ALL TREE PROTECTION FENCES.
2. ALL TREE PROTECTION DEVICES MUST BE INSTALLED PRIOR TO LAND DISTURBANCE, INCLUDING THE CUTTING OF ANY TREES.
3. NO GRADING IS TO OCCUR IN THE TREE CONSERVATION AREAS OR TREE CRITICAL ROOT ZONES.
4. REMOVE ALL BARRIERS UPON COMPLETION OF PROJECT.

CITY OF STATESBORO

STANDARD TREE PROTECTION DETAIL



HEAVY MIL. PLASTIC, MINIMUM 4" WIDTH.  
DARK LETTERING ON BRIGHT BACKGROUND



○ PASSIVE TREE PROTECTION FLAGGING  
N.T.S.

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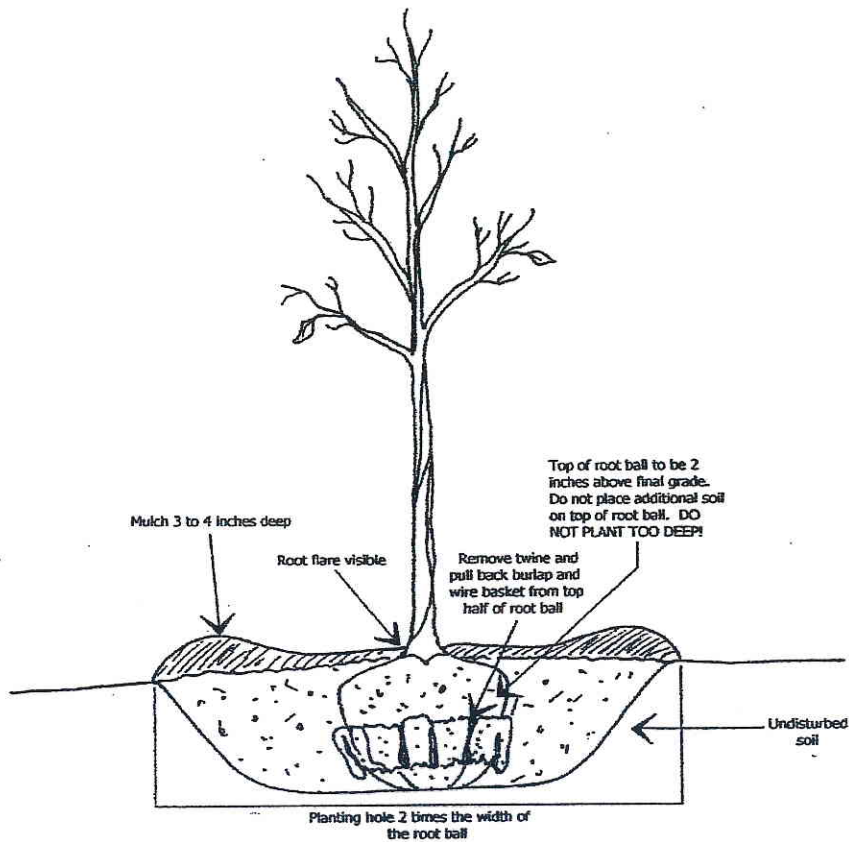
**CITY OF STATESBORO**

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***STANDARD TREE PROTECTION DETAIL***



## APPENDIX 5



### NOTES:

1. ALL TREES ARE TO BE NURSERY GROWN AND LOCALLY ADAPTED, BALL AND BURLAP (B&B) PREFERRED. MINIMUM TREE SIZE IS 2" CALIPER
2. REMOVE ALL TREATED OR PLASTIC-COATED BURLAP, STRAPPING, WIRE OR TWINE FROM ROOT BALL.
3. FOR CONTAINER GROWN TREES, CAREFULLY REMOVE THE PLANT FROM THE CONTAINER AND CUT ANY MATTED OR CIRCLING ROOTS.
4. WATER TREE AFTER PLANTING. FOR MULCH, USE PINE NEEDLES OR SEASONED MULCH AND USE NO MORE THAN 3 TO 4 INCHES DEEP.
5. TREE WRAP IS OPTIONAL.
6. STAKING IS OPTIONAL. RUBBER HOSE AND ROPE OR WIRE FOR STAKING IS NOT RECOMMENDED. 3/4" NYLON STRAP OR TREE BRACE STRAP IS PREFERRED. STAKING SHOULD BE REMOVED AFTER ONE GROWING SEASON.

## CITY OF STATESBORO

### STANDARD TREE PLANTING DETAIL

# APPENDIX 6

## CITY OF STATESBORO, GEORGIA TREE SPECIES LISTING

Large Canopy Trees for Overstory: (Count for 1500 sq. ft. of area for planting – minimum 2" caliber)

Large Trees >50' Suitable for areas with more than 400 square feet of total planting area; in a planting strip at least 16' x 25' or 20' x 20'									
Species Common Name	Deciduous (D) Evergreen (E)	Sun/ Shade	Growth Rate	Medians	Parking Lots or Similar 'Hardscapes'	Near Sidewalks	Under Utility Lines	Visibility Concern Areas **	Yards
Green Ash*	D	FS	F	YES	YES	YES	NO	YES	YES
Blackgum*	D	PS/FS	S	YES	NO	NO	NO	YES	YES
Bald Cypress*	D	FS/PS	F	YES	NO	NO	NO	YES	YES
Pond Cypress*	D	PS/FS	F	YES	NO	NO	NO	YES	YES
Pignut Hickory*	D	PS/FS	M	YES	YES	NO	NO	YES	NO
Water Hickory*	D	PS/FS	S	YES	YES	NO	NO	YES	NO
Southern Magnolia*	E	PS/FS	M	YES	NO	YES	NO	NO	YES
Red Maple**	D	PS/FS	F	YES	YES	YES	NO	YES	YES
Laurel Oak*	SE	PS/FS	F	YES	NO	NO	NO	NO	YES
Live Oak*	E	PS/FS	M	YES	YES	NO	NO	YES	YES
Nutall Oak*	D	FS	M	YES	YES	NO	NO	YES	YES
Shumard Oak*	D	FS	F	YES	YES	NO	NO	YES	YES
Southern Red Oak*	D	FS	M	YES	YES	YES	NO	YES	YES
Scarlet Oak*	D	FS	M	YES	YES	YES	NO	YES	YES
Swamp Chestnut Oak*	D	PS/FS	M	YES	YES	NO	NO	YES	YES
White Oak*	D	PS/FS	M	YES	YES	NO	NO	YES	YES
Willow Oak*	D	FS	F	YES	YES	YES	NO	YES	YES
Loblolly Pine*	E	FS	F	NO	NO	NO	NO	NO	YES
Longleaf Pine*	E	FS	F	NO	NO	NO	NO	NO	YES
Eastern Redcedar*	E	FS	F	YES	YES	NO	NO	NO	YES
Sycamore*	D	FS	F	YES	NO	NO	NO	YES	NO
Tulip Poplar*	D	FS	F	YES	YES	YES	NO	YES	YES
Zelkova	D	FS	M	YES	YES	YES	NO	YES	YES

Key:

* Native to South Georgia ** Tree placement and maintenance procedures should be respectful of sight distance	Sun/shade exposure:		Growth rate:		Type:		Problems	
	FS = Full sun		S = Slow (less than 1' per year)		D = Deciduous		A. Large fruit	
	PS = Part sun		M = Medium (1-2' per year)		E = Evergreen		B. Use of hybrids recommended	
	S = Shade		F = Fast (more than 2' per year)		SE = Semi Evergreen			



**Medium Canopy Trees:** (Count for 550 sq. ft. of area for planting – minimum 2” caliber)

**Medium Trees 30' - 50'** Suitable for spaces with 100 to 200 sq ft of total planting space; in a planting strip at least 4-7 feet wide; or place at least 4' from pavement or wall.

[illegible]

**Key:**

Key:		Growth rate:	Type:	Problems
* Native to South Georgia		S = Slow (less than 1' per year)	D = Deciduous	A. Large fruit
** Tree placement and maintenance procedures should be respectful of sight distance		M = Medium (1'-2' per year)	E = Evergreen	B. Use of hybrids recommended
		F = Fast (more than 2' per year)	SE = Semi Evergreen	

- 28 -

# Small Canopy Trees – Understory: (Count for 250 sq. ft. of area for planting – minimum 2” caliber)

Small Trees < 25' Useful under utility lines; areas with < 100 sq ft of total planting area; a planting strip with a width of at least 4'.

Species Common Name	Deciduous (D) Evergreen (E)	Sun/ Shade	Growth Rate	Medians	Parking Lots or Similar 'Hardscapes'	Near Sidewalks	Under Utility Lines	Visibility Concern Areas **	Yards
Chastetree	D	PS/FS	F	YES	YES	YES	YES	YES	YES
Okame Cherry	D	PS/FS	M	YES	YES	YES	YES	YES	YES
Crape Myrtle	D	FS	F/M	YES	YES	YES	YES	YES	YES
Flowering Dogwood*	D	PS	M	YES	YES	YES	YES	YES	YES
Kousa Dogwood	D	PS/FS	S	YES	YES	YES	YES	YES	YES
Fringetree	D	PS/FS	S	YES	YES	YES	YES	YES	YES
Yaupon Holly	E	PS/FS	M	YES	YES	YES	YES	YES	YES
Amur Maple	D	PS/FS	M	YES	YES	YES	YES	YES	YES
'Little Gem' Magnolia	E	PS/FS	M	YES	YES	YES	YES	YES	YES
Pindo Palm	E	PS/FS	S	YES	YES	YES	YES	YES	YES
Chinese Redbud	D	FS	F	YES	YES	YES	YES	YES	YES
'Oklahoma' Redbud	D	PS/FS	F	YES	YES	YES	YES	YES	YES
Snowbell*	D	PS/FS	M	YES	YES	YES	YES	YES	YES
Waxmyrtle*	E	PS/FS	F	YES	YES	YES	YES	YES	YES

Key:

* Native to South Georgia	Sun/shade exposure:	Growth rate:	Type:	Problems
** Tree placement and maintenance procedures should be respectful of sight distance	FS = Full sun	S = Slow (less than 1' per year)	D = Deciduous	A. Large fruit
	PS = Part sun	M = Medium (1-2' per year)	E = Evergreen	B. Use of hybrids recommended
	S = Shade	F = Fast (more than 2' per year)	SE = Semi Evergreen	



## APPENDIX 7

### CITY OF STATESBORO, GEORGIA – Unacceptable Species

The following species are unacceptable because they are poor or marginal performers.

Common Name	Scientific Name	Problem
Box Elder	<i>Acer negundo</i>	Aggressive shallow roots, weak wood
Bradford Pear	<i>Pyrus calleryana</i> 'Bradford'	Genetic flaw, splits apart, susceptible to breakage
Catalpa	<i>Catalpa bignonioides</i>	Weak wooded
Chinese Tallowtree	<i>Sapium sebiferum</i>	Aggressive shallow roots, susceptible to breakage
Female Ginkgo	<i>Ginkgo biloba</i>	Foul smelling fruit
Green ash	<i>Fraxinus pennsylvanica</i>	Anthraxnose, Aggressive shallow roots
Hackberry	<i>Cercis spp.</i>	Large diameter surface roots, susceptible to breakage
Mimosa	<i>Albizia julibrissin.</i>	Prone to disease, weedy tree, susceptible to breakage
Pecan	<i>Carya illinoensis</i>	Large diameter surface roots, diseased prone, susceptible to breakage
Princess tree	<i>Paulownia tomentosa</i>	Aggressive shallow roots, Weedy tree, messy, weak wooded
Russian olive	<i>Elaeagnus angustifolia</i>	Poor form, disease
Silver Maple	<i>Acer saccharinum</i>	Aggressive shallow roots, weak wood
Sweetgum	<i>Liquidambar styraciflua</i>	Aggressive surface roots, fruit a litter nuisance
Tree-of-heaven	<i>Ailanthus altissima</i>	Aggressive shallow roots, Weedy tree, seeds, weak wood
Water Oak	<i>Quercus nigra</i>	Large diameter surface roots, susceptible to breakage



## City of Statesboro

Engineering Department

### MEMORANDUM

To: Frank Parker, City Manager  
From: Robert Cheshire, P.E., City Engineer *RC*  
Re: Recommendation of Low Bidder for Constructing New Parking Lot  
Behind the City Utility Offices and GSU City Campus on E. Vine St.  
Date: November 7, 2011

Sealed bids for the above referenced project were received on November 1, 2011. Our estimate for this work was \$73,500.00. The bid results are as follows:

Preferred Site Construction	\$69,058.75
Jerry Rushing Construction	\$72,407.00
Ellis Wood Contracting	\$73,077.80
Sikes Brothers	\$74,505.00
Y-Delta	\$78,793.30
C&H Pavement	\$83,505.75

Having discovered an error in the engineer's estimated quantity of GAB (Graded Aggregate Base) required for this project, we adjusted the low bidder's costs for this line item accordingly, based on their unit price submitted. Thus the low bid has been recalculated to be \$78,634.75.

The low bidder, Preferred Site Construction (PSC), met the requirements of the bid package and submitted an acceptable bid bond. PSC is based in Metter, Georgia and is the sister company of Tyson Utilities Construction. Tyson Utilities has successfully completed numerous projects for the City of Statesboro and PSC just successfully completed improvements to Church Street.

PSC was the low bidder and has met all the construction bid submittal requirements. Their initial bid of \$69,058.75 was below our estimate, thus, we recommend awarding the contract for the "E. Vine St., City Parking Lot" to Preferred Site Construction for a sum of \$78,634.75 (based on the corrected quantities).

Cc: Darren Prather, Director of Purchasing  
Allen Muldrew, Executive Director DSDA





November 9, 2011

Wayne Johnson  
Director of Water/Wastewater Department  
City of Statesboro  
P.O. Box 348  
Statesboro, GA 30459

RE: GATEWAY II INDUSTRIAL PARK CANNADY TRACT WATER AND  
SEWER EXTENSION

Dear Mr. Johnson,

Maxwell-Reddick & Associates, Inc. has reviewed the bid proposals of the bidders, and has compiled the attached bid abstract. No major discrepancies were found in any of the bid proposals. The low bidder is Southeastern Civil, Inc.

However, Maxwell-Reddick & Associates, Inc. has reviewed the City's documentation (see attached) of disputes encountered while Southeastern Civil (SEC) performed the contracting duties on a previous project known as "Well No. 10 Water Main and US 301 Water Main Extension Project" (here after referred to as "previous project") in doing so, it is apparent that the City was displeased in the performance of Southeastern Civil, Inc. (SEC) on this previous project. Based upon this documentation, SEC was assessed liquidated damages on the previous project for failure to complete all of the punch list items for the project by the specified deadline. As such, Maxwell-Reddick recommends that the City use its right to reject any bid as listed in the Notice to Contractors and Invitation/Advertisement for Bids. In addition, Section 8 of the Instruction and Information for Bidders portion of the Contract Documents for the Gateway II Industrial Park Cannady Tract Water and Sewer Extension project clearly reserves the City's right to not award the contract to any bidder who has, on any previous contract, performed in a manner unsatisfactory to the Owner, either as to the character of the work, the fulfillment of guarantees or the time consumed in its completion. The documentation of the previous project clearly shows that SEC was unable to complete all of the work required for a complete project by the deadline specified, as well as being non responsive to directives submitted to SEC from City personnel.

Therefore, Maxwell-Reddick recommends that the contract for the Gateway II Industrial Park Cannady Tract Water and Sewer Extension be awarded to the second lowest bidder, Tucker Utilities, Inc. in the amount of Three Hundred Fifty Thousand, Nine Hundred Ninety-Seven Dollars and Fourteen Cents (\$350,997.14).

If you have any questions concerning this letter or the bid abstract, please feel free to give me a call at 489-7112.

Sincerely,

A handwritten signature in black ink that reads "Thomas C O'Barr". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Thomas C. O'Barr, P.E.

Attachments:

1. Bid Abstract
2. Documentation of the Well No. 10 Water Main and US 301 Water Main Extension Project
3. Notice to Contractors and Invitation/Advertisement for Bids, Specifications, Gateway II Industrial Park Cannady Tract Water and Sewer Extension
4. Instruction and Information for Bidders, Specifications, Gateway II Industrial Park Cannady Tract Water and Sewer Extension

Cc: Frank Parker, City Manager, City of Statesboro  
Darren Prather, Purchasing Director, City of Statesboro  
Van Collins, Assistant Director, Water/Wastewater Department, City of Statesboro  
Joey Maxwell, Principal, Maxwell-Reddick & Associates, Inc.



BID SCHEDULE  
GATEWAY II INDUSTRIAL PARK WATER AND SEWER  
CANNADY TRACT  
BULLOCH COUNTY, GEORGIA  
OCTOBER 24, 2011

			SHOCKLEY PLUMBING	
Description	Quantity	Unit	CALCULATED	
			UNIT COST	TOTAL COST
12" PVC Water Main, AWWA C-900, SDR 18	4845	LF	\$ 21.00	\$ 101,745.00
12" PVC Restrained Joint Water Main, AWWA C-900, SDR 18	805	LF	\$ 30.00	\$ 24,150.00
12" DI Restrained Joint Water Main (Carrier Pipe)	100	LF	\$ 62.00	\$ 6,200.00
Connect to Existing Water Main @ US Highway 301	1	EA	\$ 2,000.00	\$ 2,000.00
Connect to Existing Water Main Stub-out	1	EA	\$ 1,000.00	\$ 1,000.00
12" Gate Valve and Box	12	EA	\$ 2,000.00	\$ 24,000.00
Fire Hydrant Incl. Gate Valve, Tee, and Lead	10	EA	\$ 3,000.00	\$ 30,000.00
Fire Hydrant Riser Pipe - 12"	1	EA	\$ 500.00	\$ 500.00
Fire Hydrant Riser Pipe - 18"	1	EA	\$ 500.00	\$ 500.00
Fire Hydrant Riser Pipe - 24"	1	EA	\$ 500.00	\$ 500.00
Jack/Bore Incl. 24" steel casing w/ spacers	100	LF	\$ 220.00	\$ 22,000.00
Misc Water Main Fittings (Plugs, Tees, Bends, Etc.)	1,485	LBS	\$ 4.00	\$ 5,940.00
Access Road - 14' wide, 6" GAB with Tensar Geogrid TX140-475, Including stripping of vegetation, grading, and spreading/disposing excess material/vegetation				
12" DI Gravity Sewer, 6'-8'	3,250	SY	\$ 16.00	\$ 52,000.00
12" DI Gravity Sewer, 8'-10'	266	LF	\$ 68.00	\$ 18,088.00
12" DI Gravity Sewer, 10' - 12'	90	LF	\$ 70.00	\$ 6,300.00
12" DI Gravity Sewer, 12' - 20'	192	LF	\$ 76.00	\$ 14,592.00
12" PVC Gravity Sewer, SDR 26, 12' - 20'	92	LF	\$ 100.00	\$ 9,200.00
Standard Manhole, 4' Dia. - 10'-12'	60	LF	\$ 60.00	\$ 3,600.00
Standard Manhole, 4' Dia. - 18' - 20'	1	EA	\$ 2,000.00	\$ 2,000.00
Connect to Existing Sanitary Sewer Main Stub-out	1	EA	\$ 3,000.00	\$ 3,000.00
Misc Gravity Sewer Fittings (Plugs)	1	EA	\$ 600.00	\$ 600.00
Grassing - Ds1, Ds2, Ds3, Du	114	LBS	\$ 4.00	\$ 456.00
Silt Fence - Type A	15,000	SY	\$ 0.30	\$ 4,500.00
Silt Fence - Type C	4300	LF	\$ 1.00	\$ 4,300.00
Clearing and removal of trees and underbrush	2050	LF	\$ 3.00	\$ 6,150.00
Cut and repair existing asphalt pavement	1	LS	\$ 10,000.00	\$ 10,000.00
Remove Unsuitable Material, replace with crushed stone	100	LF	\$ 40.00	\$ 4,000.00
Remove Unsuitable Material, replace with approved off-site borrow	75	CY	\$ 40.00	\$ 3,000.00
Coordinate and install electrical service to elevated storage tank site	500	CY	\$ 5.00	\$ 2,500.00
Grading, spreading/disposal of excess excavated material, testing and disinfection of mains, mobilization, clean up, insurance, bonds, as-built drawings on disk and red lined plans, and other miscellaneous items not specifically listed but necessary for a complete job	1	LS	\$ 5,000.00	\$ 5,000.00
<b>GRAND TOTAL</b>			<b>\$ 372,821.00</b>	



BID SCHEDULE  
GATEWAY II INDUSTRIAL PARK WATER AND SEWER  
CANVADY TRACT  
BULLOCH COUNTY, GEORGIA  
OCTOBER 24, 2011

SOUTHEASTERN CIVIL			TUCKER UTILITIES			WOODARD CONSTRUCTION			Y-DELTA		
UNIT COST	CALCULATED		UNIT COST	CALCULATED		UNIT COST	CALCULATED		UNIT COST	CALCULATED	
	TOTAL COST			TOTAL COST			TOTAL COST			TOTAL COST	
\$ 18.25	\$ 88,421.25		\$ 20.66	\$ 100,097.70		\$ 22.00	\$ 106,590.00		\$ 19.94	\$ 96,609.30	
\$ 25.00	\$ 20,125.00		\$ 31.00	\$ 24,955.00		\$ 31.00	\$ 24,955.00		\$ 26.39	\$ 21,243.95	
\$ 55.00	\$ 5,500.00		\$ 83.00	\$ 8,300.00		\$ 65.00	\$ 6,500.00		\$ 47.32	\$ 4,732.00	
\$ 1,500.00	\$ 1,500.00		\$ 1,000.00	\$ 1,000.00		\$ 1,500.00	\$ 1,500.00		\$ 2,489.03	\$ 2,489.03	
\$ 400.00	\$ 400.00		\$ 600.00	\$ 600.00		\$ 500.00	\$ 500.00		\$ 589.21	\$ 589.21	
\$ 1,650.00	\$ 19,800.00		\$ 1,600.00	\$ 19,200.00		\$ 1,725.00	\$ 20,700.00		\$ 1,732.79	\$ 20,793.48	
\$ 2,500.00	\$ 25,000.00		\$ 2,650.00	\$ 26,500.00		\$ 2,800.00	\$ 28,000.00		\$ 3,016.42	\$ 30,164.20	
\$ 650.00	\$ 650.00		\$ 750.00	\$ 750.00		\$ 500.00	\$ 500.00		\$ 481.91	\$ 481.91	
\$ 700.00	\$ 700.00		\$ 750.00	\$ 750.00		\$ 525.00	\$ 525.00		\$ 501.92	\$ 501.92	
\$ 750.00	\$ 750.00		\$ 750.00	\$ 750.00		\$ 550.00	\$ 550.00		\$ 584.88	\$ 584.88	
\$ 160.00	\$ 16,000.00		\$ 222.97	\$ 22,297.00		\$ 145.00	\$ 14,500.00		\$ 240.32	\$ 24,032.00	
\$ 4.15	\$ 6,162.75		\$ 4.06	\$ 6,029.10		\$ 4.50	\$ 6,682.50		\$ 10.08	\$ 14,968.80	
\$ 13.50	\$ 43,875.00		\$ 15.00	\$ 48,750.00		\$ 12.00	\$ 39,000.00		\$ 19.13	\$ 62,172.50	
\$ 70.00	\$ 18,620.00		\$ 63.95	\$ 17,010.70		\$ 75.00	\$ 19,950.00		\$ 69.34	\$ 18,444.44	
\$ 75.00	\$ 6,750.00		\$ 63.95	\$ 5,755.50		\$ 80.00	\$ 7,200.00		\$ 69.34	\$ 6,240.60	
\$ 70.00	\$ 13,440.00		\$ 66.95	\$ 12,854.40		\$ 82.00	\$ 15,744.00		\$ 69.34	\$ 13,313.28	
\$ 85.00	\$ 7,820.00		\$ 74.25	\$ 6,831.00		\$ 110.00	\$ 10,120.00		\$ 74.34	\$ 6,839.28	
\$ 22.00	\$ 1,320.00		\$ 35.50	\$ 2,130.00		\$ 45.00	\$ 2,700.00		\$ 25.90	\$ 1,554.00	
\$ 2,550.00	\$ 2,550.00		\$ 1,650.00	\$ 1,650.00		\$ 2,500.00	\$ 2,500.00		\$ 2,371.10	\$ 2,371.10	
\$ 3,100.00	\$ 3,100.00		\$ 2,150.00	\$ 2,150.00		\$ 3,800.00	\$ 3,800.00		\$ 3,433.56	\$ 3,433.56	
\$ 650.00	\$ 650.00		\$ 500.00	\$ 500.00		\$ 3,500.00	\$ 3,500.00		\$ 1,000.00	\$ 1,000.00	
\$ 6.00	\$ 684.00		\$ 4.06	\$ 462.84		\$ 5.00	\$ 570.00		\$ 13.92	\$ 1,586.88	
\$ 0.36	\$ 5,400.00		\$ 0.25	\$ 3,750.00		\$ 0.35	\$ 5,250.00		\$ 0.25	\$ 3,750.00	
\$ 0.75	\$ 3,225.00		\$ 1.80	\$ 7,740.00		\$ 1.00	\$ 4,300.00		\$ 1.77	\$ 7,611.00	
\$ 1.50	\$ 3,075.00		\$ 2.65	\$ 5,432.50		\$ 2.00	\$ 4,100.00		\$ 2.35	\$ 4,817.50	
\$ 500.00	\$ 500.00		\$ 1,000.00	\$ 1,000.00		\$ 2,500.00	\$ 2,500.00		\$ 5,000.00	\$ 5,000.00	
\$ 26.50	\$ 2,650.00		\$ 10.00	\$ 1,000.00		\$ 38.00	\$ 3,800.00		\$ 50.00	\$ 5,000.00	
\$ 53.00	\$ 3,975.00		\$ 40.00	\$ 3,000.00		\$ 45.00	\$ 3,375.00		\$ 75.00	\$ 5,625.00	
\$ 13.00	\$ 6,500.00		\$ 14.00	\$ 7,000.00		\$ 11.00	\$ 5,500.00		\$ 25.00	\$ 12,500.00	
\$ 4,926.40	\$ 4,926.40		\$ 4,926.40	\$ 4,926.40		\$ 5,200.00	\$ 5,200.00		\$ 5,798.38	\$ 5,798.38	
\$ 8,000.00	\$ 8,000.00		\$ 7,825.00	\$ 7,825.00		\$ 12,000.00	\$ 12,000.00		\$ 9,673.30	\$ 9,673.30	
\$ 322,069.40	\$ 322,069.40		\$ 350,997.14	\$ 350,997.14		\$ 362,611.50	\$ 362,611.50		\$ 393,921.50	\$ 393,921.50	





*City of Statesboro*  
**Office of the Staff Attorney**

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P.O. Box 348  
Statesboro, Georgia 30459

912.764.0643  
912.489.6140(Fax)

November 9, 2010

Jeff Wolfe  
Southeast Civil, Inc.  
9100 White Bluff Road  
Suite 205  
Savannah, Georgia 31406

RE: Well No. 10 Water Main and US 301 Water Main Extension Project (Statesboro)

Dear Mr. Wolfe,

I am writing you concerning deficiencies relating to the above-stated project. It has come to my attention that several items have not been completed in accordance with your contract with the City of Statesboro. In particular, the following items remain unfinished:

- 1) Installation of a riser for the hydrant located at the well site;
- 2) Raise valve at 301 and Gold Kist Road;
- 3) Extension and repair of pavement at the Newell Recycling Center;
- 4) Correct the ditch area and clean up the concrete section at Farmer's Automatic;
- 5) Grass seed area surrounding the Well 9 site; and
- 6) Repair irrigation line and sod at Audio Outlet.

Pursuant to the contractual agreement, the City of Statesboro is entitled to liquidated damages of \$500.00 per day for any delay in the completion of this project. If the above-stated issues are not resolved by November 19, 2010 by 17:00 hours, the City will begin enforcing the liquidated damages provision of the agreement. We ask that you please correct these items as soon as possible to avoid the imposition of penalties. If you have any further questions or concerns, please feel free to call me at (912) 764-0643.

Sincerely,

Michael L. Graves, Jr., Esq.  
Staff Attorney  
City of Statesboro

cc: Frank Parker, City Manager  
Wayne Johnson, Director of W/WW



*City of Statesboro*  
*Office of the Staff Attorney*

---

P.O. Box 348  
Statesboro, Georgia 30459

912.764.0643  
912.489.6140(Fax)

November 29, 2010

Jeff Wolfe  
Southeast Civil, Inc.  
9100 White Bluff Road  
Suite 205  
Savannah, Georgia 31406

RE: Well No. 10 Water Main and US 301 Water Main Extension Project (Statesboro)

Dear Mr. Wolfe,

On November 9, 2010, I sent correspondence to you in regard to failure by Southeast Civil to complete the construction of the above-referenced project. As of this date, the paving at Newell Recycling Center has not been completed. Pursuant to Southeast Civil's contractual agreement with the City of Statesboro, the City will begin exercising its right to liquidated damages of \$500.00 per day for any delay beginning on Monday, November 29, 2010 and will continue until this project is completed pursuant to the terms of the agreement.

The total amount of liquidated damages will be applied against the total due on the contract. In the event that the liquidated damages assessed against you exceed the total sum owed per the contract, you will be billed for any amounts owed. We ask that you please complete the paving at the Newell Recycling Center site as soon as possible to avoid the imposition of additional penalties. If you have any further questions or concerns, please feel free to call me at (912) 764-0643.

Sincerely,

Michael L. Graves, Jr., Esq.  
Staff Attorney  
City of Statesboro

cc: Frank Parker, City Manager  
Wayne Johnson, Director of W/WW





*City of Statesboro*  
*Water, Sewer Department*

---

P.O. Box 348  
Statesboro, Georgia 30459

912.764.0693  
912.764.0928 (Fax)

December 7, 2010

To: Wayne Johnson, Water Wastewater Director  
Van Collins, Water Wastewater Assistant Director ✓  
From: Danny Lively, Water Sewer Superintendent  
Subject: 301 South Water Main Extension

Below are the deficiencies that Southeastern Civil, Incorporated, had on the above referenced project.

1. Keith and Danny worked with Southeastern Civil, Inc. while they made two (2) bores under the railroad. This was done Saturday and Sunday.
2. On several occasions during project Keith, Van and Danny had to remind Southeastern Civil, Inc. about installing marking tape.
3. During the week of 4-5-10 to 4-9-10, he left this job to finish up another project and did not return until 6-21-10.
4. On 7-8-10, Keith and Danny stopped Southeastern Civil, Inc. from installing the water main on 301 South and made him start repairing area from A to Z Truck Stop to Farmer's Automatic.

After dressing up along ditch line on 301 South, Keith had a problem with Southeastern Civil, Inc. delaying installing erosion control (hay bales). Southeastern Civil, Inc. kept delaying this for 3 or 4 days.

5. While installing water main in front of Farmer's Automatic, I informed Southeastern Civil, Inc. that the parking pad in front of this business would not support his excavator; however, he used it anyway and had to replace the complete parking pad. The City did not pay for this repair.
6. Southeastern Civil, Inc. completed water main installation for this project during the week of 7-23-10 and as of 12-6-10, has not completed all of the punch list items.

7. During the week of 8-16-10 and 8-20-10, there was a 3-inch rain event with a significant amount of erosion. Southeastern Civil, Inc. was notified of this and did not address any of the erosion problems until the week of 8-30-10/9-3-10.
8. During the week of 9-6-10/9-10-10, Southeastern Civil, Inc. repaired the cut parallel to Newel's Recycling Center. On 9-13-10, Van and Danny met with Levy Lowery from Newel's about the cut and how terrible and incomplete it was. There was also some concrete left on site.
9. Southeastern Civil, Inc. was given the punch list for this project on 9-23-10 and as of 12-6-10 it is not complete.



**Michael L. Graves, Jr.**

---

**From:** Danny Lively [dlively@statesboroga.net]  
**Sent:** Monday, December 13, 2010 11:08 AM  
**To:** 'Michael Graves'  
**Cc:** Wayne Johnson (Wayne Johnson); Van Collins (Van Collins)  
**Subject:** Southeastern Civil Inc.

Michael,

Southeastern Civil Inc. (Jeff Wolf owner) has completed the 301 South water main extension project as of 3:00 pm  
December 10, 2010.

I have received all paper work, warranty, and as built drawings pertaining to this project.

*Danny Lively, Water Sewer Operations Superintendent  
City of Statesboro  
P. O. Box 348  
Statesboro, GA 30459  
912-764-0693 (Office)  
912-764-0928 (Fax)*

1. Hydrant at well site needs riser – 1 foot  
Not completed
2. Raise valve at 301 and Gold Kist Road, Straighten valve box at same location  
Valve has not been raised, valves boxes have been corrected
3. A to Z Truck Stop  
1<sup>st</sup> drive – Rerock drive and dress up both sides of same drive  
Corrected
4. Rental Store  
Dress up shoulders of driveways, Patch drive  
Corrected
5. Deloach Truck Repair  
Remove leftover asphalt in drive and rock driveway  
Corrected
6. Newell Recycling  
Sweep lot, Tear out and repave parking lot – Extend 5' more to north, Dress up end of parking lot (North end), Sign against fence put back up  
Extend pavement approx. 5' to the north, repair parking lot
7. Sykes Property  
Patch driveway  
Completed
8. Delta Transport  
Rock in driveway  
Completed
9. Gateway Storage  
Rock in driveway and clean up hay bales  
Completed
10. Farmers Automatic  
Patch driveway, Clean up concrete pile, Remove hay bales, Kill service once line is disinfected  
Complete , need to dress up area in dlitch and clean up concrete
11. Well 9 Site  
Dress Up – Raise valve box, Remove power pole, Drainage swell put back, Clean up (tree, roots)  
Complete, grass seed area
12. Repair irrigation line and sod at Audio Outlet  
Has not done anything here





*City of Statesboro*  
**Office of the Staff Attorney**

P.O. Box 348  
Statesboro, Georgia 30459

912.764.0643  
912.489.6140(Fax)

December 29, 2010

Jeff Wolfe  
Southeast Civil, Inc.  
9100 White Bluff Road  
Suite 205  
Savannah, Georgia 31406

RE: Well No. 10 Water Main and US 301 Water Main Extension Project (Statesboro)

Dear Mr. Wolfe,

As you have previously been notified, the City of Statesboro elected to enforce the liquidated damages provision of its agreement with Southeast Civil. In accordance with the agreement, the City has a right to liquidated damages of \$500.00 per day for any delay beyond the completion date of the agreement. In order to provide leniency to you in regard to the enforcement of liquidated damages, the City elected to begin enforcing liquidated damages starting on Monday, November 29, 2010. The total amount of liquidated damages calculated for the ten days subsequent to November 29, 2010 totaled \$5,000.00.

After being notified that liquidated damages would be enforced, you petitioned the City of Statesboro for a waiver of liquidated damages. After considering your request, the City of Statesboro has determined that it will grant a partial waiver of liquidated damages and that the final reduction for liquidated damages will be \$1,000.00. No further waiver will be granted. I am hopeful that the partial waiver will provide you with some financial relief. If you have any further questions or concerns, please feel free to call me at (912) 764-0643.

Sincerely,

Michael L. Graves, Jr., Esq.  
Staff Attorney  
City of Statesboro

cc: Frank Parker, City Manager  
✓Wayne Johnson, Director of W/WW

Southeastern  
Civil, Inc.

Southeastern Civil, Inc.  
130 Houston Street  
Statesboro, GA 30459  
Phone: 912/321-0700  
Fax: 912/321-0701

City of Statesboro  
P.O. Box 348  
Statesboro, GA 30459

January 25, 2011

RE: Well No. 10 Watermain and US 301 Watermain Extension Project

Mr. Graves,

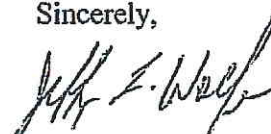
On January 21, 2011 Southeastern Civil, Inc. received final payment on the above referenced project minus \$1,000.00 that was withheld according to your letter dated December 29, 2010. We have enjoyed working with the City of Statesboro on this project and greatly appreciate all efforts put forth by City personnel on our behalf.

I apologize for not responding to any of the three letters you sent to our office regarding potential liquidated damages until now. After I received each letter I made sure to verbally contact the City inspector for the project to let him know the issues at hand were being handled. Although it took me longer that I wanted to complete the punch list, I would like to state for the record that the actual watermain was installed, pressure tested, chlorinated and put in service by The City of Statesboro at least two months before the contract completion date. I assume full responsibility for the punch list taking too long to complete, but according to the consulting engineer on this project, Hussey, Gay, Bell & DeYoung, Inc., liquidated damages should only be enforced when the owner has suffered monetary damages themselves.

I would also like for it to be known that Southeastern Civil, Inc. saved the City of Statesboro approximately \$21,000.00 by notifying them of a potential quantity overrun in 12" restrained joint watermain prior to installation. If we had installed all 12" restrained joint watermain according to the contract documents that particular line item would have exceeded its predetermined quantity by more than one thousand feet. At \$21.00 per foot according to the unit price contract that was in place the overrun would have been substantial.

I am not writing this letter in hopes of collecting the \$1,000.00 withheld from our final payment. I just wanted both sides of the story on file to protect our position as it pertains to bidding and being awarded future work with the City of Statesboro.

Sincerely,



Jeffrey L. Wolfe





*City of Statesboro*  
**Office of the Staff Attorney**

P.O. Box 348  
Statesboro, Georgia 30459

912.764.0643  
912.489.6140(Fax)

January 28, 2011

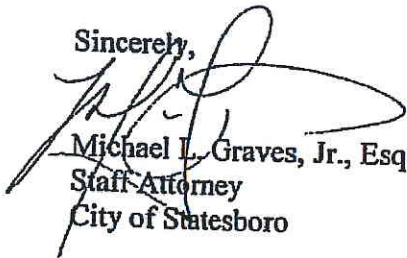
Jeff Wolfe  
Southeast Civil, Inc.  
9100 White Bluff Road  
Suite 205  
Savannah, Georgia 31406

RE: Well No. 10 Water Main and US 301 Water Main Extension Project (Statesboro)

Dear Mr. Wolfe,

I wanted to personally thank you for your work with the City of Statesboro and your efforts to save the City money in regard to the installation of the water main. Unfortunately, the City is unwilling to reduce the enforcement of liquidated damages further, as the amount was reduced significantly prior to the enforcement of the \$1,000.00 reduction. Understand that unless the City begins to enforce the damages provisions of its contracts in regard to construction deadlines, there will be no recourse against a construction firm in the event that a deadline is not met. Deadlines for water/sewer projects are taken seriously by our Water and Sewer Department, as water service is vital to our community and the construction of enhanced capabilities is essential to the City's growth. I apologize that we are not able to meet your request. If you have any further questions or concerns, please feel free to call me at (912) 764-0643.

Sincerely,

  
Michael L. Graves, Jr., Esq.  
Staff Attorney  
City of Statesboro

cc: ✓ Frank Parker, City Manager  
Wayne Johnson, Director of W/WW

City of Statesboro  
P.O. Box 348  
Statesboro, Georgia 30459

February 4, 2011

RE: Well No. 10 Water Main and US 301 Water Main Extension Project (Statesboro)

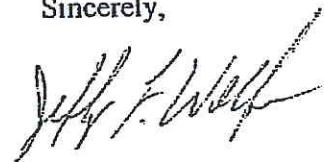
Mr. Graves,

I appreciate the gratitude expressed in your recent letter sent to my office dated January 28, 2011, however I felt a reply was necessary. I am not certain that you understood the intent of my last correspondence concerning the liquidated damages imposed by the City of Statesboro on the above referenced project. My intent was not to collect the \$1,000.00 or even have it reduced. The point I was attempting to make is that no damages whatsoever should have been imposed in the first place due to the fact that the City was able to utilize the services of a water system installed by Southeastern Civil, Inc. for two months before our contract time ever expired. I assure you that I take deadlines seriously myself which is why this water system was installed and in operation at least sixty days prior to the completion date. That fact coupled with the money that we were able to save the City on this project, which can be used for future growth, should have certainly earned my company some leniency concerning the completion of the punch list.

As a taxpayer in the City of Statesboro I would like to respectfully request that the Water and Wastewater Department acknowledge that the \$1,000.00 fine imposed on my company was not necessary and that no future attempts will be made to prevent Southeastern Civil, Inc. from bidding or being awarded future projects let by The City of Statesboro. I would also like to donate the \$1,000.00 to the City for future expansion projects.

Again, thank you for your gratitude and please feel free to call me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey L. Wolfe", with a stylized flourish at the end.

Jeffrey L. Wolfe  
912.313.9705



NOTICE TO CONTRACTORS AND  
INVITATION/ADVERTISEMENT FOR BIDS

Sealed bids will be received for Gateway II Industrial Park Cannady Tract, Water and Sewer Extension in the office of Darren Prather, Purchasing Director, City Hall, 50 East Main Street, Statesboro, Georgia, until 2:00 PM (Local Time), November 1, 2011 at which time the bids will be publicly opened.

The work under this Contract will consist generally of the following:

Installation of about 700 LF of 12-inch gravity sewer, construct 2 manholes, 5,700 LF of 12-inch water mains, clearing, soil & erosion control and other miscellaneous construction items.

The Plans and Specifications are available for inspection at the office of Maxwell-Reddick and Associates, Inc., 1203 Brampton Avenue, Statesboro, Georgia.

One (1) set of Plans, Specifications and other Contract Documents may be obtained by application, accompanied by a check or money order in the amount of \$200.00 payable to Maxwell-Reddick and Associates, Inc., 1203 Brampton Avenue, Statesboro, Georgia, 30458. No refund will be made for returned documents.

All questions concerning the plans, Specifications and other Contract Documents should be directed to Maxwell-Reddick and Associates, Inc., 1203 Brampton Avenue, Statesboro, Georgia, 30458, telephone (912) 489-7112.

A **mandatory** Pre-Bid Conference is scheduled for **2:00 P.M. on October 13, 2011** at Council Chambers, 2<sup>nd</sup> floor, City Hall, Statesboro.

Bids must be accompanied by a certified check or Bid Bond in the amount of five percent of the amount bid. The successful bidder must be able to provide a Payment Bond and Performance Bond within ten days of Notice of Award. These bonds must be in the amount of 100 percent of the contract amount. *A statement from the bidder's bonding company shall accompany the bid bond stating that the bidder can submit a Payment and Performance Bond, in accordance with the contract documents, within ten days of award of contract.* In accordance with State of Georgia Code Section 43-14-8.2(h) the low bidder must furnish proof that they have a Utility Contractor's License before a contract will be executed.

The City of Statesboro reserves the right to reject any or all bids and to waive technicalities and informalities.

CITY OF STATESBORO, GEORGIA  
POST OFFICE BOX 348  
50 E. Main Street  
STATESBORO, GEORGIA 30458

## INSTRUCTION AND INFORMATION FOR BIDDERS

1. BASIS OF CONTRACT:

See Invitation/Advertisement for Bids and Proposal Form.

2. BID SECURITY:

See Invitation/Advertisement for Bids and Proposal Form.

3. INTERPRETATIONS:

No oral interpretation will be made to bidders as to the meaning of the Drawings and Specifications. Requests for interpretation of Drawings and Specifications must be made in writing to the Engineer not later than seven (7) days prior to the date set for receipt of proposals, and failure on the part of the successful bidder to do so shall not relieve him as Contractor of the obligation to execute such work in accordance with a later interpretation by the Engineer. All interpretations made to bidders will be issued in the form of addenda to the Drawings and specifications and will be sent to all bidders. Such addenda are to be covered in the proposal, and in closing the Contract they will become a part thereof. No Addenda shall be issued within 72 hours of Opening except to cancel or postpone Bid.

4. BIDDERS TO INVESTIGATE:

Bidders are required to submit their proposals upon the following express conditions, which shall apply to and become part of every bid received:

Each Bidder must satisfy himself and form his own opinion by personal examination of the location and ground of the proposed work, and by such other means as he may desire, as to the actual conditions and requirements of the work, including the materials to be excavated; must make his own interpretations and satisfy himself by his own investigations and research regarding labor and materials needed, and shall make his bid in sole reliance thereon. Any information or data furnished by the Owner or its employees for the convenience of any bidder is not guaranteed.

5. PROPOSALS:

Proposals will be opened and read as stated in the Invitation/Advertisement for Bids.

All bids must be submitted on the Bid Proposal Form furnished to the Bidder as a part of these documents and must be signed. All blanks on the proposal form must be filled in. Numbers shall be written in English words and in Arabic Numerals, and the completed form shall be without interlineations, alteration, or erasure. Written words govern. Failure to submit a proposal in the form requested or the inclusion of any condition, alternate, limitation or provision not called for will render the bid irregular and shall be considered sufficient cause for rejection of a bid. Failure to complete entries in all blanks in the proposal form shall be considered sufficient cause for rejection of a proposal.



All addenda issued shall be acknowledged in the place so designated. All alternates, if any, shall be bid on; the term "no bid" shall not be used. In the event that the Bidder does not desire to make a change in price from his Base Bid for any given alternate, he shall so indicate by using the words "no change." Proposals shall close with legal name of Bidder and be executed by one legally authorized to bind the bidding firm to a contract.

Bid Security, made payable to the Owner, shall be in the amount of five percent (5%) of the Base Bid. Security shall be a Bid Bond issued by a surety licensed to conduct business in state where project is located, and shall have attached Power of Attorney certifying bond signee. A proposal can be withdrawn after it is filed in accordance with 36-91-52 OCGA. If any bidder refuses to enter into a contract, the Owner will retain his Bid Security as liquidated damages but not as a penalty.

Submittal: The Proposal, in duplicate, and a single copy of the Bid Security together with the Power of Attorney shall be contained in a sealed envelope bearing the Bidder's name clearly addressed to the Owner as indicated on the Proposal Form. Furthermore, the Bidder shall include his Underground Utility Contractor's License number on the outside of the sealed envelope. In addition, in large letters on both the front and back of the envelope, the following shall appear: **"PROPOSAL FOR CONSTRUCTION DO NOT OPEN UNTIL 2:00 O'CLOCK P.M., NOVEMBER 1, 2011"**. After that time, no proposals will be received or withdrawn.

6. FORM OF AGREEMENT:

Form of Agreement will be on the enclosed Form in the Bid Documents.

7. AWARD:

The Owner's intent is to make an award within funds available to the lowest responsible bidder furnishing satisfactory performance surety.

The Owner reserves the right to reject any or all bids and to waive technicalities and informalities.

8. CONTRACTOR TO BE SATISFACTORY TO OWNER:

The Contract will not be awarded to any bidder or bidders who have failed in any contractual obligations to the Owner, or who has on any previous contract performed in a manner unsatisfactory to the Owner, either as to the character of the work, the fulfillment of guarantees or the time consumed in its completion.

The three low bidders shall, upon written request and prior to the letting of a contract, furnish the Owner with the following information relative to his own business and that of each of the subcontractors named in his Bid Proposal.

(a) A statement of his experience, including a list of projects for which he or his firm was a responsible contractor or subcontractor; such lists shall indicate the name or identification and location of each project, the year it was completed, a brief description and the approximate dollar value of the work for which he was responsible.

(b) A statement of experience of each subcontractor named in his Bid Proposal; each

statement shall include a list of projects for which the named subcontractor was a responsible contractor or subcontractor; such lists shall include the name or identification and location of each project, the year it was completed, a brief description and the approximate dollar value of the work for which the named subcontractor was responsible.

(c) The amount of capital and equipment the Bidder has available for the work of the project.

(d) The amount of capital and equipment each of the named subcontractors has available for the work of the project.

(e) A statement showing the financial assets and liabilities of the Bidder, certified to by a Certified Public Accountant.

(f) A statement from each of the named subcontractors showing his assets and liabilities, certified by a Certified Public Accountant.

9. LIQUIDATED DAMAGES:

Liquidated damages as set forth in the Bid Proposal will be assessed for each consecutive calendar day of delay in the completion of the work not excusable as provided in the Bid Proposal.

10. SURETY AND INSURANCE COMPANIES:

The Contract provides that the surety and insurance companies must be acceptable to the Owner. To avoid inconvenience, any bidder or subcontractor should confer with the Owner to determine whether the surety or insurance companies expected to be used on the work are acceptable to the Owner.

11. PARTIAL SETS-DRAWINGS AND SPECIFICATIONS:

Plan holders may obtain partial sets of Drawings and Specifications upon payment of a charge of \$2.00 per Drawing and \$0.25 per Specification sheet to cover the costs of reproduction and handling. All requests for individual Drawings or Specifications shall be made in writing and the request shall clearly indicate the specific Drawings and pages or sections of the Specifications desired. No refund will be made for partial sets.

12. NPDES MONITORING, SAMPLING, AND REPORTING:

The Contractor must sign the Notice of Intent (NOI) as the Operator and the Primary Permittee for the site. The Owner will provide the NPDES Monitoring, Sampling, and Reporting.

END OF SECTION