



January 19, 2021 5:30 pm

1. Call to Order by Mayor Jonathan McCollar
2. Invocation and Pledge of Allegiance by Councilmember Shari Barr
3. Public Comments (Agenda Item):
4. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 01-05-2021 Council Minutes
 - b) 01-05-2021 Executive Session Minutes
5. Second Reading and Consideration of a motion to approve **Ordinance 2020-16**: An Ordinance amending the Statesboro Code of Ordinances Chapter 18, Article XI establishing licensing and operational requirements for mobile food service units.
6. Consideration of a motion to approve **Resolution 2021-04**: A Resolution approving application of a Community Home Investment Program (CHIP) Grant to the Georgia Department of Community Affairs and commitment of matching funds.
7. Other Business from City Council
8. City Managers Comments
9. Public Comments (General)
10. Consideration of a Motion to enter into Executive Session to discuss "Personnel Matters" in accordance with O.C.G.A 50-14-3(b)
11. Consideration of a Motion to Adjourn



CITY OF STATESBORO
COUNCIL MINUTES
JANUARY 5, 2021

Regular Meeting

50 E. Main St. City Hall Council Chambers

9:00 AM

Call to Order

Mayor Pro Tem Paulette Chavers called the meeting to order

Invocation and Pledge

Councilmember John Riggs gave the Invocation and led the Pledge of Allegiance.

ATTENDENCE

Attendee Name	Title	Status	Arrived
Jonathan McCollar	Mayor	Present Via Zoom	
Phil Boyum	Councilmember	Present	
Paulette Chavers	Mayor Pro Tem	Present	
Venus Mack	Councilmember	Present	
John Riggs	Councilmember	Present	
Shari Barr	Councilmember	Present	

Other staff present: City Manager Charles Penny, Assistant City Manager Jason Boyles, Public Information Officer Layne Phillips, City Attorney Cain Smith and City Clerk Leah Harden

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

- a) 12-15-2020 Work Session Minutes
- b) 12-15-2020 Council Minutes
- c) 12-15-2020 Executive Session Minutes

B) Consideration of a Motion to Approve Resolution 2021-01: A Resolution to Fix and Publish Qualifying fees for the City of Statesboro November 2, 2021 General Election.

A motion was made to approve the consent agenda.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Shari Barr
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

Public Hearing & Consideration of a Motion to approve application for an alcohol license Sec. 6-5:

**A. Vandy's
22 W Vine St
Statesboro, Ga 30458
Owner: Darin Van Tassel**

**B. Kade LLC, DBA G8 Stop 2
421 Northside Dr E
Statesboro, Ga 30458
Owner: Kosha & David RichardsonWorks Commission.**

A Motion was made to open the Public Hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

No one spoke for or against the request.

A Motion was made to close the Public Hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

A Motion was made to approve alcohol applications for Vandy's located at 22 West Vine Street and G8 Stop 2 located at 421 Northside Drive East.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

Public Hearing and Consideration to approve First reading of Ordinance 2020-16: an Ordinance amending the Statesboro Code of Ordinances Chapter 18, Article XI establishing licensing and operational requirements for mobile food service units.

A Motion was made to open the Public Hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Shari Barr
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

City Attorney Cain Smith stated this ordinance includes revisions from the last meeting, to include the addition of Sec. 18-309 (11): application for location approval is not required for a licensed mobile food service unit not conducting point of sale transactions when hired by a resident, essentially a private party. And Sec. 18-309 (11)(d): allowing mobile food trucks to conduct business in commercial zoning districts and spells out an administrative variance process within prohibited zoning districts pursuant to Sec. 18-316.

No one for spoke for or against the request.

A Motion was made to close the Public Hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

A motion was made to Approve First Reading of Ordinance 2020-16 amending the Statesboro Code of Ordinances Chapter 18, Article XI establishing licensing and operational requirements for mobile food service units.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Venus Mack
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

Public Hearing and Consideration of a motion to approve Resolution 2021-02: A Resolution to adopt an Urban Redevelopment Plan and Area for the City of Statesboro.

A Motion was made to open the Public Hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Shari Barr
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

City Manager Charles Penny explained this plan is an important piece for the City to receive grants for the revitalization of neighborhoods in our community. Public meetings are held to inform citizens about the plan and to get their input. A public meeting was held yesterday evening in the Council Chambers another public meeting will be held on Thursday at Luetta Moore Park. In addition to the revitalization, the improvements to Grady Street Park and Luetta Moore Park are included in this plan.

No one spoke for or against the request.

A Motion was made to close the Public Hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

Councilmember Phil Boyum asked if we need to wait to approve this plan until all public meetings have been held.

City Attorney Cain Smith stated the number of required public hearings are satisfied as of this meeting.

A Motion was made to Approve Resolution 2021-02 to adopt an Urban Redevelopment Plan Area for the City of Statesboro.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Venus Mack
SECONDER:	Councilmember Phil Boyum
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

Public Hearing and Consideration of a motion to approve Resolution 2021-03: A Resolution to appoint elected officials to Urban Redevelopment Agency to transact business relating to urban revitalization efforts pursuant to Georgia redevelopment Powers Law and in accordance with the adopted Urban Redevelopment Plan.

A motion was made to open the Public Hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

No one spoke for or against the request.

A motion was made to close the Public Hearing.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

A motion was made to approve Resolution 2021-03 to appoint elected officials to Urban Redevelopment Agency to transact business relating to urban revitalization efforts pursuant to Georgia Redevelopment Powers Law and in accordance with the adopted Urban Redevelopment Plan.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Phil Boyum
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

Consideration of a motion to award a contract to Solid Waste Applied Technology (SWAT) for the purchase of a Pac-Mac yard waste collection body with Freightliner cab and chassis per Sourcewell (formally NJPA) contract in the amount of \$165,112.00.

A motion was made to award a contract to Solid Waste Applied Technology (SWAT) for the purchase of a Pac-Mac yard waste collection body with Freightliner cab and chassis in the amount of \$165,112.00.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

Consideration of a motion to award a contract to Allstate Peterbilt for the purchase of a Peterbilt cab and chassis with Galbreath rolloff body per Sourcewell (formally NJPA) contract in the amount of \$188,766.00. This item will be funded from 2013 SPLOST for solid waste handling equipment.

A motion was made to award a contract to Allstate Peterbilt for the purchase of a Peterbilt cab and chassis with Galbreath rolloff body in the amount of \$188,766.00.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Shari Barr
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

Other Business from City Council:

Councilmember Venus Mack urges everyone to get out and vote today.

Councilmember Shari Barr announced that if your normal place to vote is the Fair Grounds you will need to go to Pittman Park instead. The Fair Grounds had to be closed so they are not voting out there today.

Councilmember Phil Boyum stated we spent a better part of 2020 counting deaths and infection rates over the course of the year, the growing number gives a sense of dread. Now that the vaccines are coming out, for 2021 he stated he would like counts of the amount of persons being vaccinated in the city and the county. It would be nice to have a rolling count of a positive growing number.

City Managers Comments

City Manager Charles Penny updated Mayor and City Council of the money used from the Utility, Mortgage/Rental and Small Business relief funds.

City Manager Charles Penny state in reference to COVID vaccinations, we are working with Bulloch County and DPH to ramp up vaccinations in our community. There are vaccinations available in Bulloch County. Individuals such as medical personal, providers of health services, and nursing homes categorized as “1A” receive the vaccinations first. Governor Kemp last week moved “1B” individuals into the “1A” category, which includes our police officers and firefighters. At this point, it’s still slow progress but hopefully in the next two to three weeks we will see more vaccines available in our community

Public Comments (General): None

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

At 9:32 am, a motion was made to enter into Executive Session.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

At 10:16 am, a motion was made to exit Executive Session.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Venus Mack
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

Mayor Pro Tem Paulette Chavers called the regular meeting back to order with no action taken in Executive Session.

Mayor Pro Tem Paulette Chavers stated the threshold of coronavirus cases we have here in Statesboro is 23.9%. We are supposed to be less than 5%. If you are out in the public please remember the mandate from the state, wear your mask and remember social distancing.

Councilmember Shari Barr encourages everyone to avoid crowds and wear a mask, do all you can to protect yourself, your family, and everybody else. Squash the Spread has information available on their Facebook page and web page.

Consideration of a Motion to Adjourn

A motion was made to adjourn.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Shari Barr
SECONDER:	Councilmember Venus Mack
AYES:	Boyum, Mack, Riggs, Barr
ABSENT	

The meeting was adjourned at 10:18 am

Paulette Chavers, Mayor Pro Tem

Leah Harden, City Clerk

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Paulette Chavers
Venus Mack
John C. Riggs
Shari Barr



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
Cain Smith, City Attorney

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

To: Charles Penny, City Manager and Leah Harden, City Clerk

From: Cain Smith, City Attorney

Date: January 11, 2021

RE: January 19, 2021 City Council Agenda Items

Policy Issue: *Second reading and consideration of proposed amendment to the Statesboro Code of Ordinances Chapter 18, Article XI establishing licensing and operational requirements for mobile food service units.*

Recommendation: Consideration

Background: Mayor and Council directed drafting of proposed addition to Code of Ordinances at November, 17, 2020 work session for first reading at next regular meeting which was held and approved on December 1, 2020. At December 15, 2020, meeting Mayor and Council directed substantial revisions to proposed ordinance based on Staff recommendations regarding permitted operating areas. Ordinance was back before Mayor and Council and approved at First Reading on January 5, 2021.

Budget Impact: Unknown

Council Person and District: All

Attachments: Proposed ordinance amendment

Ordinance 2020-16:

Chapter 18

ARTICLE XI. - MOBILE FOOD SERVICE

Sec. 18-306. - Purpose and intent.

It is the purpose of this article to protect the public health, safety and general welfare of individuals and the community at large; to establish uniform regulations for the operation of mobile food service units; and to enhance street-level economic opportunities within the city.

Sec. 18-307. - Scope.

This article shall apply to the operation of all mobile food service units within the corporate limits of the city.

Sec. 18-308. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a)*Base of operation* means a food service establishment, or any other permitted location in which food, containers or supplies are kept, handled, prepared, packaged, stored, or placed in containers for subsequent transport, sale or service elsewhere.

(b)*Fixed food service establishment* means a non-mobile public or private establishment which prepares and serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment. The term includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which retail sandwiches or salads, soda fountains, and similar facilities by whatever name called. This term shall not apply to establishments offering food service incidental to their operations.

(c)*Food truck* encompasses all mobile food service units with the exception of pushcarts. Food trucks shall be no larger than 30×8 feet.

(d)*Mobile food service unit* means a trailer, pushcart, vehicle vendor or any other similar conveyance operating as an extension of and under the managerial authority of the permit holder of its permitted base of operation. The mobile food service unit and its permitted base of operation together make a mobile food service establishment.

(e)*Pushcart* means a human propelled, self-contained, enclosed food service cart that operates at pre-determined locations as approved by the health authority and the City of Statesboro. Pushcarts shall be no larger than 5×10 feet.

Sec. 18-309. - Approvals and licensing.

(a)In general. No person shall operate a mobile food service unit within the corporate limits of the city without first obtaining the proper licenses and/or permits from the state, county, and City of Statesboro, specifically a certificate of occupancy from the City. Mobile food service unit operators shall at all times comply with the provisions of this article and all other applicable local, state and federal laws,

regulations or rules. All approvals will be issued annually based on the calendar year. No approval issued under this article may be prorated, transferred, or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

(b) Specific requirements. Any person intending to operate a mobile food service unit within the corporate limits of the City of Statesboro shall obtain, prior to commencing operation:

(1) All permits as may be required to operate a mobile food service unit by the state, including the department of public health, and Bulloch County, including the health department;

(2) A City of Statesboro mobile food service unit location approval; and

(3) A City of Statesboro occupational tax certificate.

(c) Mobile food service unit location approval application—Contents. Applicants seeking mobile food service unit location approval shall submit, on an annual basis, an application for such approval to the city manager, or his/her designee. The application shall be furnished under oath on a form specified by the city manager, accompanied by a non-refundable application fee as set forth in the city's annual revenue ordinance. Such application shall include:

(1) The name, address, telephone number, and email address of the mobile food service unit's owner(s) of record. An approval shall be required for each mobile food service unit, notwithstanding unity of ownership or operation. Where an owner(s) is a non-natural person whether or not formally organized, the application shall identify all partners, officers, directors and/or natural person with a financial interest in any such entity, including personal contact information for each;

(2) Information identifying the mobile service unit including, its make, model and license plate number, together with a photograph of the mobile food service unit;

(3) The corporate and, where applicable, trade name of the base of operations associated with the mobile food service unit, together with a copy of the base of operation's City of Statesboro occupational tax certificate. Where the base of operation is located outside the city limits, the applicant shall provide evidence of licensing in the base of operation's home jurisdiction;

(4) A copy of the approved permit and inspection certificate for the base of operation issued by the Bulloch County Public Health Department or Georgia Department of Agriculture;

(5) A listing of operating locations, schedule for operation, and hours of operation for each site on which the mobile food service unit intends to conduct business;

(6) A fully executed copy of the lease agreement for each operating location;

(7) A scaled drawing for each location illustrating the location of the mobile food service unit;

(8) Temporary seating may be provided if the mobile food service unit is at least 400 feet from a brick and mortar restaurant. A scaled drawing, indicating where the seating will be located and number of seats must be furnished;

(9) Any other information that the city manager may, from time-to-time, deem material to the approval of mobile food service units within the city limits; and

(10) Application for location approval and renewal shall be accompanied by such fee as established by the annual revenue ordinance.

(11) Application for location approval is not required for a licensed mobile food service unit not conducting point of sale transactions when hired by a resident to operate at that person's owned or leased residence for a period not to exceed 8 hours. This exception may not be utilized more than once during any 60 day period.

(d) Mobile Food Service Units shall only conduct business within commercial zoning districts. Operation in residential zones may be only permitted if an administrative variance is granted pursuant to Section 18-316 or if the operation is qualified under Section 18-309 (c)(11)

Sec. 18-310. - Grant or denial of application.

Review and consideration of an application by city manager, or his/her designee shall be conducted in accordance with principles of due process. Applications may be denied where an applicant fails to demonstrate that he or she meets the conditions and requirements of this article, or where an applicant fails to comply with applicable local, state or federal law. Any false statements, material omissions or substantially misleading information provided in an application or furnished by an applicant in connection with an application shall constitute grounds for any one or combination of the following sanctions: denial; refusal to renew; revocation; suspension; and imposition of penalties.

Sec. 18-311. - Operational requirements and provisions.

(a) Food trucks. The following operational requirements and conditions apply to food trucks:

(1) Food trucks shall not conduct business within the public right-of-way, with the exception of special events recognized by the City of Statesboro for which the food truck has received pre-approval from the city manager.

(2) Food trucks shall not operate on private property without the written consent of the property owner.

(3) No operator or employee of a food truck may, at any time, utilize amplified sound devices.

(4) Food trucks shall comply with the city's grease interceptor standards, as set forth in the sewage collection and disposal ordinance, particularly Sec 82-160 et seq, as amended.

(5) The Georgia Department of Public Health mobile food service unit permit, together with all applicable health certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location, which shall be plainly visible to the public at all times the food truck is conducting business.

(6) Any driver of a food truck must possess a valid driver's license.

(7) When conducting business, food trucks shall provide no less than nine feet of unobstructed horizontal pedestrian clearance on private property, as measured from the main service window.

(8) Food trucks may not be left unattended or otherwise stored on sites at which they offer the sale of food and beverage to the public. All mobile food service units must return to their base of operations when not in use.

(9) Food trucks shall comply with all applicable local, state and federal health and safety laws, regulations and rules.

(10) Food trucks may place one temporary sandwich board for advertisement purposes no more than four feet from the main service window and must comply with the temporary use of public right-of-way menu board regulations.

(11) Food trucks may not conduct business within 200 feet as measured from the main entrance of the brick and mortar restaurant to the service window of the food truck. This prohibition shall not apply if the brick and mortar restaurant within said radius is owned by the mobile food service unit operator or if mobile unit operator has written consent to operate at requested location by all brick and mortar restaurants within the prohibited radius.

(12) Food trucks may not conduct business in a location that might block or impede either pedestrian or vehicular traffic.

(13) Food trucks may not conduct business with any person while such person is situated in a motor vehicle.

(14) Toilet facilities—See Georgia Department of Public Health Rule 511-6-1-.06(2)(h).

(b) Push carts. The following operational requirements and conditions apply to push carts:

(1) No operator or employee of a push cart may, at any time, utilize amplified sound devices.

(2) The Georgia Department of Public Health mobile food service unit permit, together with all applicable health certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location, which shall be plainly visible to the public at all times the push cart is conducting business.

(3) When conducting business, push carts shall provide no less than six feet of unobstructed horizontal pedestrian clearance on private property, as measured from the main service window.

(4) Push carts shall comply with all applicable local, state and federal health and safety laws, regulations and rules.

(5) Push carts may not display signage not affixed to the vehicle.

(6) Push carts may not conduct business in a location that might block or impede either pedestrian or vehicular traffic.

(7) Push carts may not conduct business with any person while such person is situated in a motor vehicle.

(8) Push carts may not furnish temporary seating.

(9) Vendors operating from registered push carts are permitted to sell food and cut flowers only. Push carts may operate in certain areas of the city. The revenue department, with assistance from the public works department, is authorized to assign spaces to push cart operators and to enforce such assignments. The revenue department, assisted by the public works department, is authorized to determine appropriate placement of push carts within the City, and may require inappropriately placed push carts to be moved.

(10) Push carts must receive written approval from public works department authorizing a specific location prior to the issuance of an occupational tax certificate.

Sec. 18-312. - Litter.

(a) Each mobile food service unit shall provide a suitably-sized receptacle for litter, which shall be located within ten feet of the service window of the unit. It shall be maintained and regularly emptied. All waste generated by the mobile food service unit's operation, including that associated with its customers and staff, must be disposed of at the base of operation.

(b) The area within which a mobile food service unit operates shall, at all times, be kept clean and free from litter, garbage, rubble and debris. For purposes of this section, a mobile food service unit shall be responsible for maintaining in a safe and hygienic manner, the premises on which it is situated.

Sec. 18-313. - Fire safety.

The mobile food service shall comply with all state, federal, and local health and safety regulations and requirements. NFPA 1, 10, 58, 96, and Annex B of NFPA 96 shall be used by the Fire Prevention Division to ensure regulatory compliance, along with any unlisted but referenced codes. References to "NFPA" shall mean the "National Fire Protection Association". Book number and section references are provided for ease of the public.

To minimize the threat to public safety posed by fire, the following apply:

- a. Obtain a certificate of occupancy from the City of Statesboro prior to service.
- b. There shall be no public seating within the food truck or food trailer.
- c. A food truck or food trailer in use shall be located at least 10 feet away from buildings, structures, vehicles, and any combustible materials. [96:B.13.1; B.13.2]
- d. A food truck or food trailer in use shall ensure that fire department vehicular access is provided for fire lanes and access roads. [1:18.2.4]
- e. A food truck or food trailer in use shall provide clearance for the fire department to access nearby fire hydrants and access fire department connections. [1:13.1.3; 1:13.1.4; 1:13.1.5]
- f. A food truck or trailer in use that utilizes combustible media for cooking shall provide an approved fire extinguishing system. [96:10.1.2]
- g. A food truck or food trailer in use shall install portable fire extinguishers in kitchen cooking areas in accordance with NFPA 10. [96:10.9.3]
- h. A cooking appliance in a food truck or food trailer that produces grease-laden vapors shall be protected by listed fire-extinguishing equipment. [96:14.7.1]
- i. A food truck or food trailer in use shall ensure that all workers present are trained in the proper use of fire extinguishers and extinguishing systems. (96:B.15.1; 10.1.2).
- j. All employees of a food truck or food trailer in use shall know the proper method for shutting off fuel sources ([96:10.4.1]; the proper 3 procedure for notifying the local fire department [1:10.14.9 for

carnivals only]; and the proper procedure for how to perform simple leak test on gas connections [58:6.16, 58:6.17]

- k. A food truck or food trailer in use shall install and provide wheel chocks to prevent mobile and temporary cooking units from moving. [96: B.21.5]
- l. A food truck or food trailer operator shall keep and maintain all record-keeping documents in one location on the mobile cooking operation and shall make such records available to the fire department of the City of Statesboro upon request
- m. The operator shall ensure that all gas supply piping valves and gas container valves are fully closed when the equipment is not in use. [58:6.26.8.3]
- n. The operator shall ensure that all cooking equipment, including the cooking ventilation system, is regularly cleaned and grease removed. [96:11.4]
- o. Prior to commencing cooking, the operator shall verify that fuel tanks are filled to the capacity needed for uninterrupted operation during normal operating hours. [1:10.14.10.1]
- p. Refueling shall only be permitted during non-operating hours. [96:B.18.3]
- q. An operator shall ensure that all electrical appliances, fixtures, equipment, and wiring comply with the NFPA 70®. [96:B.18].
- r. The operator shall ensure that the main shutoff valve on all gas containers is readily accessible at all times. [58:6.26.4.1(3)]
- s. The operator shall ensure that portable gas containers are in the upright position and secured to prevent tipping over. [58:6.26.3.4]
- t. The operator shall perform leak testing on all new gas connections of the gas system. [58:6.16; 58:6.17]
- u. The operator shall perform leak testing on all gas connections affected by replacement of an exchangeable container. [58:6.16; 58:6.17]
- v. The operator shall ensure that on gas system piping, a flexible connector is installed between the regulator outlet and the fixed piping system. [58:6.26.5.1(B)]

All mobile food service unit fire suppression systems shall be inspected and maintained in accordance with the applicable provisions of the National Fire Protection Association. The system shall be tagged in accordance with the rules and regulations of the Georgia Safety Fire Commissioner.

In addition to the other requirements of this Ordinance, a food truck or trailer owner or operator of a food truck or trailer in use in the City of Statesboro which utilizes solid fuel (wood, charcoal, or other fuel) for cooking shall adhere to the following additional regulations prior to placing such unit in use in the township:

- a. Such fuel shall not be stored above any heat-producing appliance or vent. [96:14.9.2.2]
- b. Such fuel shall not be stored closer than 3 feet to any cooking appliance. [96:14.9.2.2]

c. Such fuel is not stored near any combustible flammable liquids, ignition sources, chemicals, and food supplies and packaged goods. [96:14.9.2.7]

d. Such fuel is not stored in the path of the ash removal or near removed ashes. [96:14.9.2.4]

e. Ash, cinders, and other fire debris shall be removed from the firebox at regular intervals and at least once a day. [96:14.9.3.6.1; 96:14.9.3.6.2]

f. Removed ashes, cinders, and other removed fire debris must be placed in a closed, metal container located at least 3 feet from any cooking appliance. [96:14.9.3.8]

(a)Combustible gas detector. Prior to the operation of any combustible gas-fueled appliances, all visible connections shall be inspected for leakage utilizing a combustible gas detector. Detected leaks shall be repaired before any gas-fueled appliance is operated.

(b)Propane cylinders. Propane and natural gas tanks shall be shut off while the mobile food vehicle is in motion, unless the tank is equipped with an impact detection shut off device approved by the U.S. DOT. Propane and natural gas tanks must always be shut off while the vehicle is unattended and/or in overnight storage. Mounted tanks must be secure (NFPA 58—5.2.4) and conform with NFPA standards relating to the safe mounting of tanks as described in NFPA 58—6.23.3.3. and be capable of withstanding impact requirements as required by the NFPA (NFPA 58 6.23.3.4.)

(c)Portable fire extinguishers. All mobile food service units shall be equipped with a readily accessible multipurpose dry chemical portable fire extinguisher with a minimum rating of 2A 10BC. All mobile food service units utilizing fats or cooking oils, including those that produce grease, grease laden vapors or oily byproducts, shall, in addition to the ABC fire extinguisher, be equipped with a readily accessible Class K portable fire extinguisher. All required fire extinguishers shall be maintained in compliance with National Fire Protection Association 10, as amended.

(d)Operations prior to set up. Propane and natural gas tanks shall be shut off while the mobile food vehicle is in motion, unless the tank is equipped with an impact detection shut off device approved by the U.S. DOT. Mobile food service units are prohibited from igniting, starting or operating any cooking appliances requiring heat, electricity or combustible gases while traveling upon any street, road or highway. Food warming or hot holding appliances are exempt from this requirement.

(e)Smoke free air. Mobile food service units shall comply with the Statesboro Smoke Free Air Ordinance, as amended.

(f)Exhaust creating nuisance. Emission of exhaust gases or smoke shall not be handled in such a manner as to constitute a nuisance.

(g)Hood cleaning and maintenance. Mobile food service units shall be maintained and regularly cleaned to minimize the buildup of grease and other combustible residues. This includes all interior and exterior surfaces upon which grease can or may accumulate including, but not limited to, hold filter surfaces, plenums, ducts, exhaust fans, and exterior cowling.

(h)Fire suppression system inspections. All mobile food service unit fire suppression systems shall be inspected and maintained in accordance with the applicable provisions of the National Fire Protection

Association. The system shall be tagged in accordance with the rules and regulations of the Georgia Safety Fire Commissioner.

Sec. 18-314. - Special events.

The city manager may permit licensed mobile food service units to operate within the public right of way at special events pursuant to the City of Statesboro's special events policy and procedures. Special event permits are of a limited duration and not subject to the prohibitions set forth in subsections (a)(7), (12) and (b)(4) of section 18-311.

Sec. 18-315. - Enforcement and sanctions.

(a)To ensure the continued application of the intent and purpose of this article, the city manager shall notify the owner(s) and operator(s) and, where applicable, the Bulloch County Health Department, of all instances in which a citation is issued to a mobile food service unit.

(b)The city manager shall maintain a record of all code violation charges, founded accusations and convictions concerning mobile food service units. When a mobile food service unit owner or operator accumulates three code violations for a particular mobile service unit within a period of 12 consecutive months, the city shall revoke the mobile food service unit's location approvals and reject all applications for mobile food service unit location approvals by the concerned owner(s) and operator(s) for a period of 12 consecutive months following the date of revocation.

(c)If a mobile food service unit owner or operator has been cited for and found to be in violation of any zoning, health or life safety code provision, the owner or operator must demonstrate compliance with the applicable code prior to being eligible to continue operations under the current approval.

(d)Violations of this article are subject to the following sanctions, which may not be waived or reduced and which may be combined with any other legal remedy available to the city:

(1)First violation: \$250.00.

(2)Second violation within the 12 months following the first violation: \$350.00.

(3)Third violation within the 12 months following the first violation: \$500.00 and revocation of the mobile food service unit location approvals. Mobile food service unit location approvals will be revoked for six months from the date of the third violation.

(e)Nothing in this section shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, deputy marshal or other duly empowered officer under the city's ordinances, rules and regulations or the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from operation of a mobile food service unit as a nuisance, including abatement thereof by lawful means.

Sec 18-316 Variance Process

The Planning and Development Director may administratively grant minor variances, particularly as to operations within prohibited zoning districts, with conditions. Either the owner/occupant of the physical site upon which a mobile food service units wishes to operate, or a mobile food service unit operator

wishing to conduct business thereon, when accompanied by written authorization from the property owner/occupier, may request a variance from the terms of this chapter, where such variance will not be contrary to the public interest and where, owing to special conditions, strict enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship; provided, however, that the spirit of this chapter shall be observed, and public safety and welfare secured. Such variance may be granted in an individual case upon a finding by the zoning administrator that:

- (1)The intent and spirit of the ordinance is not compromised;
- (2)The strict application of this chapter to this particular piece of property or mobile food service unit would create an unnecessary hardship;
- (3)The request for relief is due to an unusual or peculiar circumstance; and
- (4)Relief, if granted, would not cause detriment to public safety and welfare.

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum, District 1
Paulette Chavers, District 2
Venus Mack, District 3
John Riggs, District 4
Shari Barr, District 5



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
Cain Smith, City Attorney

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

TO: Charles Penny, City Manager, Jason Boyles, Assistant City Manager and Leah Harden, City Clerk

FROM: Kathleen Field, Director of Planning and Development

DATE: January 12 2021

RE: January 19, 2021 City Council Agenda item

Policy Issue: Consideration of Resolution to Authorize a Community Home Investment Program (CHIP) Grant Application in the Amount of \$400,000

Recommendation: Approval

Background: The Georgia Department of Community Affairs (DCA) will make available this program year approximately \$6 million in Community Home Investment Program (CHIP) grant funds, on a competitive basis, to local governments, nonprofits and public housing authorities. The purpose of this grant program is to preserve and provide new affordable housing either through housing rehabilitation programs and/or new construction/reconstruction programs. City staff seeks approval to apply for a 2021 grant award in the amount of \$400,000. The intent is to use these funds to rehabilitate approximately 17 owner-occupied housing units in the Johnson Street Neighborhood Target Area within the City's newly established Urban Redevelopment Area over a two (2) year period. It is expected that notification of awards will be made in August, 2021.

As noted in the resolution, the total grant match by the City is \$384,035. This includes staff salary allocation for those involved with the program (estimated at \$248,305) and additional technical and program administrative costs (estimated at \$136,000) over a two-year period. However, it is anticipated that the City will receive \$68,000 reimbursement at the end of year two for administration costs.

Budget Impact: Estimated at \$136,000 over a two-year period.

Council Member and District: Paulette Chavers, District 2

Attachments: Resolution

RESOLUTION 2021 -04: A RESOLUTION APPROVING SUBMISSION OF A COMMUNITY HOME INVESTMENT PROGRAM (CHIP) GRANT APPLICATION TO THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS AND COMMITMENT OF MATCHING FUNDS

THAT WHEREAS, the Mayor and City Council support the increase to the quality of life of the citizens of Statesboro; and,

THAT WHEREAS, the Mayor and City Council have identified through its Urban Redevelopment Plan, five neighborhoods in which blight exists; and,

THAT WHEREAS, the Mayor and City Council have determined that housing grant opportunities offered by the Community HOME Investment Program administered by the Georgia Department of Community Affairs provide viable solutions to ameliorate many of these conditions; and,

THAT WHEREAS, it has been determined that a owner-occupied housing rehabilitation program is an appropriate use of these funds; and,

THAT WHEREAS, a match of \$384,305 (including \$248,305 in in-kind salary contributions) in city administrative and technical services is being provided in support of this application;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia as follows:

Section 1. That the Mayor and City Council hereby authorize the submittal to the Georgia Department of Community Affairs of the Community Home Investment Program (CHIP) Grant Application.

Section 2. That the Mayor and City Council hereby pledge city administrative and technical services of \$384,305.

Section 3. That the City Council hereby authorizes the Mayor to execute all documents related to said grant including certification of assurances for compliance with all program regulations included in Attachment 8 of the Application entitled CHIP Grant Application Certified Assurances.

Adopted this 19th day of January, 2021

CITY OF STATESBORO, GEORGIA

By: _____

Jonathan McCollar, Mayor

Attest: _____

Leah Harden, City Clerk