



2020 STATE OF THE CITY
ADDRESS BY:

MAYOR
JONATHAN MCCOLLAR

FEBRUARY 18, 2020
5:30 P.M.



February 18, 2020 5:30 pm

1. Call to Order by Mayor Jonathan McCollar
2. Invocation and Pledge of Allegiance by Councilmember Phil Boyum
3. Recognitions/Public Presentations
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
02-04-2020 Council Minutes
6. Public hearing and consideration of a motion to approve **Application V 20-01-01**: Josh Whitfield requests a variance from Article XV, Section 1509 (C) Table 6 of the Statesboro Zoning Ordinance, for the installation of 2 signs with a maximum height of 24 feet at the property located on 87 South College Street in Sign District 4 and the CBD (Central Business) zoning district (Tax Parcel # S19 000001 003).
7. Public Hearing and Consideration of a Motion to Approve **Application CUV 19-10-07**: Paula Becker requests a conditional use variance from Article VII-A of the Statesboro Zoning Ordinance for 0.21 acres of property located at 109 Broad Street to utilize the property as an addiction recovery community residence in the R-6 (Single Family Residential) zoning district (Tax Parcel S29 000073 000).
8. Consideration of a Motion to Approve an Occupational Tax Certificate for a Massage Parlor and Massagist permit
 - A) Karla Schwartz Medical Massage Practitioner
6 North Mulberry Street
9. Consideration of a Motion to Approve **Resolution 2020-08**: A Resolution authorizing the closing of the bank account for the Water & Sewer System Construction Fund 2010.
10. Consideration of a Motion to Approve **Resolution 2020-09**: A Resolution authorizing the closing of the bank account for the Water & Sewer Revenue Bond Sinking Fund.
11. Discussion of Implementing a Blight Tax under Georgia's Community Development Tax Incentive Program.
12. Other Business from City Council

13. City Managers Comments

14. Public Comments (General)

15. Consideration of a Motion to enter into Executive Session to discuss “Personnel Matters”
“Real Estate” and/or “Potential Litigation” in accordance with O.C.G.A 50-14-3(b)

16. Consideration of a Motion to Adjourn



CITY OF STATESBORO
COUNCIL MINUTES
FEBRUARY 04, 2020

Regular Meeting

50 E. Main St. City Hall Council Chambers

9:00 AM

1. **CALL TO ORDER**

Mayor Jonathan McCollar called the meeting to order

2. **INVOCATION AND PLEDGE**

Councilmember Shari Barr gave the Invocation and Pledge of Allegiance.

ATTENDENCE

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

Other staff present was City Manager Charles Penny, Assistant City Manager Jason Boyles, City Attorney Cain Smith and City Clerk Leah Harden.

3. **Recognitions/Public Presentations**

A) Presentation of the Arbor Day Proclamation

Mayor Jonathan McCollar read and presented the Arbor Day Proclamation to the Statesboro Tree Board. Wesley Parker Chairman of the Statesboro Tree Board recognized his board, the Beautification Commission and Keep Statesboro-Bulloch Beautiful KSBB. Mr. Parker gave the history of Arbor Day and showed what their board has been doing in the past year in the City of Statesboro. With the help of Robert Seaman's crew, 27 trees were planted on Bulloch Street and 30 trees were planted in the new dog park. The Tree Board works with the Bulloch County 4-H kids educating them about trees how to identify trees and how to properly plant trees.

B) Recognition of the City's Participation in the Tree City USA Program.

Alex Ballard an Urban Forster for South Georgia, representing the Georgia Forestry Commission presented to Mayor, Council and the Tree Board a flag for Statesboro being a Tree City USA.

C) Recognition of the Finance Department for receiving the Government Finance Officers Association Distinguished Budget Award for the FY2020 Budget.

Mayor Jonathan McCollar read and presented to the Statesboro Finance Department the Government Finance Officers Association (GFOA) Distinguished Budget Award. Director of Finance Cindy West stated this is the 16th consecutive year receiving this award.

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

5. Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) 01-21-2020 Work Session Minutes

b) 01-21-2020 Council Minutes

A motion was made to approve the consent agenda.

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

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

A) G8 State LLC

DBA: G8 Stop 1

240 S Main St

Dhaval Patel/Satyam Shah/Gaurav Soni/Krupal Soni

A motion was made to open the public hearing.

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

A motion was made to approve the alcohol application for G8 Stop 1 located at 240 South Main Street.

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

B) G8 Southern LLC
DBA: G8 Stop 2
421 Northside Dr E
Dhaval Patel/Lipika Patel

C) JDJ Partners LLC
DBA: Bull & Barrel
30 W Main St
James Peery/ Jason Franklin

D) The Southern Pony
721 S Main St #8
Jeffery Wells

E) Blue Water Seafood, LLC
DBA: Patterson's Station 67
26 Independence Way
Thomas Scarborough

F) American Multi-Cinema, INC
DBA: AMC Statesboro 12
991 Lovett Rd
American Multi-Cinema, Inc

A motion was made to open the public hearing for items 6B, 6C, 6D, 6E, 6F.

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

No one spoke for or against any of these applications.

A motion was made to approve alcohol applications for 6B: G8 Stop 2, 6C: Bull & Barrel, 6D: Southern Pony, 6E: Patterson's Station 67 and 6F: AMC Statesboro 12.

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

7. **Consideration of a Motion to approve Resolution 2020-03: A Resolution requesting approval to apply for the Georgia Firefighters Standards and Training Council Fireworks Tax Grant for the City of Statesboro Georgia.**

A motion was made to approve Resolution 2020-03.

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

8. **Consideration of a motion to approve Resolution 2020-04: A Resolution authorizing the destruction of certain municipal records.**

A motion was made to approve Resolution 2020-04.

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

9. **Consideration of a Motion to approve Resolution 2020-05: A Resolution adopting the proposed codification of Sec. 6-4 of the Statesboro Code of Ordinances and set issuance fee at \$250.00**

City Attorney Cain Smith explained this resolution is regarding the underage permitting language, that was not codified with the rest of Chapter 6 of the Statesboro Code of Ordinances. He also stated the fee for the permit needs to be added to the City of Statesboro Schedule of Rates, Fees, and Fines.

A motion was made to approve **Resolution 2020-05** adopting the proposed codification of Sec. 6-4 of the Statesboro Code of Ordinances and set issuance fee at \$250.00.

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

10. Consideration of a Motion to approve Resolution 2020-06: A Resolution approving application and authorizing the Mayor to execute a Georgia Department of Transportation (GDOT) Local Maintenance & Improvement Grant (LMIG) application.

City Manager Charles Penny explained this grant is for the extension of Akins Boulevard from Veteran’s Memorial Parkway through Georgia Southern University’s “South Campus” to connect with Tormenta Way in the Old Register TAD. Georgia Southern University would provide all necessary matching funds.

Councilmember Shari Barr noted she has concern of this extension going through wetlands, but has been assured this will be mitigated and we will be as gentle on our earth as we possibly can.

A motion was made to approve **Resolution 2020-06** approving application and authorizing the Mayor to execute a Georgia Department of Transportation (GDOT) Local Maintenance Improvement Grant (LMIG) application.

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

11. Consideration of a Motion to approve Resolution 2020-07: A Resolution accepting Right of Way of Bethany Way as a Public Street to be owned and maintained by the City of Statesboro, Georgia.

A motion was made to approve **Resolution 2020-07** accepting Right of Way of Bethany Way as a public street to be owned and maintained by the City of Statesboro, Georgia.

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

12. Consideration of a Motion to approve the amended Development Agreement with JGR concerning the placement of public infrastructure within the Old Register TAD and City reimbursement to developer for placement of said public infrastructure.

A motion was made to approve the amended Development Agreement with JRG concerning the placement of public infrastructure within the Old Register TAD and City reimbursement to developer for placement of said public infrastructure.

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

13. Other Business from City Council

Councilmember John Riggs announced the grand opening of the Statesboro Bulloch County Law Enforcement training facility will be held on February 5, 2020 at 10:45 am.

Councilmember Phil Boyum asked what the City of Statesboro has for Food Trucks. He was under the impression they are not allowed per City of Statesboro Code of Ordinances. City Attorney Cain Smith said we do not have anything in our ordinance addressing food trucks but this is currently in discussion with the City Planning and the Statesboro Fire Department regarding proper enforcement and approval mechanisms in order to issue any kind of permit/license.

A motion was made to direct the City Attorney to put together an Ordinance for Food Trucks in the City of Statesboro to be presented at a future Council Work Session. (no specific date was given)

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

Mayor Jonathan McCollar congratulated City Clerk, Leah Harden for completing her Municipal Clerk Certification.

Councilmember Shari Barr stated City Council is nonpartisan and will not be endorsing any candidates but wanted to know if it would be ok from the podium to share the information of a meet and greet today of a candidate running for U.S. Senate in Georgia to represent us. Mayor Jonathan McCollar stated if it is open to the public, he has no issues with it.

Councilmember Barr shared that Teresa Tomlinson first female mayor of Columbus, Georgia is running for U.S. Senate to unseat David Perdue. There is a meet and greet this afternoon from 5 pm – 7 pm at Luetta Moore Park, if you want to learn more about her.

14. City Managers Comments

City Manager Charles Penny stated there is a notice from the City Clerk in their packet for vacancies on the Keep Statesboro-Bulloch Beautiful Board with 3 vacancies, Statesboro Tree Board with 3 vacancies and Statesboro Beautification Commission with 4 vacancies which need to be filled. Mayor and Council should turn their nomination into the City Clerk and she will compile a list and send it out for review.

Mayor Jonathan McCollar would like the application put out for the public so if persons outside of our circle would like to serve the City can apply also. Mayor McCollar would like the applications out to the public for 30 days and then brought back for approval on the second meeting in March.

Mr. Penny introduced our two new Code Enforcement Officers Charles Brown and Jermaine Foster.

15. Public Comments (General)

A) **Marsha Twiggs speaking about the ditch in front of her house and would like a sidewalk put in for safety reasons.**

Marsha Twiggs was not present at the meeting. City Manager Charles Penny stated he had talked to her.

There were no other public comments.

16. Consideration of a Motion to enter into Executive Session to discuss “Personnel Matters” “Real Estate” and/or “Potential Litigation” in accordance with O.C.G.A 50-14-3(b)

At 9:38 am a motion was made to enter into executive session.

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

At 10:20 am a motion was made to exit executive session.

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

No action was taken in Executive Session.

Mayor Jonathan McCollar called the meeting back to order.

17. Consideration of a Motion to Adjourn

A motion was made to adjourn.

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

The meeting was adjourned 10:21 am

CITY OF STATESBORO

COUNCIL

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



Jonathan M. McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
I. 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: Justin Williams, City Planner I

Date: February 11, 2020

RE: February 18, 2020

Policy Issue: *Statesboro Zoning Ordinance: Variance Request*

Recommendation: Staff recommends approval of the variance requested by V 20-01-01 with conditions.

Background: Josh Whitfield is requesting a variance from Article XV, Section 1509 (C) Table 6 of the Statesboro Zoning Ordinance, for the installation of 2 signs with a maximum height of 24 feet at the property located on 87 South College Street in Sign District 4 and the CBD (Central Business) zoning district (Tax Parcel # S19 000001 003).

Budget Impact: None

Council Person and District: Chavers (District 2)

Attachments: Development Services Report V 20-01-01



City of Statesboro-Department of Planning and Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

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

V 20-01-01 SIGN VARIANCE REQUEST 87 S COLLEGE STREET	
LOCATION:	87 S College Street
REQUEST:	Variance from Article XV: Section 1509(C), Table 6; for the height of signs in Sign District 4.
APPLICANT:	Josh Whitfield (Whitfield Signs)
OWNER(S):	DTM Enterprises LLC
ACRES:	0.09
PARCEL TAX MAP #:	S19 000001 003
COUNCIL DISTRICT:	District 2 (Chavers)

PROPOSAL:

The applicant requests a variance to Article XV; Section 1509(C), Table 6 of the Statesboro Zoning Ordinance. Specifically, this application requests a variance from the restriction of sign height in Sign District 4 and the CBD (Central Business) zoning district. Applicant is requesting the placement of a building signs on the new construction at 87 S College Street (See **Exhibit D – Proposed Signage Plans**).

BACKGROUND:

The applicant submitted a sign permit application on November 19, 2019 to place two wall signs on the currently developing building at 87 South College Street. This signs are the only proposed signage for this building, although the adjoining building has yet to be completed and will require signage upon completion. The originally submitted sign permit application was denied on November 19, 2019 for requesting a maximum height of 24 feet in the Central Business District, which is not authorized as per Section 1509, Table 6 of the Statesboro Zoning Ordinance.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	LI (Light Industrial)	Commercial Building (Empty Warehouse)
SOUTH:	CBD (Central Business District)	Commercial Building (Whitfield Signs) & Parking Lot
EAST:	CBD (Central Business District)	Commercial Building (attached) & Currently Developing Lot
WEST:	CBD (Central Business District)	Currently Developing Lot

The subject property is located within the CBD (Central Business) district. Surrounding parcels include Commercial retail uses. (See **Exhibit A –Location Map**, **Exhibit B—Future Development Map** & **Exhibit C—Photos of Subject Site**).

ATTACHMENTS: **Exhibit A** (Location Map), **Exhibit B** (Future Development Map), **Exhibit C** (Photos of Subject Site and surrounding sites), **Exhibit D** (Proposed Signage Plans), **Exhibit E** (Table 6 – Statesboro Zoning Ordinance).

COMPREHENSIVE PLAN:

The *City of Statesboro Comprehensive Master Plan's* Future Development Map includes the subject site in the following character area:

<u>"Downtown – Urban Core"</u>	
<i>Vision:</i>	The Statesboro Downtown character area includes the central historic portion of Statesboro in the intersecting area of Main Street. The area is intended to be redeveloped to create a central business district including many of the characteristics of a traditional downtown by promoting building, site and street-scape design features that encourage street-level pedestrian activity. The area should support a wide mixture of office and retail uses within structures with the potential for residential uses to be located on upper floors. It can also include office-related government and institutional uses. Urban building form should be promoted except for properties that contain the City's few remaining historic homes which should be redeveloped according to their more pastoral character.
<i>Suggested Development & Implementation Strategies:</i>	<ul style="list-style-type: none"> • Ensure that future phases of streetscape enhancements are developed in harmony with previous efforts as well as economic development goals of the City and the Downtown Statesboro Development Authority (DSDA) /Main Street program. • New development should respect historic context of building mass, height and setbacks. • New developments that contain a mix of residential, commercial and/or community facilities at small enough scale and proximity to encourage walking between destinations should be encouraged. • Historic structures should be preserved or adaptively reused wherever possible. • Encourage mixed-use infill and redevelopment. Uses should typically transition across the rear of properties instead of across the street to soften the transition and maintain appropriate streetscapes. • Create local historic districts. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda page 85-86.</i></p>

In addition, the Future Development Map and Defining Narrative section of the Comprehensive Plan states the following:

"Downtown is the historic core of the city and should remain the activity and cultural hub of the region. In the Urban Core, traditional development of buildings along the sidewalk and a lively streetscape should be respected and promoted."

Statesboro Comprehensive Master Plan, Community Agenda page 82.

ANALYSIS

I. Variance from Article XV Section 1509(C) Table 6: Sign District 4 Dimension standards to allow for installation of signage above 12 feet in the Central Business District.

The applicant is requesting a variance from Article XV (Signs) regarding the internal illumination of signs in Sign District 4. Article XV (Signs) Section 1509 of the *Statesboro Zoning Ordinance* regulates the placement, maintenance and removal of all signs within the City of Statesboro. The subject site is located in the CBD (Central Business) zoning district and is regulated by the dimensional standards of Sign District 4. As per Table 6 (**Exhibit E**), signs may not exceed a height of 12 feet when affixed to a wall.

The intention of this request is to allow for the installation of two (2) standard signs on two separate wall elevations of a new business, locating at 87 South College. These buildings are new constructions and currently have no signage in place on any elevation. The building currently being constructed is the first of numerous buildings to be located in the West District that will likely require similar signage due to the type of proposed construction for each building. Additionally, This request will not exceed the maximum square footage allowed for this individual establishment due to the placement of the construction and the frontage for the surrounding streets (See **Exhibit D** – Proposed Signage Plans).

Section 1503(G) states that no variances shall be permitted from the terms of Article XV regarding signs in the *Statesboro Zoning Ordinance*. It continues to state that “Specifically, no variances under article XVIII of this ordinance [chapter] shall be applicable to the standards contained within this article.” However, Article XV regarding signs is part of the *Statesboro Zoning Ordinance*, which provides for the award of variances by the City Council from the zoning regulations stating that “approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done” and Section 1801 states that the **Mayor and Council [should] consider if the following are true in its consideration of a variance request:**

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

RECOMMENDATION

Staff recommends approval of the variance requested by application **V 20-01-01** with the following conditions:

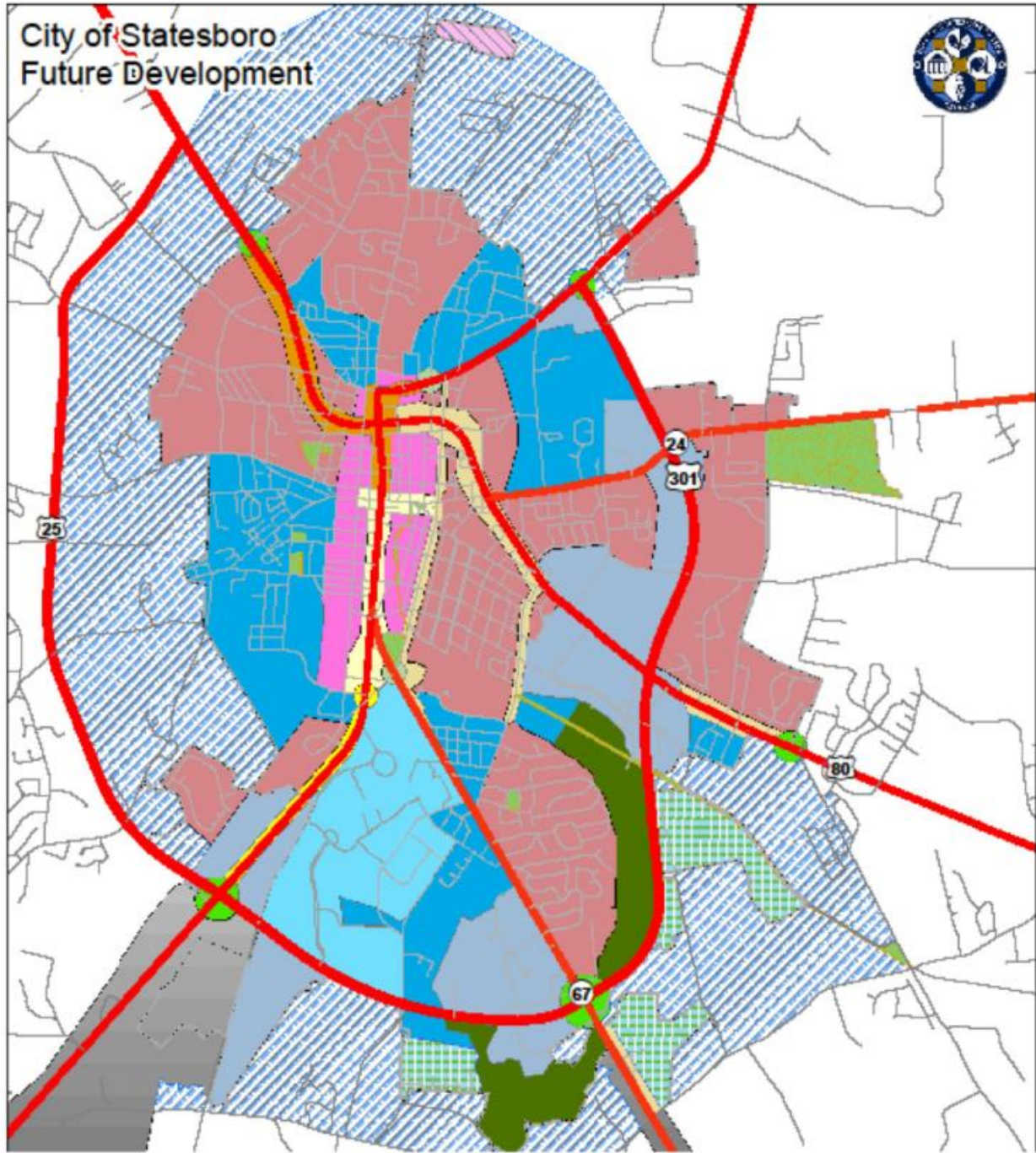
1. Approval of this variance does not allow for the construction of the proposed signage. Applicant will be required to submit a sign permit application for staff review and DSDA approval prior to construction commencement.
2. Signage must comply with all other requirements of Sign District 4, and associated DSDA requirements.

At the regularly scheduled meeting of the Planning Commission on February 4, 2020, the Commission voted 6-0 to recommend approval with conditions of variance being requested by **V 20-01-01**.

EXHIBIT A: LOCATION MAP



EXHIBIT B: FUTURE DEVELOPMENT MAP



- | | | |
|-------------------------------------|--------------------------------------|---------------------------|
| Activity Centers/Regional Centers | Developing Urban Neighborhood Area | Park |
| Commercial Redevelopment Area # 1 | Downtown | Potential Annexation |
| Commercial Redevelopment Area # 2 | Emerging Business | Residential Redevelopment |
| Commercial Redevelopment Area # 3 | Established Residential Neighborhood | University District |
| Conservation Area | Gateway | Urban Core Gateway |
| Developing Traditional Neighborhood | Neighborhood Center | |

EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject property and area where **V 20-01-01** is being requested.



Picture 2: View of the adjoining property to the west of the subject site, currently under construction.



Picture 3: View of the adjacent properties to the east of the subject site, currently under construction.



Picture 4: View of the adjacent parking lot to the south of the subject site, currently serving Whitfield Sign Company.



Picture 5: View of the adjacent property, serving as the hub of the West District, currently Whitfield Sign Company.



Picture 6: View of the adjacent parking lot, currently under preparation for additional construction.



Exhibit D: Proposed Signage Plans

(#2)



Colors & Finishes
 C1 ■ BLACK
 C2 ■ BRASS-GOLD

Construction Specifications
 A) 42" x 14" Panel and Mount 1/2" Anod. Panel

V&S WHITFIELD SIGN CO.
 4751 W. 12th Street, Suite 100
 Grand Rapids, MI 49508
 Phone: 616-233-1111
 Fax: 616-233-1112
 Email: info@vvswhitfield.com
 Website: www.vvswhitfield.com

Project Name: RANCO HEADQUARTERS
Address: 100 ft
City: GRAND RAPIDS
State: MI
Zip: 49508

Product: SIGN PANELS
 SIGN PANELS
 EXTERIOR SIGNS
 INTERIOR
 ALUMINUM

Quantity: 2
Material: BLACK
Finish: BRASS-GOLD

RANCO PANELS 2



Colors & Finishes
 C1 ■ BLACK
 C2 ■ BRASS-GOLD

Construction Specifications
 A) 42" x 14" Panel and Mount 1/2" Anod. Panel

V&S WHITFIELD SIGN CO.
 4751 W. 12th Street, Suite 100
 Grand Rapids, MI 49508
 Phone: 616-233-1111
 Fax: 616-233-1112
 Email: info@vvswhitfield.com
 Website: www.vvswhitfield.com

Project Name: RANCO HEADQUARTERS
Address: 100 ft
City: GRAND RAPIDS
State: MI
Zip: 49508

Product: SIGN PANELS
 SIGN PANELS
 EXTERIOR SIGNS
 INTERIOR
 ALUMINUM

Quantity: QTY 2
Material: BLACK
Finish: BRASS-GOLD

RANCO PANELS 2

Exhibit E: Table 6: Statesboro Zoning Ordinance

SIGN DISTRICT 4 (As defined in subsection 1509 A.4)	SIGN FOR AN INDIVIDUAL ESTABLISHMENT ON AN INDIVIDUAL LOT	SIGNS FOR INDIVIDUAL ESTABLISHMENTS, OFFICES, SHOPS, ETC. WHICH ARE PART OF A PLANNED OFFICE, COMMERCIAL, INDUSTRIAL OR RETAIL CENTER OR PART OF A CONTIGUOUS AND ADJACENT ROW OF STRUCTURES
AGGREGATE SIGN AREA**		
1. Maximum Number of Total Square Feet (square feet)	100 square feet including freestanding and building signs	Not applicable
FREESTANDING SIGNS**:		
2. Freestanding Sign Maximum Square Feet	60 square feet	Not allowed
3. Maximum Height	Eight feet	Not applicable
4. Setback Requirements	Two feet from property line	Not applicable
5. Number of Signs Allowed***	One sign structure per road frontage not to exceed the maximum allowable square footage	Not allowed
BUILDING SIGNS***:		
1. Maximum Number of Total Square Feet	100 square feet	The greater of 60 square feet or five percent of wall areas, allotted to the individual establishment
2. Maximum Height	12 feet	12 feet
3. Number of Building Signs Allowed	One per elevation	One per business or occupant
<p>*As provided in Section 1501 and Table 2 herein, "aggregate sign area" includes all freestanding or building signs regardless of whether or not a permit for a particular type of sign is required.</p> <p>**Limited to monument and standard informational signs. Billboards and stanchion signs prohibited as provided in Table 2 herein.</p> <p>***Internal illumination of building signs is prohibited. All signs shall be constructed of wood or metal material.</p>		

CITY OF STATESBORO

COUNCIL

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



Jonathan M. McCollar, Mayor
Charles W. Penny, City Manager
Leah Harden, City Clerk
I. Cain Smith, City Attorney

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

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

From: Owen Dundee, City Planner II

Date: February 7, 2020

RE: February 18, 2020 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance*: Conditional Use Variance Request

Recommendation: Staff recommends approval of the conditional use variance requested by application CUV 19-10-07 with conditions.

Background: Paula Becker requests a conditional use variance from Article VII-A of the *Statesboro Zoning Ordinance* for 0.21 acres of property located at 109 Broad Street to utilize the property as an addiction recovery community residence in the R-6 (Single Family Residential) zoning district (Tax Parcel S29 000073 000).

Budget Impact: None

Council Person and District: Chavers (District 2)

Attachments: Development Services Report CUV 19-10-07 and Memo from City Attorney.

CITY OF STATESBORO

COUNCIL

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



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk

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

To: Mayor and Council

From: Cain Smith, City Attorney

Date: February 13, 2020

RE: February 18, 2020 City Council Agenda Item regarding 109 Broad Street Conditional Use Variance

This matter is brought forward regarding the approval of a variance to allow more than three unrelated persons to reside together in an addiction recovery residence. This request is proper under a previously approved moratorium which runs through March as it requests reasonable accommodations under the Americans with Disabilities Act. Such accommodations must be made for abstinent alcoholics and addicts which qualify as persons with disabilities and protected under federal law.

Prior efforts by Palm Beach County municipal governing authorities to regulate recovery residences were made in conjunction with local federal offices after the legal exposure caused by this regulation became obvious. Attorney Douglas Lauber, a nationally recognized expert on the matter, compiled this linked study, http://www.sa15.state.fl.us/stateattorney/SoberHomes/_content/Delray_Beach_FL_GH_Zoning_Study_May_2017.pdf,

after further consultation with federal agencies. The recommendations, which are now codified in Delray Beach, Boynton Beach, and other piggybacking jurisdictions, are as follows:

1. Residence must be certified by local or state recovery residence associations
2. Variance is needed if residence is less than 660 feet from closest existing residence.

Essentially local governments can only deny these variance requests in order to prevent clustering of such residences. The motivation behind this is not just to preserve the local single family character of neighborhoods, but also to prevent the creation of de facto special services districts. A primary objective of recovery residences is to allow reintegration of residents into society. There are

Georgia Municipal Association City of Excellence

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CITY OF STATESBORO

COUNCIL

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



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk

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

obvious difficulties if they are solely surrounded by others in early recovery. The compromise reached by the Palm Beach communities and approved by federal courts is that a variance should only be required under local ordinance if the new residence is less than 660 feet (a typical city block).

Statesboro does not currently have an ordinance in compliance with these guidelines. The applicant property is 640 feet from the closest existing recovery residence located at 207 Broad Street, which is obviously very close to 660 feet and may meet or exceed this threshold depending on how such distance is to be measured. Applicant has also initiated certification procedures with the Georgia Association of Recovery Residences (GARR).

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City of Statesboro-Department of Planning and Development DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

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

CUV 19-10-07 CONDITIONAL USE VARIANCE REQUEST 109 BROAD STREET

LOCATION: 109 Broad Street

REQUEST: Request for a conditional use variance from Article VII-A of the *Statesboro Zoning Ordinance* for 0.21 acres of property located at 109 Broad Street to utilize the property as an addiction recovery community residence (Tax Parcel # S29 000073 000).

APPLICANT: Paula Becker

OWNER(S): 109 Broad Street LLC

ACRES: 0.21 acres

PARCEL TAX MAP #: S29 000073 000

COUNCIL DISTRICT: 2 (Chavers)



PROPOSAL:

The applicant is requesting a conditional use variance to utilize 109 Broad Street (Tax Parcel MS73 000003 000) as a long term residential, addiction recovery community residence of seven (7) adults (See **Exhibit A** – Location Map). The 0.21 acre lot contains a 2,524 square foot, four (4) bedroom/three (3) bath single family house. The subject site is currently zoned R-6 (Single Family Residential) and the *Statesboro Zoning Ordinance* does not address or define group homes, personal care homes or recovery residences or designate an appropriate zoning district for such uses. In addition, Article II of the *Statesboro Zoning Ordinance* states that a family in the R-6 zoning district may not consist of more than three (3) unrelated persons. Lastly, City Council recently approved **Resolution 2019-30** (See **Exhibit D – Resolution 2019-30**), a resolution to put in effect a six-month moratorium on the issuance of conditional use variances for Community Residences. However, Section 2 of the Moratorium **Resolution 2019-30** states the following: “Nothing herein shall be interpreted or applied to prohibit the submission of or review of an application for reasonable accommodation during the moratorium period”. Under **CUV 19-10-07**, the applicant has requested review of this application for reasonable accommodations (See **Exhibit E** – Reasonable Accommodations Request).

BACKGROUND:

This particular subject site has four prior zoning cases. It should be noted that the applicant requesting **CUV 19-10-07** was not the applicant referenced in any of the cases below.

On December 5, 2006, City Council tabled a zoning map amendment request for 109 Broad Street (subject site) to be rezoned from the R-4 (High Density Residential) to the CBD (Central Business District) zoning district to allow for the operation of a daycare center. This request was tabled as the zoning map amendment application filed by the applicant was not signed by the property owner in accordance with the requirements of zoning map amendment application policies and procedures.

On April 3, 2007, City Council approved a zoning map amendment for 109 Broad Street (subject site) to be rezoned from the R-4 (High Density Residential) to the R-6 (Single Family Residential) zoning district in order to allow for the subdivision of the property, creating a new lot fronting on South Mulberry Street.

On January 19, 2016, application **SE 15-10-05** was requested to be withdrawn by the applicant; this was a request for a Special Exception to allow for the accommodation of three or more unrelated adults to reside at 109 Broad Street (subject site) in order to utilize the property as a group home.

On February 16, 2016, City Council did not render a judgment on application **RZ 16-01-01**, a zoning map amendment request for 109 Broad Street (subject site) to be rezoned from the R-6 (Single Family Residential) to the R-4 (High Density Residential) zoning district to allow for the utilization of the property as a group home. City Council requested that the applicant attempt to resolve the concerns of adjacent property owners regarding the zoning map amendment request, then submit a proposed resolution detailing how the adjacent property owner concerns will be addressed. The applicant later requested to withdraw this application.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R-4 (High Density Residential)	Single-family detached dwelling units
SOUTH:	R-4 (High Density Residential)	Single-family detached dwelling units
EAST:	R-4 (High Density Residential)	Single-family detached dwelling units
WEST	R-6 (Single Family Residential)	Single-family detached dwelling units

Properties to the north, south, east and west are single family residential land uses. (See A – Location Map, See **Exhibit B**—Photos of Subject Site and Surrounding Properties). Also, the property is located within the boundaries of the Downtown Statesboro Development Authority (DSDA) and Tax Allocation District #1.

COMPREHENSIVE PLAN:

The subject site lies within the “Downtown” character area as identified by the City of Statesboro’s Future Development Map (See **Exhibit C**—*Future Development Map*) within the City of Statesboro’s 2019 – 2029 Comprehensive Plan.

Vision:

“The Statesboro **Downtown** character area includes the central historic portion of Statesboro in the intersecting area of Main Street. The area is intended to be redeveloped to create a central business district including many of the characteristics of a traditional downtown by promoting building, site and street-scape design features that encourage street-level pedestrian activity. The area should support a wide mixture of office and retail uses within structures with the potential for residential uses to be located on upper floors. It can also include office-related government and institutional uses. Urban Building form should be promoted except for properties that contain the City’s few remaining historic homes, which should be redeveloped according to their more pastoral character.”

Appropriate land uses include:

- Residential.
- Commercial and Office.
- Mixed-Use.

Suggested Development & Implementation Strategies:

- Maintain/enhance integrity of interconnected grid and pedestrian circulation interconnectivity.
- New development should respect historic context of building mass, height and setbacks.
- New developments that contain a mix of residential, commercial and/or community facilities at small enough scale and proximity to encourage walking between destinations.
- Economic development strategies should continue to nurture thriving commercial activity.

TAX ALLOCATION DISTRICT (TAD) RDEVELOPMENT PLAN:

The subject property falls within the boundaries of Tax Allocation District #1 (TAD). The goal of the TAD is to “encourage private redevelopment of outmoded, highway-oriented commercial development into pedestrian friendly, mixed use centers to achieve the vision set forth in the 2011 Statesboro Downtown Master Plan and 2009 and 2014 Comprehensive Plans”. The plan does not set forth suggestion specific to this subject site. The parcel has a tax value of \$132,362 and is listed in the TAD under Appendix B (pg. 45) (See **Exhibit F** – List of Parcels included in the TAD).

DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY (DSDA) MASTER PLAN:

The 2011 DSDA Locational Guidance for Redevelopment Initiatives Land Use Map places the subject site within zone 10 with targeted use/enhancements identified as residential, institutional and mixed use. This area is classified as a “Tier 2” importance level, as it operates as a supportive element to downtown development. Implementation strategies recommend ensuring that residential and office uses continue with minimal conflict and that land use decisions and strategies contribute to neighborhood stabilization and the maintenance of the existing housing stock (See **Exhibit G** – Locational Guidance/Zone Implementation Table).

COMMUNITY FACILITIES AND TRANSPORTATION:

The subject property is currently serviced by city utilities, sanitation, and public safety. No significant impact is expected on community facilities or services as a result of this request.

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard area. There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

Article XX: Section 2007 of the Statesboro Zoning Ordinance provides eight (8) standards for the Mayor and City Council to consider “in making its determination” regarding a zoning map amendment and “balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.” Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council’s consideration of the application:

1.) Existing uses and zoning or [of] property nearby.

a. Department files indicate that the subject property was previously zoned R-4 and was rezoned to the current zoning of R-6 in 2007 in an effort to transition the neighborhood to a single family zoning designation in order to better align with the primary land uses in the area, which are single family residential. This neighborhood zoning transition did not happen and the subject property’s immediate neighborhood and surrounding properties continue to be zoned and regulated by the R-4 (High Density Residential) district. The subject site and the lot abutting the rear property line of the subject site are the only parcels in the vicinity bearing the R-6 (Single Family Residential) zoning district designation.

2.) The extent to which property values are diminished by the particular zoning restrictions.

a. The proposed use is not expected to have an adverse effect on property values in the area given the uses of the surrounding structures. Please note that staff has not consulted a professional appraiser regarding the impact of the requested Conditional Use Variance on property value.

3.) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.

a. The variance is needed in order to provide rehabilitative services to an adult population.

4.) The relative gain to the public, as compared to the hardship imposed upon the property owner.

- 5.) **The suitability of the subject property for the zoned purposes.**
 - a. The subject site is suitable for the proposed use and could still be used as a single-family residence should this use, if granted, cease.
- 6.) **The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
- 7.) **The extent the proposed change would impact the following:**
 - a. **Population density in the area.**
 - i. The request would add seven (7) additional persons to the area.
 - b. **Community facilities.**
 - c. **Living conditions in the area.**
 - d. **Traffic patterns and congestion.**
 - e. **Environmental aspects.**
 - f. **Existing and future land use patterns.**
 - g. **Property values in adjacent areas.**
- 8.) **Consistency with other governmental land use, transportation and development plans for the community.**

In addition to the standards for determination outlined in Article XX: Section 2007, the Mayor and Council will consider the following factors established by Article XXIV: Section 2406 of the *Statesboro Zoning Ordinance*:

- 1.) **Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.**
 - Staff is unaware of any environmental impacts.
- 2.) **Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.**
- 3.) **Off-street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.**
 - The proposed use of the existing single family residence on the subject site is not expected to cause a significant impact to vehicular traffic.
- 4.) **Public facilities and utilities are capable of adequately serving the proposed use.**
- 5.) **The proposed use will not have a significant adverse effect on the level of property values or the general character of the area.**
- 6.) **Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.**
 - No site plan was required to be submitted for this request.
- 7.) **Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.**
 - This request, if approved, is personal to the applicant. Any future changes to this proposal must be approved by City Council.

STAFF RECOMMENDATION:

Given that the applicant has made a request for reasonable accommodations under the Fair Housing Act, Staff recommends approval of the use requested by application **CUV 19-10-07** with the following condition(s):

- 1) Approval of this Conditional Use Variance does not grant Occupational Tax Certificate approval as submitted. Applicant will be required to submit a business license application for City staff's review and approval.
- 2) Within six (6) months from the date of the conditional use variance approval, the applicant will be required to obtain a Georgia Association of Recovery Residences (GARR) certification for the community residence to be located at 109 Broad Street.
- 3) Applicant will be required to coordinate with the City of Statesboro Fire Department to ensure life safety standards meet current code requirements.
- 4) The applicant must not exceed reasonable standards for parking and avoid excessive parking at the location.
- 5) The applicant may not install signage at the location.

PLANNING COMMISSION RECOMMENDATION:

At the regularly scheduled meeting held on November 5, 2019 at 5:00 PM, the Planning Commission voted 7-0 to recommend denial of the conditional use variance being requested by application **CUV 19-10-07**.

EXHIBIT A: LOCATION MAP



EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES

Picture 1: View of the subject property, 109 Broad Street, currently a single family residence being proposed as an addiction recovery community residence under **CUV 19-10-07**.



Picture 2: View of the adjacent property to the north of the subject site, a single family residence.



EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONTINUED)

Picture 3: View of the property located directly to the east of the subject site, currently single family residences.



Picture 4: View of the adjacent property to the south of the subject site, a single family residence.



EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONTINUED)

Picture 5: View of surrounding properties located to the southeast of the subject site, a single family residence.



Picture 6: View of the surrounding properties located to the east of the subject site, single family residences.



EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONTINUED)

Picture 7: View of surrounding properties located to the west of the subject site, single family residences located along South Mulberry Street.



Picture 8: View of the surrounding properties, looking south along Broad Street.

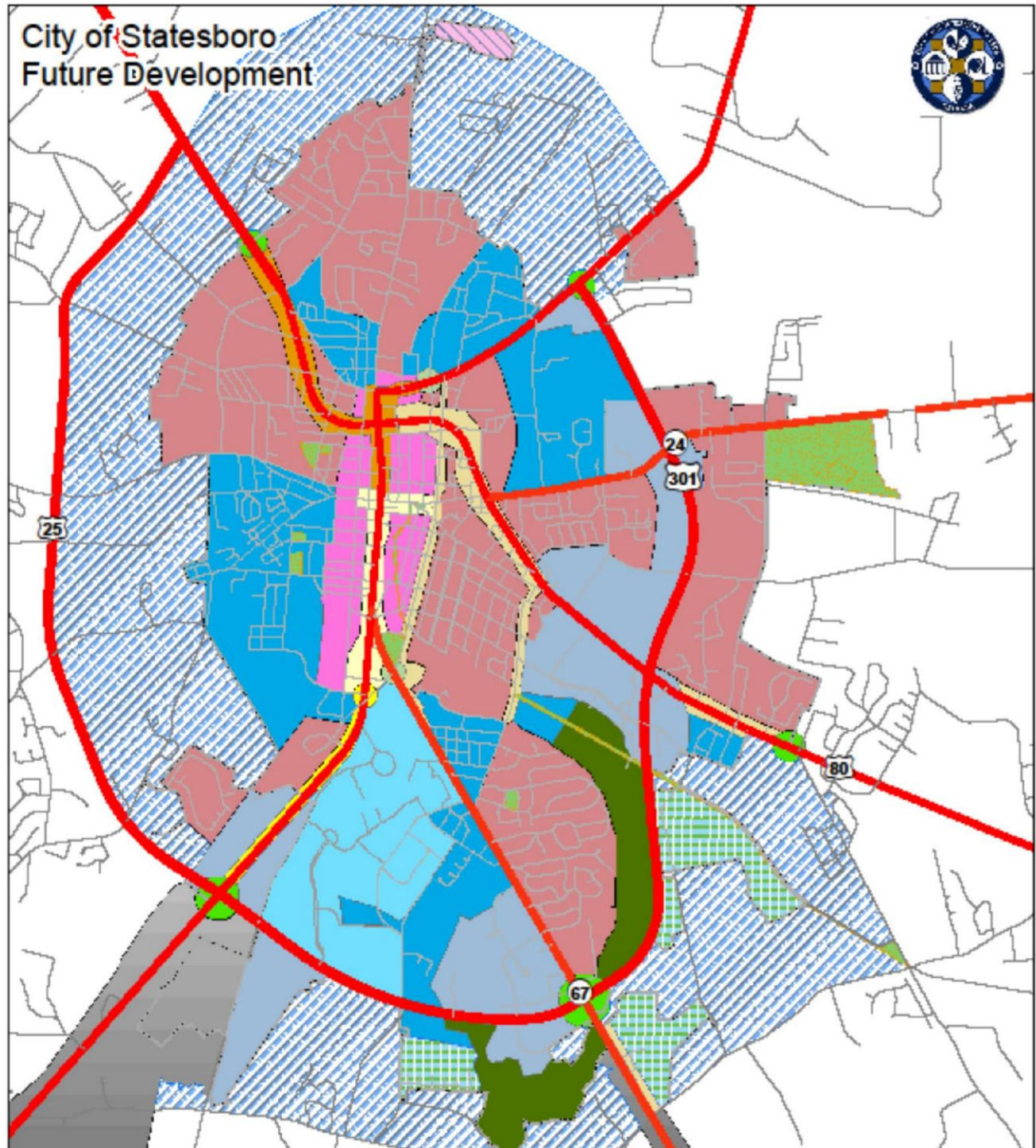


EXHIBIT B: PHOTOS OF SUBJECT SITE AND SURROUNDING PROPERTIES (CONTINUED)

Picture 9: View of surrounding properties, looking north along Broad Street.



EXHIBIT C: CITY OF STATESBORO'S 2019 – 2029 COMPREHENSIVE PLAN FUTURE DEVELOPMENT MAP



- | | | |
|-------------------------------------|--------------------------------------|---------------------------|
| Activity Centers/Regional Centers | Developing Urban Neighborhood Area | Park |
| Commercial Redevelopment Area # 1 | Downtown | Potential Annexation |
| Commercial Redevelopment Area # 2 | Emerging Business | Residential Redevelopment |
| Commercial Redevelopment Area # 3 | Established Residential Neighborhood | University District |
| Conservation Area | Gateway | Urban Core Gateway |
| Developing Traditional Neighborhood | Neighborhood Center | |

EXHIBIT D: Resolution # 2019-30

**STATE OF GEORGIA
COUNTY OF BULLOCH**

MAYOR AND COUNCIL OF THE CITY OF STATEBORO GEORGIA

RESOLUTION # 2019 - 30

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF STATEBORO GEORGIA TO PUT IN EFFECT A SIX MONTH MORATORIUM ON ISSUANCE OF CONDITIONAL USE VARIANCES TO EXCEED CITY ZONING OCCUPANCY LIMITS AND TO COMMISSION A SIX MONTH COMPREHENSIVE STUDY ON GROUP HOMES AND LAND USE RESTRICTIONS IN THE CITY

WHEREAS, the proliferation of group homes in single family neighborhoods throughout the municipal limits of the City of Statesboro has been a source of public health and safety concern for Statesboro residents and elected officials for years; and

WHEREAS, on August 20, 2019 Mayor and Council directed the preparation of a resolution to place a six month moratorium on issuance of conditional use variances in order to facilitate placement of group homes in single family home zoning districts to be considered and opened for first reading and public hearing on September 3, 2019; and

WHEREAS, the Mayor and Council deem it in the best interest of the City and its residents to undertake during the moratorium the review and revision of the zoning and land use regulations as they relate to group housing within the City of Statesboro to find the proper means of protecting the legal rights of group home occupants while preserving the integrity of the City's zoning restrictions; and

WHEREAS, Mayor and Council have legal authority to initiate the review process by declaration of a moratorium; and

WHEREAS, The City of Statesboro and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the public health, safety and welfare is a legitimate public purpose recognized by the courts of the State of Georgia; and

WHEREAS, based upon the above facts, Mayor and Council deem it necessary and to be in the best interests of the health, safety, and welfare of the citizens and residents of the City, to impose a moratorium on the processing and approval of any new applications for conditional use variances for a group homes from October 1, 2019 through March 31, 2020.

EXHIBIT D: Resolution # 2019-30 (Continued)

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STATESBORO THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. These clauses represent the legislative findings of the Mayor and Council. It is the purpose and intent of this Ordinance to promote the health, safety and welfare of the residents and citizens of the City of Statesboro.

Section 2. Mayor and Council hereby declare a moratorium which shall run from October 1, 2019 until March 31, 2020. During such time the City will suspend the processing or approval of any applications for conditional use variances for group homes. The moratorium may be extended by Mayor and Council by subsequent resolution should additional time be needed by the City for the study and presentation of appropriate land development regulations. Nothing herein shall be interpreted or applied to prohibit the submission of or review of an application for reasonable accommodation during the moratorium period.

Section 3. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 4. All Ordinances or parts of Ordinances, Resolutions or part of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 5. This Resolution shall take effect on October 1, 2019.

RESOLUTION APPROVED AND ADOPTED this 3rd day of September, 2019.

By: 
Jonathan McCollar, Mayor

Attest: 
Leah Harden, City Clerk



EXHIBIT E: Request for Reasonable Accommodations

109 Broad Street in the city of Statesboro was purchased solely for the purpose of offering sober rental opportunities for women. Early recovery is an extremely difficult time and having a safe living environment with heavy accountability is highly recommended by addiction professionals.

Many times due to the stigma attached to addiction, individuals in early recovery have a hard time obtaining housing. The Fair Housing Act states that all individuals, even those with a disability, shall have access to housing, however within this population, once it is known that the renter, or property is purposed to be used by individuals in recovery the scrutiny begins.

I mention the Fair Housing Act as the limited resources for individuals in early recovery or suffering with the disease of addiction almost bears a resemblance to discrimination. When speaking of women in addiction the discrimination can be two fold. Allowing for sober living environments, is showing the community that we are not fearful of addiction nor do we look upon addiction as a deviance.

HUD recognizes and utilizes the Fair Housing Act, as well as the American with Disabilities Act, to ensure that HUD recipients and private entities operating housing and community development programs are monitored, to ensure fairness and equality.

It is our understanding that this council has some concerns about the sober living facilities and how they are being regulated. That is understandable, however we are requesting you to reconsider and allow this endeavor to continue. There is a serious need for female sober living in Statesboro. The city has a very reputable, ground breaking addiction hospital, that is in need of sober living for their patients graduating their program.

We are asking for a conditional use for the property at 109 Broad Street. To be used as a sober living rental house. The property is a 3 bedroom/3bath house with 2524 square feet and there would be 2 females per room. The only difference between this rental

EXHIBIT E: Request for Reasonable Accommodations (Continued)

property and other rental houses is that “sober living” is attached to the title, and the renters will be required to follow a set of rules that other rental properties might not have.

The renters will be required to sign a sober contract, and a year lease. They will be required to attend daily AA/NA meetings, and will have a sponsor. These women must find and maintain full time employment, and follow a strict set of guidelines. There will be a house mom who lives there and is present in the evenings to ensure that the house rules are being followed.

This request is being made by one of the partners, Paula Becker. I have had interaction with the disease of addiction since childhood. It is in my family of origin and in my family now. I have studied in the field of addiction, I worked as an addiction counselor for Willingway Hospital for 4 years, getting the hours I needed to test for my Certified Addiction Counselors Certificate. I will be a hands on landlord, being there to help the women make appropriate choices in their early recovery.

I am more than happy to answer any further questions you have regarding the house, the need for the house, the population, the disease of addiction, or myself. Please allow the approval of this conditional use, the recovery community here in Statesboro is in need of it.



Owen Dundee <owen.dundee@statesboroga.gov>

Conditional Use Variance Request - 109 Broad Street

Paula Becker <beckerpaula1@gmail.com>
To: Owen Dundee <owen.dundee@statesboroga.gov>

Wed, Oct 16, 2019 at 11:41 AM

Owen,
It was a pleasure speaking with you on the phone. The conditional use variance being requested is for reasonable accommodations. Thank you for your help.

Best
Paula Becker

Sent from my iPhone

EXHIBIT F: TAX ALLOCATION DISTRICT #1 LIST OF PARCELS (pg. 45)

City of Statesboro Tax Allocation District #1: South Main Redevelopment Plan

2014

GEOPIN	PARCEL_NO	Legal Description	DIG CLASS	TAXD ISTRIC	Appraised Vaue	Assessed Value	Tax Value
7878-58-1970	S29 000053 000	214 S MULBERRY ST/PT LT 20	R	1	71,542	28,617	28,617
7878-58-2512	S30 000036 000	225 BROAD ST	R	1	69,011	27,604	27,604
7878-58-2631	S29 000085 000	223 BROAD ST	R	1	58,355	23,342	23,342
7878-58-2659	S29 000084 000	221 BROAD ST	R	1	63,722	25,489	25,489
7878-58-2778	S29 000083 000	217 BROAD ST	R	1	93,214	37,286	37,286
7878-58-2896	S29 000082 000	215 BROAD ST/JOHNSON	R	1	56,125	22,450	22,450
7878-58-2909	S29 000054 000	212 S MULBERRY ST	R	1	54,117	21,647	21,647
7878-58-3925	S29 000081 000	213 BROAD ST	R	1	61,534	24,614	24,614
7878-59-0361	S29 000045 000	OFFICE/EAST GRADY STREET	E	1	75,700	30,280	0
7878-59-0888	S29 000028 001	0.22 AC/PAR B	E	1	83,575	33,430	0
7878-59-1568	S29 000009 000	MULBERRY & E GRADY	C	1	26,280	10,512	10,512
7878-59-2027	S29 000055 000	210 S MULBERRY ST	R	1	56,873	22,749	22,749
7878-59-2157	S29 000056 000	208 S MULBERRY ST	R	1	88,118	35,247	35,247
7878-59-2352	S29 000057 000	EAST GRADY STREET	E	1	33,500	13,400	0
7878-59-2701	S29 000010 000	111 S MULBERRY ST	R	1	53,756	21,502	21,502
7878-59-2717	S29 000011 000	109 S MULBERRY ST	R	1	53,712	21,485	21,485
7878-59-2844	S29 000012 000	107 MULBERRY ST	R	1	60,182	24,073	24,073
7878-59-2986	S29 000013 000	APTS/103 S MULBERRY ST	R	1	181,367	72,547	72,547
7878-59-3053	S29 000080 000	211 BROAD ST PART LT 18	R	1	53,147	21,259	21,259
7878-59-3173	S29 000079 000	207 BROAD ST	R	1	84,962	33,985	33,985
7878-59-3321	S29 000058 000	110 E GRADY STREET	R	1	11,054	4,422	4,422
7878-59-3409	S29 000060 000	HART/107 E GRADY /	R	1	112,128	44,851	44,851
7878-59-3478	S29 000059 000	109 E GRADY ST	R	1	54,126	21,650	21,650
7878-59-3794	S29 000061 000	110 MULBERRY ST/RENTAL	R	1	55,449	22,180	22,180
7878-59-4218	S29 000078 000	ROWSE EST/114 E GRADY ST	R	1	85,090	34,036	34,036
7878-59-4465	S29 000077 000	111 E GRADY ST	R	1	79,532	31,813	31,813
7878-59-4630	S29 000076 000	115 BROAD ST	R	1	150,053	60,021	60,021
7878-59-4789	S29 000073 000	109 BROAD ST/LT 2/PAR B	R	1	80,910	32,364	32,364
7878-59-4801	S29 000073 001		R	1	110,461	44,184	44,184
7878-59-4828	S29 000072A000	106 S MULBERRY ST	R	1	20,349	8,140	8,140
7878-59-4926	S29 000062 000	104 S MULBERRY ST	R	1	27,985	11,194	11,194
7878-59-5710	S29 000074 000	LT 3 BROAD ST	R	1	59,110	23,644	23,644
7878-59-5854	S29 000072 000	107 BROAD ST	R	1	45,456	18,182	18,182
7878-59-5953	S29 000071 000	105 BROAD ST/ADKINS	R	1	61,714	24,686	24,686
7878-86-3752	S53 000001 000	SALLY ZETTEROWER SCHOOL	E	1	2,846,200	1,138,480	0
7879-20-5083	S11 000116 000	130 BULLOCH ST	R	1	13,662	5,465	5,465
7879-20-6799	S18 000175 000	CLUB ZONE/1.37 AC	C	1	445,550	178,220	178,220
7879-20-7236	S18 000171A000	2.24 AC	E	1	94,080	37,632	0
7879-20-8033	S19 000115 000	126 BULLOCH ST	R	1	5,100	2,040	2,040
7879-20-8306	S18 000171 000	0.50 AC / PAR 2	C	1	22,885	9,154	9,154
7879-20-8584	S18 000172 000	1.13 AC / PAR 1	R	1	24,600	9,840	9,840

Appendices

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EXHIBIT G: LOCALATIONAL GUIDANCE/ZONE IMPLEMENTATION TABLE

Locational Guidance for Redevelopment Initiatives

The primary purpose of this section is to provide a locational framework for implementing redevelopment initiatives as part of the master plan. This framework is intended to offer guidance and basic parameters related to the general location of redevelopment opportunities and enhancement projects within the DDA. Leveraging the existing assets of Statesboro's downtown and the community in an efficient, market-sensitive and contextual manner that will support a variety of redevelopment projects and initiatives are outlined below. Community assets include:

- Georgia Southern University
- The public and private realms of the downtown core
- Properties owned or controlled by the City of Statesboro and the DSDA
- Programmatic and Funding Elements (example: municipal events and functions, public funding strategies, existing initiatives and public/private partnerships, etc.)
- Vehicular and Pedestrian thoroughfares
- Property acquisition opportunities (i.e., vacant land, underdeveloped, unoccupied or substandard structures)

Based on the process utilized to create this master plan, a number of redevelopment opportunities are evident. These elements provide the basis for the locational framework and guidance identified herein.

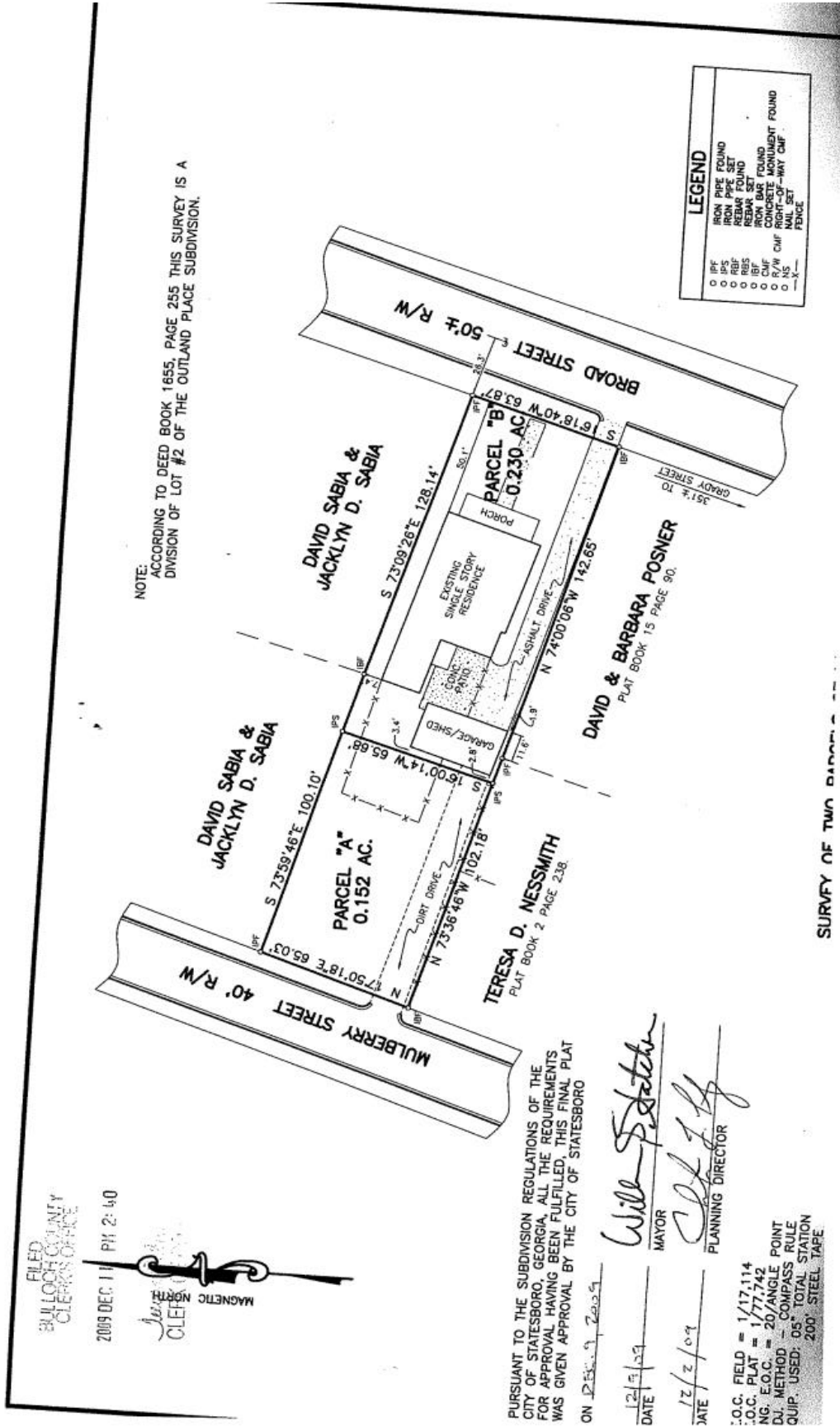
- Georgia Southern University students and faculty are an important factor in shaping redevelopment opportunities downtown
- Parks, open space and public common areas are a primary consideration in programming new uses in the DDA
- Safe and efficient modes of pedestrian and bicycling circulation (including the potential for transit) are a critical component for evaluating the implementation of new projects within the DDA
- Developing elements that support local and regional destinations with respect to downtown Statesboro is a key redevelopment initiative



Locational / Zone Implementation



EXHIBIT H: PLAT OF RECORD (dated December 11, 2009)



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: City Manager Charles Penny & City Clerk Leah Harden

From: Tax Department

Date: 2/12/2020

RE: Massage Parlor Occupational Tax Certificate

Policy Issue: Mayor and Council shall approve application in accordance with City of Statesboro Businesses Ordinance Chapter 18-136:

The city shall issue a license for a massage establishment or a permit for a massagist, after ratification by the mayor and city council, if all requirements for a massage establishment or a massagist permit described in this article are met.

Recommendation: Planning and Development, Fire, Police, Building and Engineering recommended approval.

Budget Impact: None

Council Person and District: District 1, Councilman Phillip Boyum

Attachments: Application and Department Approvals



City of Statesboro

912-764-0625

Occupational Tax Application
Massage Parlors

Application MUST be legible

All lines must include correct information or be marked "N/A" (if not applicable)

A business must be issued an Occupational Tax Certificate before conducting business.
All applicants will be required to provide a photo ID.

1. Date of application: 1/24/2020
2. Business Legal Name: KARLA SWARTZ CERTIFIED MEDICAL MASSAGE PRACTITIONER
3. Business Name (DBA): SAME AS ABOVE
4. Applicants name: KARLA SWARTZ
5. Business mailing address: 6 NORTH MULBERRY STREET
STATESBORO, GA 30458
6. Business phone number: 912-678-2525
7. Dominant line of business: MEDICAL MASSAGE
8. Contact email: KARLASWARTZLMT@GMAIL.COM
9. Georgia Sales Tax #: N/A Federal Tax ID #: _____
10. State Board License #: MT001864 Exp Date: 10/31/2020
11. List all owners, partners, officers, and managing agents and provide a copy of drivers license:
Full Legal Name: KARLA K. SWARTZ

12. Is this property leased, rented, or owned? LEASED

13. Property owner: JIM HENDRY - JCH HOME BUILDERS

14. Do you operate an amusement game room? NO

15. If so, how many Class B machines? N/A

16. Most recent business at this location? NONE - NEW BUILDING

17. Is this an ownership change only? N/A

18. Are alcohol sales proposed? NO

19. Have you ever owned or operated a business in the City of Statesboro? YES

20. If yes, please list the name of the business and the location of the business:

KARLA SWARTZ LMT
815 GENTLY ROAD, STATESBORO, GA 30458

21. Have you ever had a business license revoked or suspended in another city or state?

NO

22. If yes, list all massage or similar business license history whether the applicant has had a business license revoked or suspended, the reason therefore, and the business activity, or occupation subsequent to such action of suspension or revocation: N/A

23. List the name and address of each massagist who will be employed in the establishment and any massage business or other establishment owned or operate by that massagist. _____

THERE WILL BE NO ONE ELSE BESIDES ME
WORKING IN THE OFFICE.

23. Describe any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant: NONE

24. List all criminal convictions other than misdemeanor traffic violations, including the date of convictions, nature of the crimes and place convicted. NONE

25. Provide the name & address of the recognized school attended, the dates attended and a copy of the diploma or certificate of graduation awarded the applicant showing the applicant has completed not less than 70 hours of instruction. TRAVIS TECHNICAL COLLEGE, 3225 WINTER LAKE RD. LAKE LAND, FL
FROM 8/2003 TO 4/2004 (963) 749-2700

26. Provide the names, current addresses, and written statements of at least three bona fide permanent residents, other than relatives, of the United States that the applicant is of good moral character. If the applicant is able, the statements must be furnished from residents of the city, then Bulloch County, then the State of Georgia, then lastly the rest of the United States.

27. Is your business a home occupation? NO

YES
 NO
If your proposed place of business is utilizing an existing building, will it constitute a change of use from the type of business previously there?
If yes, please contact the Engineering Department at (912)764-0655.

YES
 NO
Will there be electrical, plumbing, or heating/air work performed prior to opening your business?
If yes, please contact the City Building Official at (912)764-0655.

YES
 NO
Will construction valued at more than \$1000.00 be performed prior to opening your business? If yes, please contact Planning and Development at (912)764-0630.

YES
 NO
 UNSURE
Does the building meet handicap accessibility?
If no or unsure, please contact the Building Official at (912)764-0655.

Even if all questions are checked "NO" the Fire Official must perform an inspection of your building and any code violations found must be corrected. Please call (912)764-3473 to schedule the fire inspection. If any code violations are found, they must be corrected and re-inspected prior to the issuance of the Occupation Tax Certificate.

Each person who is licensed by the examining boards of the Secretary of State's office must provide evidence of proper and current state licensure before a City of Statesboro Occupation Tax Certificate will be issued. Please submit this information with your application.

Each person who is licensed by the medical boards must provide a copy of the current license before a City of Statesboro Occupation Tax Certificate will be issued. Please submit this information with your application.

FEES:

Application Fee: \$ 40.00
Administration Fee: \$ 95.00
Regulatory Fee: \$ 55.00
Number of full time equivalent employees: 1 X \$20 = \$ 20.00

*Full time equivalent employees are determined by adding the total number of hours worked by all employees per week and dividing by 40. **Owners are counted as a full time employee.**

Total Due to City \$ 210

****Please read AND initial each statement below****

KS ALL business licenses expire December 31st each year. It is the **business owner's** responsibility to renew the license **before** January 31st each year to avoid late fee penalties.

KS I understand the penalty fees **will not** be dropped due to failure to make a timely renewal.

.....
CERTIFICATION:

I, KARLA SWARTZ BEING THE OWNER
Print Name Title

OF THE BUSINESS FIRM HEREIN NAMED, ATTEST THAT THE NUMBER OF EMPLOYEES REPORTED ABOVE IS THE NUMBER OF EMPLOYEES REPORTED ON THE GEORGIA DEPARTMENT OF LABOR TAX AND WAGE REPORT AND I DECLARE THAT THE ABOVE INFORMATION CONTAINED IN THIS RETURN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Karla Swartz
SIGNATURE



SUBSCRIBED AND SWORN BEFORE ME ON THIS 9 DAY OF JANUARY, 2020

Beth C. Odom
NOTARY PUBLIC

11-17-20
MY COMMISSION EXPIRES



STATESBORO POLICE DEPARTMENT

25 WEST GRADY STREET / STATESBORO, GEORGIA 30458
PHONE: (912) 764-9911 / FAX: (912) 489-5050

Please take a moment to complete the following information regarding your new business. This information will be forwarded to the Statesboro Police Department in maintaining a database for current information on businesses in case of emergency after hours contact. If any of the information should change, we would appreciate notification at the following address and telephone number. Again, thank you for your time and patience in completing this form. If you have any questions or concerns, please feel free to contact:

Statesboro Police Department
25 West Grady Street
Statesboro, Ga. 30458
(912) 764-9911

Business Name: KARLA SWARTZ CERTIFIED MEDICAL MASSAGE PRACTITIONER

Street Address: 6 NORTH MULBERRY STREET, STATESBORO, GA 30458

Business Phone: 912-678-2525 Reference Person: KARLA SWARTZ

Dispatch Alert: Please note any private security information regarding your business (such as vicious dog at gate, alarm company, etc...).

NONE

Contact Information: Please list three emergency contacts.

<u>Name</u>	<u>Telephone Numbers</u>	<u>Cell Phone Numbers</u>
<u>KARLA SWARTZ</u>	<u>[REDACTED]</u>	<u>→</u>
<u>MICHAEL SWARTZ</u>	<u>[REDACTED]</u>	<u>→</u>
<u>AARON SWARTZ</u>	<u>[REDACTED]</u>	<u>→</u>

General Information: Such as hours of operation, also please list any information that you feel would assist us in serving you and your business.

MON. - FRI. 9:00 - 6:00

Karla Swartz Certified Medical Massage Practitioner
6 N Mulberry St
Statesboro, Ga 30458

Please enter your recommendations and comments with your full name.

Business License Review

Department Full Name Recommendation Comments

Planning & Development	Justin Williams	Approve	See Memo
Fire Department	Carlos Nevarez	Approve	
Building Official	Gregg Futch	Approve	
Police Department	Mike Broadhead	Approve	
Building Permit	Owen Dundee	Approve	No active building permit. 1/28/2020



City of Statesboro
Department of Planning and Development Memorandum

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

DATE: January 29, 2020

TO: Tax Department

SUBJECT: **BUSINESS OCCUPATION TAX APPLICATION (6 North Mulberry Street – Karla Swartz Medical Massage)**

The Department of Planning and Development has reviewed the business occupation tax application submitted by Karla Swartz for 6 North Mulberry Street (Tax Parcel #S28 000091 000). The applicant is proposing a “Medical Massage Business” 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: 6 North Mulberry Street is located in the CR (Commercial Retail) district
2) Zoning Use Classification: Per Article X, a “Medical Massage Business” may be classified in the Commercial Retail district as:

- Personal Services Facilities

3) Parking: This use is proposed to be located in a previously approved development. No additional parking is required, but any changes to parking must adhere to Article XVI and applicable parking regulations.

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 Planning and Development Department. Signs in the Market District must also receive approval from the Market District Architectural Committee.

Department of Planning and 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 Planning and Development encourages all applicants to access the *Statesboro Zoning Ordinance* online at <http://www.statesboroga.gov>. Any questions concerning the *Statesboro Zoning Ordinance* may be directed to the Department of Planning and 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,

Justin L Williams
City Planner I
Department of Planning & Development

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
I. Cain Smith, City Attorney

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

To: Mr. Charles Penny, City Manager

From: Cindy S. West, Finance Director

Date: February 10, 2020

RE: Closing of the 2010 Water and Sewer Revenue Bond Construction Fund Bank Account

Policy Issue: Closing of a bank account.

Recommendation: Approval to close the 2010 Water and Sewer Revenue Bond Construction Fund Bank Account.

Background: The 2010 Series Water and Sewer Revenue Bond required the City to open a separate bank account for the 2010 Series Water and Sewer Revenue Bond Construction Fund. The 2010 Series Water and Sewer Revenue Bond was refinanced and there is no longer a need for this bank account. Therefore, it is my recommendation to close the 2010 Water and Sewer Revenues Bond Construction Fund Bank Account.

Budget Impact: N/A

Council Person and District: All

Attachments: Resolution 2020-08

RESOLUTION #2020-08 A RESOLUTION AUTHORIZING THE CLOSING OF THE
BANK ACCOUNT FOR THE WATER & SEWER SYSTEM CONSTRUCTION FUND
2010

WHEREAS, the City Council accepted the 2010 Water & Sewer Revenue Bond Issue for certain Water/Sewer projects; and

WHEREAS, the Revenue Bond Issue has been re-financed through a Master Bond Resolution and approved by Council on December 17, 2019.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia that the City Manager and Director of Finance are hereby authorized and directed to close the City of Statesboro's Water & Sewer System Construction Fund 2010

BE IT FURTHER RESOLVED that any Resolution or parts of a Resolution in conflict herewith are hereby rescinded.

Adopted this 18th day of February 2020

CITY OF STATESBORO, GEORGIA

By: Jonathan M. McCollar, Mayor

Attest: Leah Harden, City Clerk

CITY OF STATESBORO

COUNCIL

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

To: Mr. Charles Penny, City Manager

From: Cindy S. West, Finance Director

Date: February 10, 2020

RE: Closing of the 2010 Water and Sewer Revenue Bond Sinking Fund Bank Account

Policy Issue: Closing of a bank account.

Recommendation: Approval to close the 2010 Water and Sewer Revenue Bond Sinking Fund Bank Account.

Background: The 2010 Series Water and Sewer Revenue Bond required the City to open a separate bank account for the 2010 Series Water and Sewer Revenue Bond Sinking Fund. The 2010 Series Water and Sewer Revenue Bond was refinanced and there is no longer a need for this bank account. Therefore, it is my recommendation to close the 2010 Water and Sewer Revenues Bond Sinking Fund Bank Account.

Budget Impact: N/A

Council Person and District: All

Attachments: Resolution 2020-09

RESOLUTION #2020-09: A RESOLUTION AUTHORIZING THE CLOSING OF
THE BANK ACCOUNT FOR THE WATER & SEWER REVENUE BOND SINKING
FUND

WHEREAS, the City Council accepted the 2010 Water & Sewer Revenue Bond Issue for certain Water/Sewer projects; and

WHEREAS, the Revenue Bond Issue has been re-financed through a Master Bond Resolution and approved by Council on December 17, 2019.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia that the City Manager and Director of Finance are hereby authorized and directed to close the City of Statesboro's Water & Sewer Revenue Bond Sinking Fund

BE IT FURTHER RESOLVED that any Resolution or parts of a Resolution in conflict herewith are hereby rescinded.

Adopted this 18th day of February 2020

CITY OF STATESBORO, GEORGIA

By: Jonathan M. McCollar, Mayor

Attest: Leah Harden, City Clerk

CITY OF STATESBORO

COUNCIL

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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: February 13, 2020

RE: February 18, 2020 City Council Agenda Items

Policy Issue: Discussion of implementing a blight tax under Georgia's Community Development Tax Incentive Program

Recommendation: Seeking input from Mayor and Council regarding proceeding with this policy issue

Background: On December 17, 2019 Mayor and Council requested this item be revisited at this meeting. Multiple readings and hearings have previously focused on this item.

Budget Impact: TBD

Council Person and District: All

Attachments: Proposed Ordinance with commercial implementation only and enhancement for properties located in Downtown Development District and/or Tax Allocation Districts

Statesboro, Georgia, Code of Ordinances – Community Redevelopment Tax Incentive Program

Chapter 38, Article VII. – COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM

Section 38-160 – Purpose.

Section 38-161 – Definitions.

Section 38-162 – Levy of increase ad valorem tax on blighted real property.

Section 38-163 – Official identification of property maintained in blighted condition.

Section 38-164 – Remediation or redevelopment to remove designation of blighted condition.

Section 38-165 – Decreased rate of taxation to be applied after successful remedial action or redevelopment of blighted property.

Section 38-166 – Duty of code official to provide notice to county tax commissioner.

Section 38-160 – Purpose.

The existence of real property which is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

In furtherance of its objective to eradicate conditions of slum and blight within the City, the Mayor and Council in exercise of the powers granted to municipal corporations at Chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated those areas of the City where conditions of slum and blight are found or are likely to spread.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

Section 38-161 – Definitions.

Blighted property, blighted, or blight means any urbanized or developed property which:

(A) Presents two or more of the following conditions:

- (1) Uninhabitable, unsafe, or abandoned structure;
- (2) Inadequate provisions for rain, ventilation, light, air, or sanitation;

- (3) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
- (4) A site identified by the federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;
- (5) Repeated illegal activity on the individual property of which the property owner knew or should have known; or
- (6) The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and

(B) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property. Property shall not be deemed blighted solely because of esthetic conditions.

'Building Inspector' means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

'Code official' means the City Manager or such officer or employee of the City as designated by the City Manager to perform the duties and responsibilities hereafter set forth in this article.

"Commercial Property" means any type of building other than Residential Property that is located within the confines of the South Main Tax Allocation District as delineated in the Redevelopment Plan adopted by the City in December, 2014.

'Community redevelopment' means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or thorough local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

"DSDA District" means that area set out in Section 2-98 of the Statesboro Code of Ordinances as the jurisdictional confines of the Downtown Statesboro Development Authority.

'Governing authority' means the Mayor and Council of the City of Statesboro, a Georgia municipal corporation.

'Millage' or 'millage rate' means the levy, in mills, which is established by the governing authority for purposes of financing, in whole or part, the levying jurisdiction's general fund expenses for the fiscal year.

'Person' means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.

"Residential Property" means any building or unit of a building intended for occupancy as a dwelling, but shall not include a hotel or motel.

"TAD" means that area covered by the Redevelopment Plan dated December 16, 2014, and approved by the City in establishing City of Statesboro Tax Allocation District #1: South Main.

Section 38-162 – Levy of increase ad valorem tax on blighted real property.

There is hereby levied on all Commercial Property within the TAD and/or DSDA District which has been officially identified as maintained in a blighted condition an increased ad valorem tax by adding a factor of ten (10.0) to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law.

There is hereby levied on all Commercial Property not located within the TAD and/or DSDA District which has been officially identified as maintained in a blighted condition an increased ad valorem tax by adding a factor of seven (7.0) to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law.

Residential Property shall not be subject to any additional levy otherwise provided for in this section.

Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted.

Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the City Manager and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the City's program to close, repair, or demolish unfit buildings and structures.

Section 38-163 – Official identification of property maintained in blighted condition.

(A) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:

(1) An inspection must be performed on the parcel of property. In order for an inspection to be performed,

a. A request may be made by the code official or by at least one resident of the City for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or

b. The code official may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.

c. Any individual request or survey produced under this subsection shall be reviewed, amended as desired, and approved at open meeting by Mayor and Council before any further action is undertaken.

(2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the code official. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the City are in question, the inspection shall be conducted by an inspector possessing the requisite qualifications to determine minimal code compliance.

(3) Following completion of the inspection report, the code official shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.

(4) The code official shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of Bulloch County as responsible for

payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the code official that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.

- (B) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the code official's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the code official's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice in which to request a hearing before the Municipal Court. Written request for hearing shall be filed with the code official and shall be date stamped upon receipt. Upon receipt of a request for hearing, the code official shall notify the Municipal Court and the building inspector or person who performed the inspection and prepared the inspection report.
- (C) Within 30 days of receipt of a request for hearing, the Municipal Court Clerk shall set a date, time, and location for the hearing and shall give at least ten business days' notice to the person(s) requesting the hearing, the code official and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the Statesboro Herald, or other designated legal organ in Bulloch County, at least five days prior to the hearing. Hearings may be continued by the Municipal Court judge upon request of any party, for good cause.
- (D) At the hearing, the code official shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The Municipal Court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the code official and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the Judge of Municipal Court shall make a determination either affirming or reversing the determination of the code official. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the Tax

Commissioner of Bulloch County, who shall include the increased tax on the next regular tax bill rendered on behalf of the City.

- (E) Persons aggrieved by the determination of the court affirming the determination of the code official may petition the Superior Court of Bulloch County for a writ of certiorari within 30 days of issuance of the court's written determination.

Section 38-164 – Remediation or redevelopment to remove designation of blighted condition.

- (A) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this article as property maintained in a blighted condition may petition the code official to lift the designation, upon proof of compliance with the following:
 - (1) Completion of work required under a plan of remedial action or redevelopment approved by the City's Director of Planning and Development which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
 - (2) Completion of work required under a court order entered in a proceeding brought pursuant to Article II of this Chapter.
- (B) Before action on a petition to lift the designation, the code official shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the code official shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the Tax Commissioner of Bulloch County.
- (C) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the City's Director of Planning and Development, and contain the following:

1. The plan shall be consistent with the City's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the properties lies;
2. The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization, and landscaping of the property;
3. On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.
4. The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;
5. The plan shall contain a timetable for completion of required work; and
6. Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

Section 38-165 – Decreased rate of taxation to be applied after successful remedial action or redevelopment of blighted property.

Commercial property which has had its designation as being maintained in a blighted condition removed as provided in this section will become eligible for a decrease in the rate of city ad valorem taxation equivalent to 50 percent of the normal millage rate applied to the property, applied at the time of issuance of the subsequent tax bill, as provided by general law. This decreased rate is applied to three years tax bills.

Section 38-166 – Duty of code official to provide notice to county tax commissioner.

It shall be the duty of the building official to notify the Tax Commissioner of Bulloch County in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the Bulloch County Tax Assessor's Office. The code official shall cooperate with the tax commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this article.

