



April 02, 2019 9:00 am

1. Call to Order by Mayor Jonathan McColiar
2. Invocation and Pledge of Allegiance by Councilman Jeff Yawn
3. Recognitions/Public Presentations
 - A) Presentation by Keeping Statesboro-Bulloch Beautiful Coordinator Megan Jackson. KSSB has received the Governor's Circle Award for the 2019 year.
 - B) Proclamation recognizing "Sexual Assault Awareness and Prevention Month"
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 03-14-2019 Council Work Session Minutes
 - b) 03-19-2019 Council Minutes
 - c) 03-19-2019 Executive Session Minutes
6. Second Reading and Consideration of a Motion to approve **Ordinance 2019-01**: An Ordinance amending the application of the City's open container exemptions to DSDA sanctioned events.
7. Consideration of a Motion to appoint Jamey Cartee to the Creek Oversight Committee.
8. Consideration of a Motion to Approve **Resolution 2019-10**: A Resolution Approving Application to the Georgia Department of Community Affairs requesting \$2,000,000 in funding from the FY2018 Community Development Block Grant Innovative Grant Program and approval of a City financial commitment of \$300,000 from 2013 SPLOST funds as a local match.
9. Consideration of a Motion to approve the Statesboro Police Department Towing Rotation and Wrecker Agreement.
10. Consideration of a Motion to direct the City Attorney to draft an ordinance regarding the permitting and regulation of Small Cell Wireless Technology.
11. Consideration of a Motion to award the purchase of a CNG Truck from O. C. Welch Ford who submitted the lowest responsive bid of \$33,918.12. This truck is budgeted under CIP# SWD-16 in the amount of \$30,000.00.

12. Consideration of a Motion to award the purchase of a Crew Cab 4x4 truck from Wade Ford who submitted the lowest responsive bid of \$29,696.00. If approved, this truck will be purchased using forfeiture funds.
13. Other Business from City Council
14. City Managers Comments
15. Public Comments (General)
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)
17. Consideration of a Motion to Adjourn

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
Randy Wetmore, City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Justin Williams, City Planner I

Date: March 20, 2019

RE: April 2, 2019

Presentation: Keeping Statesboro Bulloch Governor's Circle Award

Recommendation: Announcement of Award Receipt by Megan Jackson

Background: Keep Statesboro-Bulloch Beautiful has been formally recognized as one of the recipients of the Governor's Circle Award. The award, presented annually by the Keep Georgia Beautiful Foundation, recognizes exemplary work in litter reduction, waste minimization, and community greening.

Budget Impact: None

Council Person and District: All

Attachments: Award Certificate

A PROCLAMATION BY THE MAYOR AND CITY COUNCIL OF STATESBORO, GEORGIA

SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

WHEREAS, The National Sexual Violence Resource Center designates the month of April as Sexual Assault Awareness and Prevention Month to raise public awareness about sexual violence; and

WHEREAS, Sexual assault is a widespread issue which effects individuals of all races, genders, ages, and economic backgrounds; and

WHEREAS, On average 321,500 sexual assaults occur in America each year according to the Rape, Abuse & Incest National Network (RAINN) (2017); and

WHEREAS, The Teal House: Statesboro Regional Sexual Assault and Child Advocacy Center has served 247 victims of sexual assault in Statesboro and the surrounding area since 2007; and

WHEREAS, Victims of sexual assault are at an elevated risk for mental health concerns, substance use disorders, relationship impairment, pregnancy, and sexually transmitted infections (RAINN, 2019); and

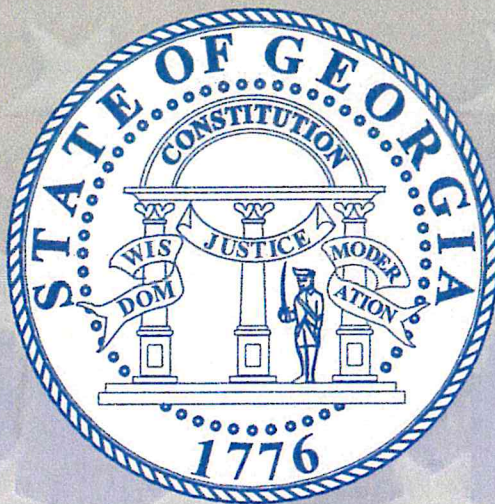
WHEREAS, The City of Statesboro is dedicated to promoting the safety and well-being of community members and supports survivors of sexual violence in their journey toward healing and recovery; and

WHEREAS, Through increased awareness, education, and efforts for prevention we can come together to support survivors and work toward the goal of ending sexual violence in our community.

THEREFORE, I, Jonathan McCollar, Mayor of the City of Statesboro do hereby proclaim the month of April 2019 to be

Sexual Assault Awareness and Prevention Month

Jonathan McCollar, Mayor
City of Statesboro



I, Governor, Nathan Deal
am pleased to present

The Governor's Circle
Award

to

Keep Statesboro-Bulloch Beautiful

In recognition of your efforts to engage Georgians
in taking greater responsibility for their community environments
while maintaining the highest level of organizational standards.

Nathan Deal

Governor Nathan Deal

January 11, 2019



CITY OF STATESBORO
COUNCIL WORK SESSION MINUTES
March 14, 2019

Called Meeting 50 E. Main St. City Hall Council Chambers 2:00 PM

1. CALL TO ORDER

Mayor Pro Tem John Riggs called the meeting to order

2. INVOCATION AND PLEDGE

Councilman John Riggs gave the Invocation and Pledge of Allegiance.

ATTENDENCE

Attendee Name	Title	Status	Arrived
Jonathan McCollar	Mayor	Present	Joined via phone
Phil Boyum	Councilmember	Present	
Sam Jones	Councilmember	Present	
Jeff Yawn	Councilmember	Present	
John Riggs	Councilmember	Present	
Derek Duke	Councilmember	Present	

Other staff present was: City Attorney Cain Smith, Interim City Manager Jason Boyles and City Clerk Sue Starling
City Manager Randy Wetmore was absent.

3. Presentation by U.S. Army Core of Engineers regarding the Creek Project.

Andy Burns presented the proposed plans for the “Creek on the Blue Mile” project which included pictures of how the project would possible look after completion.

Planning Division Chief Steve Fischer and Program Manager Josh Nickel, representing the U.S. Army Core of Engineers, Savannah District, discussed how to start the process and how to get them involved with a letter of intent.

4. Consideration of a Motion to Adjourn

Mayor Pro Tem John Riggs adjourned the meeting.

The meeting was adjourned at 3:05 pm.



CITY OF STATESBORO
COUNCIL MINUTES
MARCH 19th, 2019

Regular Meeting	50 E. Main St. City Hall Council Chambers	5:30 PM
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1. CALL TO ORDER

Mayor Jonathan McCollar called the meeting to order

2. INVOCATION AND PLEDGE

Councilman Derek Duke gave the Invocation and Pledge of Allegiance.

ATTENDENCE

Attendee Name	Title	Status	Arrived
Jonathan McCollar	Mayor	Present	
Phil Boyum	Councilmember	Present	
Sam Jones	Councilmember	Present	
Jeff Yawn	Councilmember	Present	
John Riggs	Councilmember		absent
Derek Duke	Councilmember	Present	

Other staff present was: City Manager Randy Wetmore, City Attorney Cain Smith and City Clerk Sue Starling

3. Recognitions/Public Presentations

A) Presentation of Comprehensive Annual Financial Report by Richard Deal

Mr. Deal covered highlights of the "CAFR".

4. Public Comments (Agenda Item): None

5. Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

B) Approval of Minutes

a) 03-05-2019 Council Minutes

b) 03-12-2019 Called Council Minutes

c) 03-12-2019 Called Executive Session Minutes

C) Consideration of a Motion to approve the surplus of 13 firearms that have either been forfeited or are evidence firearms that are no longer needed for prosecution.

A motion was made to approve the consent agenda

RESULT:

Approved (Unanimous)

MOVER:

Councilman Jeff Yawn

SECONDER:

Councilman Derek Duke

AYES:

Boyum, Jones, Yawn, Duke

ABSENT

John Riggs

6. Consideration of a motion Public Hearing and Consideration of a Motion to Approve Alcohol License Application:

**A) Board and Brush
Johnna Eaton
20 S. Main St.
Statesboro, Ga. 30458**

A motion was made to open the hearing

RESULT:

Approved (Unanimous)

MOVER:

Councilman Phil Boyum

SECONDER:

Councilman Jeff Yawn

AYES:

Boyum, Jones, Yawn, Duke

ABSENT

John Riggs

Johnna Eaton was present. No one spoke against the request.

A motion was made to close the hearing

RESULT:

Approved (Unanimous)

MOVER:

Councilman Phil Boyum

SECONDER:

Councilman Jeff Yawn

AYES:

Boyum, Jones, Yawn, Duke

ABSENT

John Riggs

A motion was made to approve the request.

RESULT:

Approved (Unanimous)

MOVER:

Councilman Jeff Yawn

SECONDER:

Councilman Phil Boyum

AYES:

Boyum, Jones, Yawn, Duke

ABSENT

John Riggs

7. Public Hearing and First Reading of Ordinance 2019-01: An Ordinance amending the application of the City's open container exemptions to DSDA sanctioned events.

A motion was made to open the hearing

RESULT:

Approved (Unanimous)

MOVER:	Councilman Phil Boyum
SECONDER:	Councilman Jeff yawn
AYES:	Boyum, Jones, Yawn, Duke
ABSENT	John Riggs

No one spoke for or against the request.

A motion was made to close the hearing

RESULT:	Approved (Unanimous)
MOVER:	Councilman Phil Boyum
SECONDER:	Councilman Jeff Yawn
AYES:	Boyum, Jones, Yawn, Duke
ABSENT	John Riggs

A motion was made to move forward for the 2nd reading on April 2, 2019.

RESULT:	Approved (Unanimous)
MOVER:	Councilman Phil Boyum
SECONDER:	Councilman Jeff Yawn
AYES:	Boyum, Jones, Yawn, Duke
ABSENT	John Riggs

8. **Public Hearing and Consideration of a Motion to Approve: APPLICATION V 19-02- 01: Walmart Stores, Inc. requests a variance from Article XV Section 1509(C) Table 5 of the Statesboro Zoning Ordinance regarding the maximum number of building signs allowed in Sign District #3 (Tax Parcel MS74 000198A 036).**

A motion was made to open the hearing

RESULT:	Approved (Unanimous)
MOVER:	Councilman Phil Boyum
SECONDER:	Councilman Jeff Yawn
AYES:	Boyum, Jones, Yawn, Duke
ABSENT	John Riggs

Stephanie Martin spoke in favor of the request
No one spoke against the request.

A motion was made to close the hearing

RESULT:

Approved (Unanimous)

MOVER:

Councilman Phil Boyum

SECONDER:

Councilman Derek Duke

AYES:

Boyum, Jones, Yawn, Duke

ABSENT

John Riggs

A motion was made to approve the request with staff recommendations

RESULT:

Approved (Unanimous)

MOVER:

Councilman Jeff Yawn

SECONDER:

CouncilmanDerek Duke

AYES:

Boyum, Jones, Yawn, Duke

ABSENT

John Riggs

9. Consideration of a Motion to enter into an Intergovernmental Agreement (IGA) between the Georgia Environmental Finance Authority (“GEFA”) and the City of Statesboro for 5.5 million dollars in direct investment funds.

A motion was made to approve IGA.

RESULT:

Approved (Unanimous)

MOVER:

Councilman Jeff Yawn

SECONDER:

Councilman Sam Jones

AYES:

Boyum, Jones, Yawn, Duke

ABSENT

John Riggs

10. Consideration of a Motion to Approve the Downtown TAD Advisory Committee's by-laws and policies and procedures.

A motion was made to approve the Downtown TAD Advisory Committee's by-laws and policies and procedures.

RESULT:	Approved (Unanimous)
MOVER:	Councilman Jeff Yawn
SECONDER:	Councilman Derek Duke
AYES:	Boyum, Jones, Yawn, Duke
ABSENT	John Riggs

11. Consideration of a Motion for Mayor and Council to appoint a member to the Statesboro Diversity and Inclusion Committee to fill a vacancy.

A motion was made to appoint Annie Hill to fill the vacancy.

RESULT:	Approved (Unanimous)
MOVER:	Councilman Sam Jones
SECONDER:	Councilman Phil Boyum
AYES:	Boyum, Jones, Yawn, Duke
ABSENT	John Riggs

12. Consideration of a Motion to approve Resolution 2019-09: A Resolution imposing 2019 interim alcoholic beverage fees for renewals of current alcoholic beverage licenses due, based on City fiscal year, but a wholesale change of on premises consumption types and fees, as well as transitioning to calendar year basis for licenses.

A motion was made to approve Resolution 2019-09.

RESULT:	Approved (Unanimous)
MOVER:	Councilman Phil Boyum
SECONDER:	Councilman Jeff Yawn
AYES:	Boyum, Jones, Yawn, Duke
ABSENT	John Riggs

13. Consideration of a Motion to award the purchase of a CNG Ford F-250 truck for the Natural Gas Department to Allan Vigil Ford as they offered the lowest responsive bid in the amount of \$40,492.00. This vehicle has a budgeted amount of \$46,000.00 and is budgeted in fiscal year 2019 under CIP# NGD-54.

A motion was made to approve the purchase of a CNG Ford F-250 truck

RESULT:	Approved (Unanimous)
MOVER:	Councilman Jeff Yawn
SECONDER:	Councilman Phil Boyum
AYES:	Boyum, Jones, Yawn, Duke
ABSENT	John Riggs

14. Consideration of a Motion to Approve Award of Contract to Blanchard Equipment Company in the amount of \$99,000.00 for the purchase of a tractor and mower in the Solid Waste Disposal Division. Funding is provided by 2013 SPLOST funds.

A motion was made to approve award of Contract to Blanchard Equipment Company

RESULT:	Approved (Unanimous)
MOVER:	Councilman Jeff Yawn
SECONDER:	Councilman Derek Duke
AYES:	Boyum, Jones, Yawn, Duke
ABSENT	John Riggs

15. Other Business from City Council

Mayor and Council discussed the nominees for assessment center members regarding the City Manager search. The nominees were Keely Fennell, Curtis Woody, Dorsey Baldwin and Mary Lee Odum.

Mayor McCollar asked for someone to be appointed to the Creek Commission on the April 2, 2019 Council Meeting.

16. City Managers Comments

Director of Central Services Darren Prather stated a new HVAC for the Arts Center would be ordered by written quotes.

Interim City Manager Jason Boyles updated Council on the CDBG grant and stated that steps were being taken because of a City employee living in that area and that he did not initiate the project. He also stated the RFQ's for the Creek were on going and the U. S. Core of Engineers has not slowed down the project. It is still moving forward.

17. Public Comments (General)

A) Mr. Thomas Renfrow has asked to address Council regarding the blight ordinance

Mr. Renfrow cancelled his request to speak.

18. 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)

A motion was made to enter into Executive Session with a 5 minutes break at 6:15 pm.

RESULT:	Approved (Unanimous)
MOVER:	Councilman Phil Boyum
SECONDER:	Councilman Jeff yawn
AYES:	Boyum, Jones, Yawn, Duke
ABSENT	John Riggs

A motion was made to exit Executive Session at 6:37 pm

RESULT:	Approved (Unanimous)
MOVER:	Councilman Jeff Yawn
SECONDER:	Councilman Phil Boyum
AYES:	Boyum, Jones, Yawn, Duke
ABSENT	John Riggs

Mayor McCollar called the regular meeting back to order with no action taken.

19. Consideration of a Motion to Adjourn

A motion was made to adjourn the meeting

RESULT:	Approved (Unanimous)
MOVER:	Councilman Jeff Yawn
SECONDER:	Councilman Derek Duke
AYES:	Boyum, Jones, Yawn, Duke
ABSENT	John Riggs

The meeting was adjourned at 6:37 pm

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs
Derek Duke



Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Cain Smith, City Attorney

Date: March 27, 2019

RE: April 02, 2019 City Council Agenda Items

Policy Issue: Open container exemptions for DSDA events

Recommendation: Second reading of attached amendment of Section 6-17

Background: Councilman Boyum requested ordinance amendment regarding the application of the City's open container exemptions to DSDA sanctioned events at the March 5, 2019, Council meeting.

Budget Impact: None

Council Person and District: All

Attachments: Proposed Ordinance amendment 2019-01

6-17

(j) Application to Downtown Statesboro Development Authority events: This prohibition shall not apply to any event approved by DSDA Board of Directors, officially sanctioned by the DSDA, and held in a predetermined area agreed to by DSDA and SPD. The DSDA Executive Director shall give notice of time and duration of such event to Chief of SPD, Chief of SFD, and City Clerk not less than ten (10) days prior to event. DSDA will be exempt from the cost requirements set out in subsection (d)(2).

City of Statesboro

Jonathan McCollar, Mayor

Sue Starling, City Clerk

CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5

Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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

To: Randy Wetmore, City Manager
Sue Starling, City Clerk

From: Jason Boyles, Interim Assistant City Manager

Date: March 26, 2019

RE: Community Development Block Grant Innovative Program Application

Policy: Grant Application

Recommendation:

Staff recommends application to the Georgia Department of Community Affairs requesting \$2,000,000 for FY2018 Community Development Block Grant (CDBG) Innovative Program funds and approval of a City financial commitment of \$300,000 from 2013 SPLOST funds as a local match.

Background:

The Georgia Department of Community Affairs (DCA) administers Community Development Block Grants (CDBG) to address economic and community development needs for local governments in Georgia. Recently DCA has announced a new grant opportunity, the Innovative Grant Program, from their FY2018 funds. The purpose of this grant program is to encourage projects that will result in transformational changes. Such changes shall "support long-term, systemic and sustainable change". City staff seeks to submit application for this grant program for funding to support the Creek on the Blue Mile project.

The application process for this grant program is structured in two phases. The initial phase, the pre-application, is due to DCA by May 31, 2019 and the second phase, full-application, is due to DCA by August 31, 2019. City staff will complete and submit a pre-application and, if selected, will proceed to full application submittal.

Budget Impact: \$300,000 in 2013 SPLOST funds

Council Person and District: District 2, Sam Lee Jones and District 3, Jeff Yawn

Attachments: CDBG Application Resolution 2019-10

RESOLUTION 2019 - 10: A RESOLUTION APPROVING APPLICATION FOR THE FY2018 COMMUNITY DEVELOPMENT BLOCK GRANT INNOVATIVE PROGRAM AND COMMITTING MATCHING FUNDS

THAT WHEREAS, the Mayor and City Council have found that the Community Development Block Grant (CDBG) Innovative Program is necessary and desirable in order to support economic development and improve the living conditions of low and moderate income persons living in the City of Statesboro, Georgia; and,

WHEREAS, the Mayor and City Council desire that the 2018 CDBG Innovative Program application be submitted to the Georgia Department of Community Affairs for funding under Title I of the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, City staff shall prepare a CDBG Innovative Program application to provide funding for an amount up to the eligible award of \$2,000,000 in grant funds to be utilized for improvements to support the Creek on the Blue Mile project; and,

WHEREAS, said application requires a minimum 15% local match; and,

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

Section 1. That the Mayor and City Council hereby authorize the submittal of a 2018 Community Development Block Grant Innovative Program application to the Georgia Department of Community Affairs and such supporting collateral material as necessary.

Section 2. That the Mayor and City Council hereby pledge \$300,000 in local funds toward a CDBG award of \$2,000,000.

Section 3. That the Mayor and City Manager are hereby authorized to execute all documents related to the application of said grant.

Adopted this 2nd day of April, 2019.

STATESBORO, GEORGIA

By: Jonathan McCollar, Mayor

Attest: Sue Starling, City Clerk



**FFY 2018 Innovative Program Pre-Application
Transforming Your Community Through CDBG
Deadline: May 31, 2019**

Applicant Local Government: _____

Joint Applicant(s) (if applicable): _____

Address: _____

Telephone: _____ **Email:** _____

Thank you for your interest in the FFY2018 "Transforming Your Community Through CDBG" program. This document contains several questions regarding your proposed project. The pre-application will help us determine whether your project is eligible for the Innovative Program's funding and whether DCA may issue an invitation to submit a full application. For projects currently underway, this process also allows DCA to issue pre-agreement cost approval (if applicable).

Please be advised that completion of this pre-application does not constitute submission of a complete CDBG Innovative Program application and is not a commitment to fund or a notification of grant award, or notification that any proposed activities are eligible for financing through DCA. After review of the pre-application, DCA will invite selected applicants to submit a full application for consideration. The full-application must be received by **August 31, 2019**.

In order to maintain eligibility, the Applicant must ensure **before any work takes place** all applicable CDBG laws and regulations (including the federal environmental review requirements, historic preservation and archeological review compliance, federal labor standards requirements, Davis-Bacon requirements, procurement requirements, etc.) have been satisfactorily addressed.

Match Requirement:

The minimum match requirement is 15% of the amount of the grant request.

- \$2,000,000 award will have a \$300,000 match
- \$1,000,000 award will have a \$150,000 match

Each application must stand on its own merit and obtain sufficient points under the formal review process to be funded. Since the competitiveness of your project is unknown at this time, any group that secures financing and moves ahead with any portion of the project should do so under the full realization that funding is not guaranteed until a grant award and contract has been executed by DCA. Should you have any questions, please don't hesitate to contact Joanie Perry, Director - Community Finance Division at joanie.perry@dca.ga.gov.

Certification:

I, the undersigned authorized representative of the applicant, acknowledge that this document is a pre-application for funding and that further documentation is necessary should this pre-application be invited to submit a full application. I acknowledge that this document is not a guarantee of funding through the CDBG Innovative Program and the match requirement. All information provided herein is true and correct.

Signature of Authorized Local Gov. Rep.: _____

Name and Title: _____ Date: _____

FFY 2018 Innovative Program Pre-Application Transforming Your Community Through CDBG

Eligible CDBG Applicants:

Units of general purpose local government (cities or counties) that do not participate in HUD's CDBG Entitlement program.

Receipt of an Annual Competition, Employment Incentive Program Grant, Redevelopment Fund Grant or Immediate Threat and Danger Grant does not disqualify an applicant for an Innovative Grant. However, Recipients of prior CDBG funding must resolve all outstanding audit, and/or monitoring (compliance) findings prior to an application for an Innovative Grant. Sanctions applied under any of the other CDBG grant programs will also apply to this program.

A Note on CDBG Flexibility.

CDBG has always been a flexible program allowing local governments to choose among a variety of activities in order to address local priorities and needs. DCA encourages the full use of this flexibility by allowing applicants to apply for the full range of eligible CDBG activities under this innovative demonstration program.

Although meeting the low- and moderate-income national objective has been the primary focus of most communities under the Annual Competition, applicants may pursue the removal of slum and blight objective as well. The removal of slum and blight objective is best pursued through projects that deliver significant low- and moderate-income benefit. The Innovative competition also includes economic development projects as eligible activities.

Eligibility Requirements.

Certain state planning and financial reporting eligibility requirements must be met to be eligible. If your community is not in compliance with the reporting requirements below, your application will not be eligible for consideration and may also preclude an invitation to submit a full application. It is highly recommended that if your local government is not compliant at time of submission of the pre-application, this be addressed in detail. There is no assurance that an invitation to submit a full application can be expected based on these explanations.

Under State statutes, applicants must comply with State planning and financial reporting laws. These laws include:

- ☐ The Georgia Planning Act,
- ☐ The Service Delivery Act (HB 489),
- ☐ Government Management Indicators Survey
- ☐ DCA Local Government Finance Report requirements, and
- ☐ Local Government Audit Act.

If truly transformative projects require a change to a community's Service Delivery Strategy, the Applicant should explain the changes needed and provide a timeline by which the changes will be completed. This will not jeopardize the success of a potential application.

In certain instances of non-compliance, these laws prohibit the Department of Community Affairs from providing grant assistance. For information on a community's Qualified Local Government Status (QLG), i.e., the status of a community's compliance with the first four requirements listed above, please refer to the following web site: <http://www.georgiaplanning.com/planners/planreview/default.asp>.

For information on a community's compliance with the Local Government Audit Act, please contact Jacqueline E. Neubert at the Georgia Department of Audits at (404) 651-8938 or neubertj@audits.ga.gov or refer to the following link:

http://www.audits.ga.gov/NALGAD/Local_Government_Audits.html.

FFY 2018 Innovative Program Pre-Application Transforming Your Community Through CDBG

Timeliness Criteria - The Innovative Grant Program is initially being capitalized with FY18 CDBG funds. As DCA has implemented requirements for applicants to have expended 100% of budgeted funds to be eligible for future CDBG awards, applicants must have expended all funds from 2016 (or earlier) awards by **June 1, 2019**.

Eligible Activities

Applicants should note that each activity listed in this section is eligible only to the extent that it benefits at least 70% low and moderate income persons (*51% for economic development projects*). Projects may also address an urgent need and/or elimination or prevention of slums and blight in an area designated by the applicant. Please consult DCA for guidance; however, examples of eligible activities include:

- **Acquisition of Real Property** in whole or in part by purchase, long-term lease, donation or otherwise by the applicant, another public agency, a non-profit, and/or private individuals and for-profits for the purpose of carrying out housing rehabilitation, economic development activities, or other eligible activities. **Note:** Generally ineligible acquisition activities include the acquisition of furnishings, movable equipment, machinery, and land write-downs;
- **Administrative Costs** necessary to carry out a CDBG project. These costs will be limited to 6% of the total award amount for single-activity projects and 7% for multiple activity projects, but should not exceed \$90,000. Costs above \$90,000 may be considered with substantial justification of need and expected returns.
- **Clearance** costs within a “targeted area” generally include the demolition and removal of structures and other items (dilapidated buildings, substandard houses, junk cars, etc.) to appropriate sites;
- **Code Enforcement** related to the payment of salaries and overhead costs directly related to activities within a declining “target area”;
- **Disposition** or costs incidental to disposing of property acquired with CDBG funds. Examples of eligible costs include appraisals, surveys, marketing, legal, financial, transfer taxes, etc.;
- **Economic Development** activities or assistance to “for profit entities”, generally take one of two forms – (a) direct loans to business/industry, and/or (2) public infrastructure in support of business/industry. Any form of direct grant assistance to a business or industry (for-profit entity) is ineligible;
- **Housing Rehabilitation** activity that will utilize CDBG funds to finance the rehabilitation of public or private residential property, including the conversion of non-residential properties (in downtowns, etc.) for housing

Generally ineligible is the creation of a “secondary housing unit” (an in-law suite, etc.) attached to a primary unit, installation of luxury items such as upgraded appliances, spas, pools, etc., the cost of non-built-in equipment and furnishings (stoves and refrigerators are exceptions), and labor costs for homeowners themselves to rehabilitate their own property;

- **Interim assistance** to a deteriorating “target area” may include activities which are low-budget and otherwise ineligible such as pothole, lighting, fencing, sidewalk, street repair, etc. of public facilities, special refuse collection, trimming and removal of trees and overgrowth, etc. Assistance under this activity is generally associated with a redevelopment project;
- **Public Facilities and Improvements**, including the acquisition, construction, reconstruction, rehabilitation and/or installation of the same. This activity includes, but is not limited to, water and

FFY 2018 Innovative Program Pre-Application Transforming Your Community Through CDBG

sewer facilities, flood and drainage improvements, parking, streets, curbs, gutters, sidewalks, parks and playgrounds. Other activities may include the development of shelters for homeless, elderly, mentally ill, abused and impaired persons. Public facility activities may also include the development of medical, community, senior and handicapped centers, or centers for jobs and literacy training.

Note: Costs which are generally ineligible include operating and maintenance expenses, the construction of buildings for the general conduct of government, the purchase of construction equipment, the cost of furnishing and personal property associated with new construction, and the construction of new housing;

- **Reconstruction** of housing provided that it is (a) owner-occupied, and (b) the house proposed for reconstruction is “not feasible” for rehabilitation by local policy. Please consult DCA for detailed guidance if reconstruction is planned;
- **Relocation** or temporary relocation of families and individuals, businesses or other organizations. Relocation may be required by Federal law and regulation (the Uniform Relocation and Real Properties Acquisition Act of 1970, and pursuant regulations), or it may be “optional” and subject to local policy approved by DCA based upon need;
- **Removal of Architectural Barriers** activity includes modifications to existing structures which are necessary to remove material and architectural barriers which restrict the mobility and accessibility of the elderly and handicapped to publicly or privately owned buildings facilities and improvements;

Special Eligibility Requirements

Pre-Applications may be submitted individually by one unit of general purpose local government, or jointly, by two (2) or more units of general purpose local government. Only one pre-application per general purpose local government, whether individually or jointly submitted, shall be eligible for competition.

Special Requirements for Joint Applications

Generally, joint applications become **necessary** when the project benefit is not located within a single jurisdiction. Please consult DCA on questions concerning joint applications.

Deadlines for Preliminary and Full Applications

To participate in the FFY 2018 Innovative Program funding cycle, all preliminary applications must be submitted to DCA by **May 31, 2019**.

For applicants invited to submit full applications, these applications must be submitted to DCA by **August 31, 2019**.

All applications must be U.S.P.S. postmarked no later than the date indicated or be hand-delivered to the address indicated below no later than the close of business on each of the two deadline dates. Applications that are mailed must be sent by certified or registered mail. An original and three (3) copies are required.

Administrative Secretary
c/o Community Finance Division
Georgia Department of Community Affairs
60 Executive Park South, N.E.
Atlanta, Georgia 30329-2231

Basic Questions Regarding Your Innovative Program Project

As described in the Overview of the Program, for the purposes of this set-aside, DCA is defining transformational as an individual or series of activities that will support long-term, systemic and sustainable change.

1. Project Description

Keeping in mind the intent of this set-aside, describe the need for your project, including both the public and private (if applicable) sectors. Provide sufficient detail for a clear understanding of the entire project, including the interested parties and a general description of the intended beneficiaries.

Please indicate the following:

- a) What National Objective(s) is the proposed project intended to meet?
 - Benefit to low- and moderate-income persons
 - ☐ Area Benefit
 - ☐ Limited Clientele
 - ☐ Housing
 - ☐ Jobs
 - Elimination of 'slum and blight'
Should the applicant choose this national objective, please indicate whether the project will address 'spot basis' or 'area basis' since the two have very different criteria; Does the application include a copy of a Resolution declaring "Slum & Blight" to meet the requirements of the National Objective? *This is not required at the pre-application stage, but will be critical to program structure.*
 - Meeting an urgent need
- b) What CDBG eligible activities are proposed?
- c) What amount of financing is needed to implement the Innovative Program activity? *(Total costs and amount sought from the Innovative Program)*
- d) Where the project will take place?
- e) When the project will be implemented? *(Include beginning and ending dates)*
 - At what *stage(s)* is Innovative financing necessary? Also indicate the current status of the project.
- f) How the Innovative Fund will be packaged and administered?
- g) Have any preliminary engineering or architectural plans have been drafted for the project? If not, when will plans be initiated for the project?
- h) Provide the name of the business (if any) that will receive the benefits of the Innovative Fund funding and a description of that business; and
- i) Detail any sub-recipients (such as a development authority or a non-profit), if any.
- j) If applicable, please address any anticipated Service Delivery Strategy changes and provide a timeline for completion.

FFY 2018 Innovative Program Pre-Application Transforming Your Community Through CDBG

2. Innovation

Provide a detailed analysis of how the proposed project addresses the intent of the Innovative Program as being transformational. For the purposes of this set-aside, DCA is defining transformational as an individual or series of activities that will support long-term, systemic and sustainable change. The Department feels this definition is broad enough to allow units of local government flexibility in defining what could be transformational.

Potential projects can look to one or more of the following goals:

- 1) Provide a service to previously unserved or underserved low and moderate income persons or group.
- 2) Use unique or original strategies that will produce traditional CDBG projects at a lower CDBG cost.
- 3) Encouragement of initiative, resourcefulness and creativity in addressing problems intrinsic to low-and moderate-income persons;
- 4) Coordination of private profit and nonprofit, federal, state and local public resources in unique ways or which have not traditionally been coordinated in order to address problems intrinsic to low and moderate income persons or groups.
- 5) Use 'community revitalization' strategies to create partnerships among federal and local governments and their related agencies, the private sector, community organizations, and local residents to alleviate blight and create opportunities in economically distressed areas.
- 6) In an effort to coordinate existing resources to create innovative public-private partnerships, the Innovative Grant Program encourages local governments to use a 'community revitalization' strategy in developing grant applications. This strategy, which is generally not eligible under the regular round competition, allows local governments to take a different approach to rebuilding communities by addressing the problems of disinvestment, job loss, and blight in non-entitlement downtowns. This strategy will allow certain downtown revitalization and microenterprise projects to be eligible under this competition.

3. Preliminary Sources and Uses

Indicate the amount of financing requested and show how the proposed sources and uses will be allocated for all project funds. First, show the sources and the related dollar amounts. Then show the purpose(s) for which the funds will be used, and in what amounts. Also include the status of whether additional funds are needed and whether they are committed. Should 'other funds' not be committed at time of the pre-application, include narrative to address the issue. Since the feasibility of a project is usually dependent on committed resources, it is important to address the status of additional funding resources that may be needed. If other funds are critical to the success of the overall project, please address alternative funding considerations.

FFY 2018 Innovative Program Pre-Application Transforming Your Community Through CDBG

A sample source and use statement is provided below.

Source	Source Amount	Committed?	Use	Use Amounts
Total Source Amount:			Total Use Amount:	

Administrative costs will be limited to 6% of the total award amount for single-activity projects and 7% for multiple activity projects, but should not exceed \$90,000. Costs above \$90,000 may be considered with substantial justification of need and expected returns.

4. Project Structure

Describe the principal partners/parties in your project.

5. Public Benefit Standards

Describe the expected outcomes for this project, along with other project benefits likely to result from the project (e.g., positive impact on future economic development activity in the area). Describe how this project will help transform the community/region?

Non-Economic Development Projects

Applications are required to have at least a 70% benefit to low- and moderate-income people. In addition, the project may either eliminate/prevent slum and blight in an area as designated by the applicant and/or address an urgent need.

Please indicate the following:

- Estimated number of total persons served
- Estimated number of low- and moderate-income persons

Economic Development Projects

If your project is an eligible economic development activity, it must provide a certain level of *public benefit*. For example, if it is a job creation or retention activity, it must create or retain a proportionate number of jobs for the dollar amount of CDBG assistance. If the project serves low- and moderate-income people, for example through workforce training, the grant requested must result in a proportionate level of benefit to low- and moderate-income persons using the proposed services.

Therefore, indicate the following:

- The total amount of CDBG funds (e.g., Innovative funds and any other CDBG-related funds, such as Revolving Loan Fund monies or CDBG Loan Guarantee/Section 108 funds) to be used in the project: \$_____;
- The total number of permanent full-time equivalent jobs to be created or retained or beneficiaries served as a result of the project: _____;

FFY 2018 Innovative Program Pre-Application Transforming Your Community Through CDBG

- The total number of low- and moderate-income persons to be served. In the case of an economic development project, the number to be hired, retained or served by the project: _____. (Must be a minimum of 51% of the total number of jobs created or retained or people to be served by the project.)

Proposed Loans:

If you are proposing direct assistance to a private, for-profit entity in the form of a loan, please respond to the following questions:

a. Payment Terms

Please indicate the proposed repayment schedule or amortization period and proposed interest rate, for the loan proceeds.

b. Collateral

The Innovative Program requires that each loan be collateralized. Describe the collateral for the proposed Innovative loan, and, if applicable, the proposed collateral for other project debt. Examples of collateral might be:

- A first or second lien on real property;
- A lien on machinery or equipment; or
- The pledge of an income stream or other marketable assets.

Economic Development - Proposed Infrastructure Projects:

If you are proposing to use Innovative funds for public infrastructure that would benefit a private, for-profit entity, please respond to the following question regarding public ownership:

Will the proposed infrastructure improvement to be financed with Innovative funds be on public property? Please indicate if the project property is publicly held or whether a public easement or right-of way must be acquired.

6. Whom May We Contact

Please provide the following information for the grant-writing or administrative contact who has knowledge of the application and whom DCA staff may direct questions.

Name: _____

Address: _____

Telephone: _____ **Email:** _____

Open Records Statute:

Georgia Law requires that "All public records of an agency as defined in subsection (a) of this Code section, except those which by order of a court of this state or by law are prohibited or specifically exempted from being open to inspection by the general public, shall be open for a personal inspection by any citizen of this state at a reasonable time and place; and those in charge of such records shall not refuse this privilege to any citizen" (O.C.G.A. § 50-18-70(b)). This means that past and current records on the use of CDBG/EIP funds are required to be open for public inspection.

FFY 2018 Innovative Program Pre-Application Transforming Your Community Through CDBG

However, certain proprietary information which is required by DCA to be included in an economic development application and must be supplied by a business or developer in order to receive certification and which constitutes a “trade secret” (O.C.G.A. § 10-1-740 et seq.; 16-8-13(a)(4)) is exempt from disclosure under O.C.G.A. section 50-18-70.



STATESBORO POLICE DEPARTMENT

Ph 912-764-9911

25 West Grady Street, Statesboro, Georgia 30458

Fx 912-

TO: Randy Wetmore, City Manager

FROM: Mike Broadhead, Chief of Police

DATE: April 2, 2019

RE: Wrecker Agreement

POLICY ISSUE: Renewal of Agreement establishing standards for private companies to be on the police department call rotation list

RECOMMENDATION: That Council approve the 2019 Wrecker Agreement.

BACKGROUND: In 2016 the Statesboro City Council approved a formal agreement which established standards for tow truck companies, managers, drivers, and storage yards that wanted to be on the police department's "call-out" rotation. The police department uses the call-out list for every wrecker that is needed in relation to a police activity, from traffic crashes to evidence impounds. The list is set as a "rotation", meaning that each company is called, in-turn, based on the next name on the list, to ensure that each company gets equal opportunity to provide towing services. In order to be on the list, individual companies must agree to the standards established in the "Wrecker Agreement."

As established by Council, the Wrecker Agreement was set for an annual renewal, meaning that each company had to sign the agreement each year (starting July 1), which includes providing driver histories and criminal histories for key employees.

The only alterations to the 2019 Wrecker Agreement is a change of dates as appropriate.

BUDGET IMPACT: No impact. There are no fees associated directly with the Agreement, and staff time has already been budgeted as part of normal duties.

COUNCIL PERSON: All Districts.

ATTACHMENTS: Proposed Wrecker Agreement.

STATESBORO POLICE DEPARTMENT TOWING ROTATION AGREEMENT
July 01, 2019 to June 30, 2020

DEFINITIONS

- | | |
|-----------------------------------|---|
| 1. "SPD" means: | The Statesboro Police Department |
| 2. "Company" means: | The towing company making application for Rotation |
| 3. "Owner" means: | Person(s) that own and/or operate/manage a company regardless if they are an operator/driver. |
| 4. "Operator" means: | An approved tow truck driver/operator. |
| 5. "Yard" means: | A secured impoundment facility that meets the requirements of the Department of Public Safety Rule 570-6-1-08 |
| 6. "Normal Business Hours" means: | 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding State holidays |
| 7. "Sanctions" means: | A penalty including but not limited to warnings, suspensions, and/or termination. |

DISCLAIMER

SPD is seeking to establish a Towing Rotation list to be used when a sworn officer requests the removal and towing of a motor vehicle. The SPD reserves the right to make any changes to the Agreement, with sufficient notice to the Companies.

Being on the SPD Towing Rotation lists is a privilege and not a right and does not create a contract between the SPD and the Company. To be eligible to be on any SPD Towing Rotation list, towing companies must submit, during open application, the Towing Rotation Application and must agree to comply with the rules and regulations as set forth in this Towing Rotation Agreement. Towing Companies on SPD Towing Rotation list must also follow all Federal, State, and local laws and regulations pertaining to tow companies. Failure to comply with the terms of this Agreement or applicable Federal, State, and local laws and regulations may lead to sanctions against the towing company as described in the Agreement.

The signature of the duly authorized representative on the Application and Agreement shall confirm that the entire document has been read, the information given is complete and accurate, the company and all employees are bound by all provisions of the Agreement, the company understands the requirements to be placed on and remain on any SPD Towing Rotation list, the company accepts the conditions of the Agreement, and the company accepts responsibility for the actions of its owners, agents, employees, and tow truck passengers as they relate to the Agreement and do so with the full understanding that inclusion on any SPD Towing Rotation list is voluntary and a discretionary privilege extended by the SPD and not a legal right. Inclusion on SPD's Towing Rotation list does not guarantee any Company an equal or specific number of Rotation Calls. Falsification of any portion of this Application or Agreement or in the documentation provided in support of the Application shall be cause for immediate removal from the Towing Rotation list and may be charged as a separate criminal offense.

PROJECT DESCRIPTION

1. This rotation and agreement will be effective July 1, 2019 to June 30, 2020, unless terminated earlier at the discretion of SPD.

2. Renewals and Enrollment for existing and/or new companies must be completed every two years during the Renewal/Enrollment period specified by the SPD.

APPLICATION OBLIGATIONS

The SPD will receive sealed packets until 4:30 p.m. Friday, June 21, 2019 at the SPD Building located at 25 West Grady Street, Statesboro, Georgia 30458. Packets delivered by this date and time will be processed in time for the July 1 agreement date. Packets turned in late will be handled on a case by case basis.

1. Packet must be complete in order to be considered.
2. The right is reserved to reject all applications, to waive any informality or technicality, or to accept applications deemed in the best interest of the SPD.
3. Packets that have trucks, drivers, yards, owners, operators, or managers not qualifying for participation will not have those trucks, drivers, yards, owners, operators or managers considered.

ROTATION AGREEMENTS

I. Terms, Conditions, Procedures, and Agreements

A. The Company

1. The company is responsible to submit all information requested in the application.
2. Managers - who do not drive or operate tow trucks - must submit original GCIC Criminal Histories not older than thirty (30) days. Arrests that do not have dispositions listed may not be acceptable for the background check unless the court summary is attached showing dispositions of charges.
3. Managers must be within compliance of the criteria listed below:
 - a. Are legally authorized to work in the United States.
 - b. The term "conviction" as used in the below subparagraphs shall include a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere including anyone placed under a court's supervision to avoid a judgment of guilt being entered under what is commonly referred to as a plea in abeyance such as a "first offender sentence" or "pre-trial diversion program."
 - c. The date of conviction shall be measured from the day a finding or verdict of guilt is made, or plea of guilty, or a plea of nolo contendere entered, or the day the person was placed under a court's supervision to avoid a judgment of guilt being entered under what is commonly referred to as "first offender sentence" or "pre-trial diversion program."
 - d. The term "moral turpitude" shall mean conduct which is done knowingly contrary to justice, honesty, or good morals; has an element of falsification or fraud, or contains an element of harm or injury directed to another person or another's property.
 - e. Shall not have been convicted in a Georgia, or of a similar crime in any other State, of murder, rape, armed robbery, kidnapping, aggravated sodomy, aggravated sexual

battery, aggravated child molestation, any felony crime involving an assault or battery against a law enforcement officer or government official, or any felony crime involving sexual conduct. Shall not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been adjudicated restored to competency, and shall not be a Registered Sex Offender in Georgia or any other State.

- f. Shall not have any convictions classified as a felony or misdemeanor crime in Georgia, or in any other State, involving violence, moral turpitude, weapons, illegal use of or possession of any substance, domestic violence, resisting arrest, obstruction of justice, or theft within the last (5) years.

4. The Company must maintain at least one approved yard within seven (7) miles of the city limits.

5. If the Company has only one approved Driver at any point in time throughout the Rotation year, and that Driver is going to be unavailable or out of service for any length of time, the Company shall not use an unauthorized driver during the absence of that driver.

6. The Company must maintain general liability and property damage Insurance equivalent to that required by Georgia Department of Public Safety Rule 570-6-1-09 that governs non-consensual towing as from time to time amended. **THE CITY OF STATESBORO SHALL BE LISTED AS AN ADDITIONAL INSURED, AND THE COMPANY SHALL PROVIDE PROOF TO THE SPD THAT THE CITY OF STATESBORO IS LISTED AS AN ADDITIONAL INSURED ON THESE INSURANCE POLICIES**

7. The company shall provide evidence of Workers Compensation Insurance and shall maintain said coverage throughout the rotation year, as required per Georgia State Law.

8. The Company will be available 24 hours a day, 7 days a week. The towing company called to tow a vehicle must be at the scene of a call within 20 minutes, except under extraordinary circumstances. If the towing service first called accepts the call and does not arrive at the scene within 20 minutes, then another towing service may be requested to respond and the first company may be sanctioned.

9. For all regular rotation calls, the company agrees to and shall only be allowed to bill for towing and storage under this agreement at the same exact rates as provided in the "Nonconsensual Towing Maximum Rate Tariff" adopted and published annually by the Mayor and City Council. In cases of tows which are longer than one hour, an on-scene SPD supervisor may sign the tow receipt, noting the arrival and departure from the scene time, thereby authorizing billing longer than the standardized one hour and additional fee of \$15.00 per additional quarter hour. The time the tow service begins is when the SPD dispatcher or officer contacts the company, and calls for a tow. The time the tow service ends is when the tow company departs the scene with the vehicle in tow.

If the company institutes proceedings to perfect and enforce their lien rights against the vehicle as provided for in Chapter 3 of Title 40 of the Official Code of Georgia, the company may assess the actual costs of postage for providing notice by certified mail or statutory overnight delivery to the owner.

Only those charges allowed per this agreement may be charged to a vehicle owner or insurance company. There will be no additional charges allowed for cleanup of any debris or spills at the scene.

****The SPD may perform audits on Company billing receipts.***

10. The Company will ensure that all operators, assistants, trainees, and any other employees have sufficient experience and/or training in currently recommended towing techniques and are capable of performing their duties in a lawful, safe, proper, and effective manner.
11. The dispatch phone number shall be answered in the name of the company making application.
12. The Company agrees not to use unapproved Managers, Drivers, Operators, Yards, or Trucks. New Managers, Drivers, Operators, Yards, and Trucks may be added by submitting the required information and the appropriate attachments. The Company must immediately notify the SPD of any and all changes to Company information, including removal of yards, trucks, drivers, or operators.
13. The Company shall state their regular business hours on the application, and shall maintain those regular business hours while serving on this Towing Rotation list.
14. Application for acceptance onto the Towing Rotation list shall constitute agreement and consent by the person or entity making the application for SPD officials to enter the premises at any reasonable time during normal business hours to conduct inspections of records, conditions of the yard, and equipment in order to verify compliance with the terms of this agreement.
15. Only those Companies that have been called from the Towing Rotation may respond to a SPD Tow request.
16. The Company will maintain complete and accurate records of all SPD rotation tows and shall provide the SPD with such records as requested. Failure to maintain such records will result in sanctions up to and including suspension or removal from the Rotation.
17. The company agrees that all work will be done with equipment of a Company approved to be on this Towing Rotation list. The company further agrees that no work on behalf of the SPD will be done by employees or agents of a company not on the Towing Rotation list. Exceptions: When special equipment is needed for the towing of Fire Trucks or other vehicles requiring special handling equipment, the company may utilize a subcontractor as necessary.
18. The company shall ensure that tow truck operators provide only those services that are necessary or requested and shall, at the time of the tow, provide the owner or driver (if present at the scene) of the vehicle:
 - a. the location where the vehicle will be stored;
 - b. a copy of the current rate schedule, and;
 - c. the terms of the vehicle recovery.
19. The company shall make every effort to resolve legitimate claims for damage or theft that are obviously related to the towing and/or storage of the vehicle and shall do so in a timely manner. Vehicles that are damaged as a result of the tow may result in the company being sanctioned up to and including suspension or removal from rotation.
20. The company shall provide SPD officers on scene at the rotation call of any requested information regarding the company, drivers, trucks, equipment, yards, or any other information deemed pertinent.

21. The Company shall ensure that once the Operator is given control of the vehicle at the tow site, notation is made on the invoice of the description of any property that is removed from the vehicle and the name of the person removing it.

22. Operators shall not leave the scene of a rotation call on a traffic accident until all debris, oils, and radiator fluids (including all absorbent material) have been properly removed from the scene unless allowed by the express permission of the SPD officer that first responded to the scene, or unless allowed by the express permission of that SPD officer's superior.

23. The Company shall provide renewal copies of occupation tax certificates, local, state and federal licenses, insurance, registration, Motor Carrier Certification, and driver certificates at the time the item is renewed. As the Company should reasonably know when these items are due, Companies will be suspended without notice until the renewed copies are provided or may be terminated if the renewal is not received within thirty (30) days of the previous expiration. Notification by an insurance company or the State that a required element of this Agreement has been revoked shall be cause for immediate suspension without notification by the SPD as the Company receives the same correspondence.

24. The Company shall ensure that all owners, operators, office staff, and any other Company employees shall cooperate fully and honestly with Officers at the scene of Rotation Calls, and any other Law Enforcement Officer. Dishonesty and/or failure to cooperate may result in sanctions up to and including termination from the Rotation.

25. The Company shall ensure that all owners, managers, and operators report to the Statesboro Police Department no later than July 1 of the year to sign authorization for bi-annual criminal and driver's history checks to be administered by Statesboro Police Department Personnel.

26. The company must submit a Georgia E-Verify affidavit form or exemption affidavit along with the application packet.

B. Operators

1. Operators shall comply with all Federal, State, and local laws and regulations when engaged in Rotation Towing.

2. Each Owner and Operator must submit original GCIC Criminal Histories not older than thirty (30) days. Arrests that do not have dispositions listed may not be acceptable for the background check unless the court summary is attached showing dispositions of charges.

3. A SPD identification card shall only be issued to Operators and Owners if the employee is within compliance of the criteria listed below:

- a. Are legally authorized to work in the United States.
- b. The term "conviction" as used in the below subparagraphs shall include a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere including anyone placed under a court's supervision to avoid a judgment of guilt being entered under what is commonly referred to as a plea in abeyance such as a "first offender sentence" or "pre-trial diversion program."

- c. The date of conviction shall be measured from the day a finding or verdict of guilt is made, or plea of guilty, or a plea of nolo contendere entered, or the day the person was placed under a court's supervision to avoid a judgment of guilt being entered under what is commonly referred to as "first offender sentence" or "pre-trial diversion program."
- d. The term "moral turpitude" shall mean conduct which is done knowingly contrary to justice, honesty, or good morals; has an element of falsification or fraud, or contains an element of harm or injury directed to another person or another's property.
- e. Shall not have been convicted in a Georgia, or of a similar crime in any other State, of murder, rape, armed robbery, kidnapping, aggravated sodomy, aggravated sexual battery, aggravated child molestation, any felony crime involving an assault or battery against a law enforcement officer or government official, or any felony crime involving sexual conduct. Shall not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been adjudicated restored to competency, and shall not be a Registered Sex Offender in Georgia or any other State.
- f. Shall not have any convictions classified as a felony or misdemeanor crime in Georgia, or in any other State, involving violence, moral turpitude, weapons, illegal use of or possession of any substance, domestic violence, resisting arrest, obstruction of justice, or theft within the last (5) years.

4. Each Owner and Operator must submit his driving record from the Department of Public Safety not older than thirty (30) days.

5. Each Owner or Operator that responds to Rotation calls shall clearly display a valid SPD identification card which has been issued to the Operator for the specific Company. ID Cards are non-transferable and shall be used for official purposes only. The use of ID cards to obtain credit, complete a financial transaction, or secure a gratuity is prohibited. The card remains the property of the SPD and shall be surrendered to the SPD upon termination. The Tow Company is responsible to make sure the identification card/badge is returned to the SPD and shall not destroy identification cards/badges or throw them away.

6. Operator error that results in excess of \$1000.00 in damage to a vehicle or causes bodily injury may result in the Company being sanctioned and the Operator being permanently removed.

7. Using an unauthorized Operator on a Rotation call may result in an immediate termination from the Rotation.

C. Trucks and Equipment

1. Each tow truck shall comply with the Equipment requirements as established in the Georgia Department of Public Safety Rule 570-6-1-.11 that governs non-consensual towing.

D. Storage Yard / Lot

1. Yards/Lots shall be located within a seven (7) mile radius of the city limits of Statesboro, and be in compliance with the requirements of Georgia Department of Public Safety Rule 570-6-1-.08 that governs non-consensual towing.

2. The company shall provide owner access to vehicles towed subject to a rotation call during the normal business hours identified on the company' application. If the company provides the owner access to the vehicle outside of normal business hours, the company may charge the owner the "after hours fee" as prescribed in the "Nonconsensual Towing Maximum Rate Tariff" adopted and published annually by the Mayor and City Council.

3. Companies upon contact by the vehicle owner or authorized agent:

a. Shall, during normal business hours, respond to the yard within 20 minutes and by appointment;

b. Shall not charge the vehicle owner or authorized agent an additional fee for responding to the yard during normal business hours for the purposes of:

i. Releasing a vehicle;

ii. Releasing life essential personal property contained within the vehicle;

iii. Inspecting the condition of the vehicle.

4. Yards that experience frequent problems with theft from, or vandalism to, towed or stored vehicles may result in the Company being terminated from the rotation.

5. All property removed from towed vehicles by the company for "safe keeping" must be listed on the invoice that is to be received by the vehicle owner.

6. The Company shall ensure that the storage yard operator maintains a log of individuals who have been given access to vehicles for the purpose of removing personal property and such log shall show the name, vehicle, date, time and receipt number.

II. Complaints

1. The Company shall cooperate with the SPD in any inquiry regarding an allegation of the violation of any part of this agreement.

2. As a matter of practicality, the enforcement of certain articles in the agreement occurs primarily as violations are brought to the attention of the SPD.

3. The SPD shall be the determining authority as to the severity of any violation. After the coordinator's investigation he/she shall impose sanctions as she/he deems appropriate.

III. Penalties

1. The SPD has an obligation to the public regarding the safety of vehicles and contents when towed and stored at SPD request and by an SPD Rotation Tow Truck. When circumstances warrant, it will be necessary to immediately suspend a towing company from the rotation and remain on suspension until the situation can be thoroughly investigated and an appropriate and fair decision rendered.

2. Actions that may result in a towing company's suspension or termination from the SPD Towing Rotation List include, but are not limited to:

- a. requesting or demanding a vehicle owner sign any financial responsibility disclaimers;
- b. charging unauthorized fees.
- c. holding life-essential personal property "hostage" for payment to the company;
- d. expiration of liability or workers compensation insurance;
- e. failure to maintain complete and accurate records of rotation towed vehicles;
- f. threats;
- g. operating a tow truck or company in violation of law;
- h. using unauthorized company operators, trucks, or yards on rotation calls;
- i. serious operator error;
- j. vehicle damage sustained during the towing process;
- k. operating unsafe tow trucks;
- n. moving a yard to another location without prior notification to the SPD;
- o. operating a yard which does not have an office on site unless the yard and off-site storage location is approved by SPD;
- p. falsifying information on this application;
- q. revocation/suspension of driving privileges or towing privileges by the State of Georgia.

3. Following an investigation, if the SPD deems a sanction is appropriate, the Company will be notified by Email and/or U.S. mail.

4. The SPD will determine the length of any suspension. Suspension may result in a company being denied participation for any length of time in the current rotation, extended into a proceeding rotation, permanently, or other time as determined by the SPD.

5. A company, yard, truck or driver may be suspended or terminated from the rotation for practices determined by the SPD to be unlawful, unreasonable, or otherwise not in the best interest of the public and as outlined in this application.

6. A violation of any part of this agreement may be cause for sanctions.

7. If the SPD removes, suspends, or sanctions a company on the towing rotation list the SPD shall furnish the company the reasons for the removal, suspension, or sanction in writing within five (5) days of removing, suspending, or sanctioning the company. The company shall have the right to appeal this decision to the Mayor and City Council. In order to appeal such a decision, the company shall file a written notice of appeal with the City Clerk within thirty (30) days of receipt of the written decision by the SPD. Upon receipt of a notice of appeal, the City Clerk shall place the appeal on the agenda for the next meeting of the Mayor and City Council for hearing.

I hereby declare under criminal penalty of the State of Georgia that the information contained in the foregoing **STATESBORO POLICE DEPARTMENT TOWING ROTATION AGREEMENT** application is true and correct. I agree to be bound by all of the terms and conditions contained in the foregoing application and acknowledge that by signing below, I acknowledge I have read the application in its entirety. I agree to abide by the terms and conditions set forth in the application. I agree to accept responsibility for ensuring that all employees of the Company comply with the provisions of the application.

Company Owner

Printed Name: _____

Company Name: _____

Date: _____

Email Address: _____

CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District

Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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

To: Randy Wetmore, City Manager
From: Darren Prather, Central Services Director
Date: March 25, 2019
RE: Recommendation: CNG Truck and PD Truck

Recommendation:

Staff recommends awarding the purchase of a CNG F-150 Regular Cab truck for use at the Transfer Station to O.C. Welch Ford in the amount of \$33,918.12 as they have offered the lowest responsive bid for this item. This truck was budgeted under CIP# SWD-16 in the amount of \$30,000.00

Staff recommends awarding the purchase of a F-150 Crew Cab truck for use by the Police Department to Wade Ford in the amount of \$29,696.00. This vehicle will be accompanied with a 7 year / 100,000 mile warranty as is requested on all our patrol vehicles. This truck was budgeted under CIP#PD-1 and will be paid out of 2019 SPLOST funds.

Background:

Sealed bids for this bid opportunity were received on March 19, 2019 at 3 PM EST and the results are as follows:

Vendor	Bid Amt. PD Truck	Bid Amt. TS CNG Truck
1. Allan Vigil Ford	\$32,840.00	\$35,861.00
2. O.C Welch Ford	\$36,087.07	\$33,918.12
3. Vaden Chevrolet	\$35,189.00	\$No Bid
4. Wade Ford	\$29,696.00	\$36,742.00

Bid amounts include all required warranties.

Council Person and District: All

Attachments: None

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