



CITY OF STATESBORO  
COUNCIL MINUTES  
APRIL 05, 2022

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**

Mayor Pro Tem Shari Barr gave the Invocation and led the Pledge of Allegiance.

ATTENDANCE

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	Mayor Pro Tem	Present	

Other staff present: City Manager Charles Penny, Assistant City Manager Jason Boyles, I.T. Support Specialist Alan Schleder, City Attorney Cain Smith and City Clerk Leah Harden

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

**4. Consideration of a Motion to approve the Consent Agenda**

**A) Approval of Minutes**

a) 03-15-2022 Council Minutes

b) 03-15-2022 Executive Session Minutes

**B) Consideration of a motion for approval of surplus and disposition of a 2005 New Holland Tractor and a 2009 Ford F-150 in the Public Works and Engineering Department.**

A motion was made to approve the consent agenda.

**RESULT:**

Approved (Unanimous)

**MOVER:**

Councilmember John Riggs

**SECONDER:**

Councilmember Venus Mack

**AYES:**

Boyum, Chavers, Mack, Riggs, Barr

**NAYS**

**5. Consideration of a motion to approve an emergency purchase by the Statesboro Fire Department for a natural gas HVAC system from Middle Georgia Mechanical Heating and Air to replace the current system at Station 1 in the amount of \$41,250.00.**

A Motion was made to approve an emergency purchase by the Statesboro Fire Department for a natural gas HVAC system from Middle Georgia Mechanical Heating and Air to replace the current system at Station 1 in the amount of \$41,250.00.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Venus Mack
<b>SECONDER:</b>	Councilmember John Riggs
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	

**6. Public Hearing and Consideration of a motion to approve the First Reading of Ordinance 2022-02: An Ordinance amending Chapter 2 of the Statesboro Code of Ordinances establishing the Greener Boro Commission.**

A motion was made to open the public hearing.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Mayor Pro Tem Shari Barr
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	

A motion was made to close the public hearing.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Mayor Pro Tem Shari Barr
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	

No one spoke for or against the request.

A motion was made to approve the First Reading of **Ordinance 2022-02** amending Chapter 2 of the Statesboro Code of Ordinances establishing the Greener Boro Commission.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Mayor Pro Tem Shari Barr
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	

**7. Consideration of a motion to approve Resolution 2022-13: A Resolution amending the job position classification and compensation plan, updating the pay grade of the Communications Supervisor and reclassifying the Communications Officer to an Assistant Communications Supervisor in the Statesboro Police Department.**

A motion was made to approve **Resolution 2022-13** amending the job position classification and compensation plan, updating the pay grade of the Communications Supervisor and reclassifying the Communications Officer to an Assistant Communications Supervisor in the Statesboro Police Department.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Venus Mack
<b>SECONDER:</b>	Councilmember Paulette Chavers
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	

**8. Consideration of a motion to approve Resolution 2022-14: A Resolution to adopt an amendment to the Capital Improvement Program for Fiscal Year 2022 – Fiscal Year 2027.**

A motion was made to approve **Resolution 2022-14** adopting an amendment to the Capital Improvement Program for Fiscal Year 2022 – Fiscal Year 2027.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Paulette Chavers
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	

**9. Consideration of a motion to approve Resolution 2022-15: A Resolution to waive Section 62-2(j)(6) of the Statesboro Code of Ordinances to allow for a maximum of 20% rental occupancy for the development of Fernhill Farms Subdivision by L&S Acquisitions, LLC (Tax Parcels # MS57000004 000 & MS57000006 000) under the Subdivision Incentive Program.**

City Manager Charles Penny stated under the Subdivision Incentive Program there is a provision that states for a period of one year developers cannot rent any of the homes they build. However when speaking with potential developers this is a major sticking point. Our plan is to look at the overall ordinance and come back to you but in the meantime we have a project that has been approved for an incentive grant. However without this modification to the agreement the developer is not willing to move forward.

Councilmember Phil Boyum asked what processes are in place to ensure that only 20% of these houses will be rented. How do we monitor this?

Mr. Penny stated that this is the first time we've made this modification. We don't give the money to the developer right up front so that would be the best way to monitor compliance with the 20% number.

Councilmember Boyum stated his concern about making a decision without putting a process in place ensuring compliance.

Assistant City Manager Jason Boyles stated that from a staff level we can verify if it's owner occupied or rentals through the permitting and CO process.

City Attorney Cain Smith stated this is solely a resolution in order to enter into a developer agreement. When we go against our own ordinances we need to admit that openly through resolution as in this case waiving the requirement under 62-2(j)(6) which prohibits all rentals for a period of one year. In this situation we would allow up to 20% rentals during the first year. All of this is spelled out in the development agreement which is the next item on the agenda. This is an enforceable agreement that has to be entered into before those funds can be expended to the developer.

A motion was made to approve Resolution 2022-15 to waive Section 62-2(j)(6) of the Statesboro Code of Ordinances to allow for a maximum of 20% rental occupancy for the development of Fernhill Farms Subdivision by L&S Acquisitions, LLC (Tax Parcels # MS57000004 000 & MS57000006 000) under the Subdivision Incentive Program.

<b>RESULT:</b>	Approved 4-1
<b>MOVER:</b>	Councilmember Paulette Chavers
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	Councilmember Phil Boyum

**10. Consideration of a motion to approve a development agreement between the City of Statesboro and L&S Acquisitions, LLC for installation of public infrastructure for the development Fernhill Farms Subdivision by L&S Acquisitions, LLC (Tax Parcels # Ms57000004 000 & MS57000006 000) under the Subdivision Incentive Program.**

Councilmember Boyum asked if the developer has to build the houses in order to receive money back from the infrastructure.

Assistant City Manager Jason Boyles replied no they have to complete the infrastructure itself.

City Manager Charles Penny recommended that we create a callback provision in the agreement that if they exceed 20% rentals it would be grounds for calling the bond. That way we would be able to recover a portion of our funds we committed to the program.

A motion was made to approve a development agreement with the identified amendment between the City of Statesboro and L&S Acquisitions, LLC for installation of public infrastructure for the development Fernhill Farms Subdivision by L&S Acquisitions, LLC (Tax Parcels # Ms57000004 000 & MS57000006 000) under the Subdivision Incentive Program.

<b>RESULT:</b>	Approved 4-1
<b>MOVER:</b>	Councilmember Paulette Chavers
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	Councilmember Phil Boyum

**11. Consideration of a motion to award a contract to Sikes Brothers Inc. in the amount of \$1,088,424.05 for the annual resurfacing project and approval to spend up to the budgeted amount of \$1,099,747.10 for additional work based on unit prices in the contractor’s bid. This project is paid by GDOT LMIG funds and 2018 TSPLOST funds.**

A motion was made to award a contract to Sikes Brothers Inc. in the amount of \$1,088,424.05 for the annual resurfacing project and approval to spend up to the budgeted amount of \$1,099,747.10 for additional work based on unit prices in the contractor’s bid. This project is paid by GDOT LMIG funds and 2018 TSPLOST funds.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Paulette Chavers
<b>SECONDER:</b>	Councilmember John Riggs
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	

**12. Consideration of a motion to approve Change Order 2 with Y-Delta, Inc. in the amount of \$33,714.79 for Stillwell Street and Zetterower Ave. Intersection improvements project and authorize the Mayor to execute contract document amendments.**

A motion was made to approve Change Order 2 with Y-Delta, Inc. in the amount of \$33,714.79 for Stillwell Street and Zetterower Ave. Intersection improvements project and authorize the Mayor to execute contract document amendments.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Paulette Chavers
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	

### **13. Other Business from City Council:**

Mayor Pro Tem Shari Barr congratulated Allen and Elena and everybody at DSDA for a successful First Friday event. Also the Farmers Market is opening this Saturday at its new location on South Main Street behind Statesboro Convention and Visitors Bureau. Lastly Alona Fountain, a local mortgage officer at Core Credit and is from the Ukraine, is working together with Pittman Park United Methodist Church to raise funds for relief efforts in the Ukraine. So if you're looking for a way to help out with the Ukraine you can contact Pittman Park.

Councilmember Paulette Chavers asked if the City has a policy in place holding people responsible for the living conditions of their rentals. This weekend I drove around and found places way under par. Specifically the Mulberry Court area is despicable, doors off of the buildings where people are living and the parking area full of holes.

City Manager Charles Penny stated the best tool we have is Code Enforcement. If you can give us the address we will make sure our Code Enforcement Officers go to those properties and they can cite the issue. Through Code Enforcement the Court can order improvements, so that is the best mechanism we have in place.

Mayor Pro Tem Shari Barr asked if the City Attorney would share any direction about the appropriateness of having discussion away from Council in regards to alcohol licensing for package stores.

City Attorney Cain Smith stated that any questions about the application procedure should be addressed to the City Clerk or to the Tax Clerk. And if anyone wants an idea of how the City review of the application process goes it is set out thoroughly in Section 6-12 and Section 6-13 covers the approval process by Mayor and Council. Mayor and Council being the final arbiter of whether or not a license should be granted. Mr. Smith advised that those making the final decision not to engage in conversation about the package store process to avoid any image of impropriety and to avoid any personal or municipal liability.

Councilmember Phil Boyum reminded everyone that an alcohol license is a privilege not a right. Our city staff is just doing their jobs and they do not deserve to be berated or talked down to or in any other way be treated inappropriately during this process. If that comes to light I personally will consider it.

Mayor Jonathan McCollar gave kudos to City Council is consistent in fighting to improve the quality of life for people within our community. Everything from the housing situations to the ordinances that we're working to get more home ownership inside the city and improving the homes of those living inside the city.

Mayor McCollar also gave kudos to the staff for going well beyond the call of duty in many aspects to improve the quality of life for the people in this city. We are in a fortunate position as an organization to be able to serve the people of the City of Statesboro.

### **14. City Managers Comments**

City Manager Charles Penny recognized Alan Schleder thanking him for stepping in, in Layne's absence.

Mr. Penny stated there was a vaccination clinic last Thursday at the Health Department where we gave away 26 gift cards. That will conclude our participation in these clinics but we still encourage individuals to receive their vaccination. Also Statesboro was selected to receive a testing kiosk from the Health Department. The kiosk will be located at the Fire headquarters on Grady Street and should be delivered this week.

Mr. Penny also reviewed with Mayor and Council a few items from this week's FYI Packet, the Downtown Master Plan hard copy, a group of citizen went up to DOT seeking funding for the bridges for the Creek on the Blue Mile, the employee clinic will remain at its current location, and the request for direct funding from Senator Jon Ossoff's office for the Creek on the Blue Mile and the Children's Zone.

Lastly Mr. Penny announced that a staff retreat will take place in the latter part of May.

Mayor Pro Tem Shari Barr stated we are very pleased with our City Manager Mr. Penny and we are happy to acknowledge that where he came from appreciated him as well and he has been invited back up there to be honored by naming the lobby of the event center after him in Rocky Mount North Carolina.

**15. Public Comments (General):**

Sarah A. Lawrence stated she lives on Akin Street and that area is pitiful. She stated she came to City Hall to request the grass to be cut but no one came out to cut the grass. Mrs. Lawrence spoke of other places in the city that are run down and in need of attention.

City Manager Charles Penny stated that since the last time we met we have received over 20 applications for housing rehab. The folks in the Johnson Street neighborhood are very active.

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

At 10:10 am a motion was made to enter Executive Session.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Mayor Pro Tem Shari Barr
<b>SECONDER:</b>	Councilmember John Riggs
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	

At 10:20 am a motion was made to exit Executive Session.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Mayor Pro Tem Shari Barr
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	

Mayor Jonathan McCollar called the regular meeting back to order with no action taken in Executive Session.

A motion was made to approve a Resolution to convey a roughly eight foot wide segment of City Right-of-way along Tillman Road to Chapman Rentals, LLC/Gnats Landing of Sboro LLC.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Venus Mack
<b>SECONDER:</b>	Councilmember Paulette Chavers
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	

### 17. Consideration of a Motion to Adjourn

A motion was made to adjourn.

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

The meeting was adjourned at 10:21 am.

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Jonathan McCollar, Mayor

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Leah Harden, City Clerk