



June 04, 2019 9:00 am

1. Call to Order by Mayor Jonathan McCollar
2. Invocation and Pledge of Allegiance by Councilman Derek Duke
3. Recognitions/Public Presentations
 - A) Presentation of a "Citizen Award" by Police Chief Mike Broadhead.
 - B) Recognition of David Mabry in the Sanitation Division of Public Works & Engineering for placing 1st in the SWANA - Georgia Chapter Truck/Equipment/Mechanic Road-E-O Competition.
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 05-21-2019 Called Work Session Minutes
 - b) 05-21-2019 Council Minutes
 - c) 05-21-2019 Executive Session Minutes
6. Second Reading of **Ordinance Amendment 2019-06** and a Motion to Approve: **Article XXVI (B): STANDARDS FOR WIRELESS FACILITIES AND ANTENNAS** governing the placement of small wireless facilities in the public rights of way of the City of Statesboro.
7. Consideration of a Motion to approve the renaming of a portion of East Parrish Street to Highway 301 N to provide consistency with addressing for County and City properties.
8. Consideration of a Motion to Approve Award of Contract to CDS Acquisition LLC (d.b.a. Wastebuilt) in the amount of \$83,900.00 for the retrofit of an existing knuckleboom loader truck in the Sanitation Division of Public Works & Engineering. Funding is provided by Solid Waste Collection revenue funds.
9. Consideration of a Motion to approve **Resolution 2019-18**: A Resolution establishing the Creek District Oversight Committee.
10. Consideration of a Motion to apply as lead agency in the Georgia Initiative for Community Housing Program.
11. Public Utilities Director Steve Hotchkiss to update Mayor and Council regarding the emergency repairs to Well #8.

12. City Attorney Cain Smith's update to Mayor and Council regarding provision of supervision and probation services to Statesboro Municipal Court
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

STATESBORO POLICE DEPARTMENT

presents this

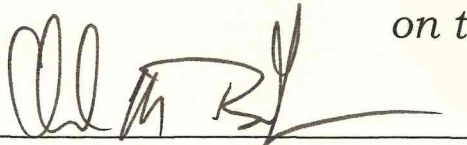
Letter of Commendation

to

MICHAEL DUNCAN AND K9 SMOKEY

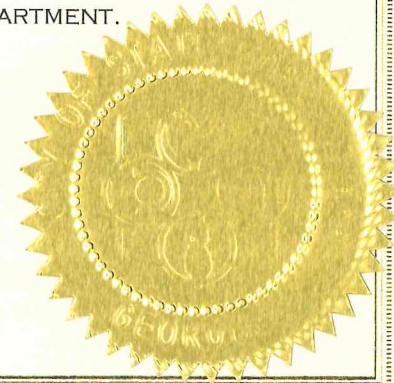
for

K9 SMOKEY IS A FUTURE MEMBER OF THE STATESBORO POLICE DEPARTMENT, BUT IS CURRENTLY STILL IN TRAINING WITH HIS INSTRUCTOR, MICHAEL DUNCAN. ON MAY 17, 2019, OFFICERS WERE ATTEMPTING TO LOCATE A MISSING AND ENDANGERED WOMAN WHO HAD THREATENED TO HARM HERSELF. AFTER A FAILED SEARCH OF THE AREA, A DETECTIVE CONTACTED MR. DUNCAN AND ASKED FOR ASSISTANCE. MR. DUNCAN AND K9 SMOKEY ARRIVED AT THE SCENE. AT THIS POINT, THE WOMAN HAD BEEN MISSING AT LEAST TWO AND A HALF HOURS, AND THE AREA HAD BEEN HEAVILY CONTAMINATED WITH OTHER ODORS AND THE SCENTS OF PASSERS-BY AS WELL AS THE SMELLS OF OFFICERS CONDUCTING THE SEARCH EFFORTS. K9 SMOKEY WAS ABLE TO DEVELOP A TRACK AND LOCATED THE WOMAN IN A MERE 22 MINUTES OVER A DISTANCE OF MORE THAN 750 YARDS. THE WOMAN HAD BEEN DELIBERATELY HIDING FROM OFFICERS. MR. DUNCAN AND K9 SMOKEY WERE ABLE TO ACCOMPLISH A REMARKABLE FEAT AND LIKELY SAVED A WOMAN FROM HARMING HERSELF. MR. DUNCAN AND K9 SMOKEY ARE TO BE COMMENDED FOR THEIR EFFECTIVE TRAINING TOGETHER AS WELL AS THEIR WILLINGNESS TO RESPOND AND AID THE POLICE DEPARTMENT.



Charles "Mike" Broadhead,
Chief of Police

on this 29th day of May, 2019





CITY OF STATESBORO
CALLED WORK SESSION MINUTES
MAY 21st, 2019

Called Meeting 50 E. Main St. City Hall Council Chambers 3:30 PM

1. **CALL TO ORDER**

Mayor Jonathan McCollar 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	
Phil Boyum	Councilmember	Absent	
Sam Jones	Councilmember	Present	
Jeff Yawn	Councilmember	Present	
John Riggs	Councilmember	Present	
Derek Duke	Councilmember	Absent	

Other staff present was: City Clerk Sue Starling, City Attorney Cain Smith as well as other staff members and citizens

3. Presentation by Dr. Jermaine Durham, Director for the Georgia Initiative for Community Housing (GICH), which helps communities improve their quality of life and economic vitality through housing and revitalization strategies

Dr. Durham presented an overview of the application process and what would be required for the 3 year program. He also stated that retreats are held twice a year.

4. Consideration of a Motion to Adjourn

A motion was made to adjourn

RESULT:

Approved (Unanimous)

MOVER:

Councilman Jeff Yawn

SECONDER:

Councilman Sam Jones

AYES:

Jones, Yawn, Riggs

ABSENT

Derek Duke, Phil Boyum

The meeting was adjourned at 4:45 pm



CITY OF STATESBORO COUNCIL MINUTES

Regular Meeting 50 E. Main St. City Hall Council Chambers May 21st, 2019 5:30 PM

1. Call to Order

Mayor Jonathan McCollar 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	
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 and City Clerk Sue Starling. Absent was City Manager Randy Wetmore.

3. Recognitions/Public Presentations

A) Recognition of the Disabled American Veterans and the placement of Purple Heart City signs in Statesboro.

Commander James Miller made “thank you” remarks to the City as Councilman Duke unveiled the Purple Heart signs that would be placed in various location within the City.

4. Public Comments (Agenda Item): None

5. Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) 05-07-2019 Council Minutes

b) 05-14-2019 Called Work Session

A motion was made to approve the consent agenda

RESULT:

Approved (Unanimous)

MOVER:

Councilman Jeff Yawn

SECONDER:

Councilman Sam Jones

AYES:

Boyum, Jones, Yawn, Riggs, Duke

ABSENT

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6. **Second Reading and Consideration of a Motion to approve Ordinance 2019-02: An Ordinance empowering the Statesboro Works Commission to raise and expend funds in compliance with its mission statement.**
7. **Second Reading and Consideration of a Motion to approve Ordinance 2019-03: An Ordinance Empowering the Statesboro Youth Commission to raise and expend funds in compliance with its mission statement.**
8. **Second Reading and Consideration of a Motion to approve Ordinance 2019-04: An Ordinance empowering Statesboro Commission on Diversity and Inclusion to raise and expend funds in compliance with its mission statement.**

A motion was made to approve Ordinance 2019-02, Ordinance 2019-03, and Ordinance 2019-04

RESULT:

Approved (Unanimous)

MOVER:

Councilman Jeff Yawn

SECONDER:

Councilman Derek Duke

AYES:

Boyum, Jones, Yawn, Riggs, Duke

ABSENT

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9. **Second Reading and Consideration of a Motion to approve Ordinance 2019-05: An Ordinance revising body appointments.**

A motion was made to approve Ordinance 2019-05

RESULT:

Approved (Unanimous)

MOVER:

Councilman Phil Boyum

SECONDER:

Councilman Derek Duke

AYES:

Boyum, Jones, Yawn, Riggs, Duke

ABSENT

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10. Public Hearing and First Reading of an Ordinance Amendment 2019-06 and a Motion to Move Forward to a Second Reading: Article XXVI(B): STANDARDS FOR WIRELESS FACILITIES AND ANTENNAS governing the placement of small wireless facilities in the public rights of way of the City of Statesboro.

A motion was made to open the hearing

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

No one spoke for or against the request.

A motion was made to close the hearing

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

A motion was made to Move Forward to a Second Reading of: Ordinance Amendment 2019-06

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

11. Public Hearing and Consideration of a Motion to Approve: APPLICATION CBD 19-04- 01: Vinod Jetwani requests approval of the proposed architectural plans submitted for 0.08 acres of property located at 40 East Main Street, which is located in the Central Business District (CBD). Per Article VIII, Section 803, development in the CBD zoning district requires a recommendation from City Council to affirm that the plans will keep in mind the integrity and harmony of the Central Business District (Tax Parcel S28 000051 000).

A motion was made to open the hearing

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

No one spoke for or against the request.

A motion was made to close the hearing

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

A motion was made to approve APPLICATION CBD 19-04- 01 with staff recommendations

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

12. Public Hearing and Consideration of a Motion to Approve: APPLICATION AN 19-04-02: Continental Road, LLC requests annexation by the 100 percent method of approximately 33.35 +/- acres of property located at 7130 Veterans Memorial Parkway into the City of Statesboro and for said property to be zoned from the HI (Heavy Industrial - Bulloch County) zoning district to the City of Statesboro CR (Commercial Retail) and R-4 (High Density Residential) zoning districts for the redevelopment of the property (Tax Parcel MS42 000007 000).

A motion was made to open the hearing

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

Joey Maxwell of Maxwell, Reddick and Associates, spoke in favor of the request.

A motion was made to close the hearing.

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

A motion was made to approve APPLICATION AN 19-04-02 with staff recommendations

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

13. Public Hearing and Consideration of a Motion to Approve: APPLICATION RZ 19-04-03: Continental Road, LLC requests a zoning map amendment of 33.35 +/- acres of property located at 7130 Veterans Memorial Parkway from the HI (Heavy Industrial - Bulloch County) zoning district to the City of Statesboro CR (Commercial Retail) and R-4 (High Density Residential) zoning districts for the redevelopment of the property (Tax Parcel MS42 000007 000).

A motion was made to open the hearing

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

No one spoke for or against the request.

A motion was made to close the hearing

RESULT:	Approved (Unanimous)
MOVER:	Councilman Sam Jones
SECONDER:	Councilman Jeff Yawn
AYES:	Bovum, Jones, Yawn, Riggs, Duke
ABSENT	

A motion was made to approve APPLICATION **RZ 19-04-03**: with staff recommendations

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

14. Public Hearing and Consideration of a Motion to Approve: APPLICATION RZ 19-04-04: West District Development, LLC requests a zoning map amendment in order to revise a previously approved site plan for a combination of parcels, dated August 11, 2017, and revised dated January 23, 2018, addressed 91 South College Street and South College Street (Tax Parcels S19 000002 000 & S19 000001 000).

A motion was made to open the hearing.

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

No one spoke for or against the request.

A motion was made to close the hearing

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

A motion was made to approve APPLICATION **RZ 19-04-04: with staff recommendations**

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

15. Public Hearing and Consideration of a Motion to Approve: APPLICATION CBD 19-04-05: West District Development, LLC requests approval of the proposed architectural plans submitted for 0.112 acres of property located 87 South College Street, which is located in the Central Business District (CBD). Per Article VIII, Section 803, development in the CBD zoning district requires a recommendation from City Council to affirm that the plans will keep in mind the integrity and harmony of the Central Business District (Tax Parcel S19 000002 000).

A motion was made to open the hearing

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

No one spoke for or against the request.

A motion was made to close the hearing

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

A motion was made to approve APPLICATION CBD 19-04-05.

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

16. Public Hearing and Consideration of a Motion to Approve: **ANNEXATION ORDINANCE 2019-07** : An Ordinance for annexation by the 100% method filed by Continental Road, LLC to annex 33.35+/- acres of property located at 7130 Veterans Memorial Parkway into the City of Statesboro.

A motion was made to open the hearing

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

No one spoke for or against the request.

A motion was made to close the hearing

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

A motion was made to approve **ANNEXATION ORDINANCE 2019-07.**

RESULT:	Approved (Unanimous)
MOVER:	Councilman Phil Boyum
SECONDER:	Councilman Derek Duke
AYES:	Boyum. Jones. Yawn. Riggs. Duke
ABSENT	

17. Public Hearing and Consideration of a Motion to Approve Resolution 2019- 17 : A Resolution to Transmit the 2019-2029 City of Statesboro Comprehensive Plan to the Coastal Regional Commission and the Department of Community Affairs.

A motion was made to open the hearing

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

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, Riggs, Duke
ABSENT	

A motion was made to approve Resolution 2019- 17

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

18. Consideration of a Motion to Approve Award of Contract to EMC Engineering Services Inc. for Professional Services for Drainage Improvements for West Main Street from South College Street to Johnson Street. Funding is provided by TSPLOST funds.

A motion was made to award contract to EMC Engineering Services Inc.

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

19. Consideration of motion to direct City staff to negotiate a memorandum of understanding with the Blue Creek Oversight Committee (“Committee”) clarifying the relationship between the Committee and the City to be presented to Mayor and Council for consideration at a future meeting.

A motion was made for City staff to negotiate a memorandum of understanding with the Blue Creek Oversight Committee

RESULT:	Approved 4-1
MOVER:	Councilman Jeff Yawn
SECONDER:	Councilman Derek Duke
AYES:	Jones, Yawn, Riggs, Duke
NAY	Councilman Phil Boyum

20. Consideration of a Motion to Approve Resolution 2019-14: A Resolution to adopt the fiscal year 2020 budget for each fund of the City of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding available for appropriation.

A motion was made to approve Resolution 2019-14

RESULT:	Approved (Unanimous)
MOVER:	Councilman Phil Boyum

SECONDER:	Councilman Jeff Yawn
AYES:	Boyum, Jones, Yawn, Riggs, Duke
ABSENT	

21. Consideration of a Motion to Approve Resolution 2019-15: A Resolution adopting financial policies for the city of Statesboro, Georgia.

A motion was made to approve Resolution 2019-15

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

22. Consideration of a Motion to Approve Resolution 2019-16: A Resolution adopting the Statesboro schedule of rates, fees and fines.

A motion was made to approve Resolution 2019-16

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

23. Consideration of a Motion to award a contract to D. Lance Souter Inc. in the amount of \$58,152.00 for the installation of 3100' of four inch gas main with funds approved in the 2019 CIP Budget, item #NGD-80.

A motion was made to award a contract to D. Lance Souter Inc. in the amount of \$58,152.00

RESULT:	Approved (Unanimous)
MOVER:	Councilman Derek Duke

SECONDER:	Councilman Jeff Yawn
AYES:	Boyum, Jones, Yawn, Riggs, Duke
ABSENT	

24. Consideration of a Motion for the Appointment of Interim City Manager to serve from June 1 until June 30, 2019.

A motion was made to appoint Jason Boyles as Interim City Manager. This motion was made and appointment was voted on after an Executive Session was held.

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

25. Other Business from City Council

Mayor McCollar mentioned the work session regarding Georgia Initiative Community Housing that was held at 3:30 pm before this Council meeting. He also stated there would be a motion on the next agenda to start the application process.

26. City Managers Comments: None

27. Public Comments (General)

Mr. Leon addresses Mayor and Council regarding a speeding ticket he had received for failure to yield. He also stated the fines and fees were not fair.

28. 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 at 6:30 pm

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

ABSENT

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A motion was made to exit Executive Session

RESULT:

Approved (Unanimous)

MOVER:

Councilman Jeff Yawn

SECONDER:

Councilman John Riggs

AYES:

Bovum. Jones. Yawn. Riggs. Duke

ABSENT

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29. Consideration of a Motion to Adjourn

A motion was made to adjourn the meeting

RESULT:

Approved (Unanimous)

MOVER:

Councilman Sam Jones

SECONDER:

Councilman John Riggs

AYES:

Boyum, Jones, Yawn, Riggs, Duke

ABSENT

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The meeting wa adjourned at 6:40 pm

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: Owen Dundee, City Planner II

Date: May 28, 2019

RE: June 4, 2019 City Council Agenda Items

Policy Issue: *Statesboro Code of Ordinances: Standards for Wireless Facilities and Antennas Ordinance*, an amendment defining and regulating the use of small wireless facilities in the public rights of way of the City of Statesboro.

Recommendation: Staff recommends passage of **Article XXVI(B)** as the City of Statesboro's Standards for Wireless Facilities and Antennas Ordinance and associated fee schedule.

Background: This Ordinance will authorize the City of Statesboro to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appurtenances in, on, along, over, or under the public roads of the City. The placement of small wireless facilities in the public rights of way of the City of Statesboro shall be regulated via this ordinance in addition to any other applicable city ordinances, associated fee schedules, and/or state laws.

Budget Impact: None

Council Person and District: All

Attachments: (1) Ordinance 2019-06 Draft Proposal, Article XXVI(B): Standards for Wireless Facilities and Antennas, and (2) Fee Schedule for all activities related to the administration of Article XXVI(B).

ORDINANCE 2019-06

Article XXVI (B)

Article 26(B): STANDARDS FOR WIRELESS FACILITIES AND ANTENNAS

Section 2615 - PURPOSE AND COMPLIANCE

- A. O.C.G.A. § 32-4-92(a)(10) authorizes the City of Statesboro, Georgia (the “City”) to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the City. Further, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights of way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. Title 36, Chapter 66C (the “SWFAA”), addresses the placement of small wireless facilities in the public rights of way of the City.
- B. The City finds it is in the best interest of the City and its residents and businesses to establish requirements, specifications reasonable conditions regarding placement of small wireless facilities, poles in the public rights of way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the City and to reasonably manage and protect the public rights of way and its uses in the City.
- C. The objective of this Ordinance is to (i) implement the SWFAA and (ii) ensure use of the public rights of way is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm residents’ quality of life.

Section 2616 - DEFINITIONS

- A. Unless defined below, terms used in this Ordinance shall have the meanings given them in O.C.G.A. § 36-66C-2.
- B. As used in this Ordinance, the following terms have the following meanings:
 - 1. “Antenna” means: (i) communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or (ii) Communications equipment similar to equipment described in part (i) used for the transmission, reception, or transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

2. “Applicable Codes” means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or the City or are otherwise applicable in the City.
3. “Applicant” means any person that submits an application.
4. “Application” means a written request submitted by an applicant to the City for a permit to: (i) collocate a small wireless facility in a right of way; or (ii) install, modify, or replace a pole or decorative pole in a right of way on which a small wireless facility is or will be located.
5. “Authority Pole” means a pole owned, managed, or operated by or on behalf of the City. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.
6. “Collocate” or “Collocation” means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.
7. “Communications Facility” means the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.
8. “Communications Service Provider” means a provider of communications services.
9. “Communications Services” means cable service as defined in 47 U.S.C. § 522(6); telecommunications service as defined in 47 U.S.C. § 153(53); information service as defined in 47 U.S.C. Section 153(24), as each such term existed on January 1, 2019; or wireless services.
10. “Consolidated Application” means an application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.
11. “Decorative Pole” means an authority pole that is specially designed and placed for aesthetic purposes.
12. “Electric Supplier” means any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.
13. “Eligible Facilities Request” means an eligible facilities request as set forth in 47 C.F.R. § 1.40001(b)(3), as it existed on January 1, 2019.
14. “FCC” means the Federal Communications Commission of the United States.

15. "Fee" means a one-time, nonrecurring charge based on time and expense.
16. "Historic District" means: (i) any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the secretary of the interior of the United States in accordance with Section VI.D.1.a.i-v of the Nationwide Programmatic Agreement codified by 47 C.F.R. Part 1; (ii) any area designated as a historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act; or (iii) any area designated as a historic district or property by law prior to June 4, 2019.
17. "Law" means and includes any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.
18. "Micro Wireless Facility" means a small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.
19. "Permit" means a written authorization, in electronic or hard copy format, required to be issued by the City to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.
20. "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.
21. "Pole" means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.
22. "Rate" means a recurring charge.
23. "Reconditioning Work" means the activities associated with substantially painting, reconditioning, improving, or repairing authority poles.
24. "Replace," "Replacement" or "Replacing" means to replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001(b)(7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.
25. "Replacement Work" means the activities associated with replacing an authority pole.

26. “Right of Way” means, generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of the City and shall not include property or any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view and access.

27. “Small Wireless Facility” means radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for connection of power and other services. Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

28. “State” means the State of Georgia.

29. “Support Structure” means a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.

30. “Wireless Infrastructure Provider” means any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.

31. “Wireless Provider” means a wireless infrastructure provider or a wireless services provider.

32. “Wireless Services” means any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

33. “Wireless Services Provider” means a person that provides wireless services.

34. “Wireline Backhaul Facility” means an aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.

C. In the event that any federal or state law containing definitions used in this Ordinance is amended, the definition in the referenced section, as amended, shall control.

Section 2617 - PERMITS

A. A permit is required to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).

B. Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to Department of Planning and Development for a permit. Applications are available from the Department of Planning and Development. Any material change to information contained in an application shall be submitted in writing to the Department of Planning and Development within 30 days after the events necessitating the change.

C. Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3).

D. The Department of Planning and Development shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.

E. Applications for permits shall be approved except as follows:

1. In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which: (i) the applicant has the right to collocate subject to reasonable terms and conditions; and (ii) such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.

2. The Department of Planning and Development may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).
 3. For applications for new poles in the public right of way in areas zoned for residential use, the Department of Planning and Development may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the Department of Planning and Development proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.
- F. A permit issued under this ARTICLE III shall authorize such person to occupy the public rights of way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).
- G. Upon the issuance of a permit under this Ordinance, and on each anniversary of such issuance, every person issued a permit shall submit to the City the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities from the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section shall cease as of the date of the actual removal.
- H. Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.
- I. The City may revoke a permit issued pursuant to this Section if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this Ordinance or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the City may proceed according to Subsection J.
- J. If a wireless provider occupies the public rights of way without obtaining a permit required by this ARTICLE III or without complying with the SWFAA, then the City may, at the sole discretion of the City, restore the right of way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the City in doing so, plus a penalty not to exceed \$1,000.00. The City may suspend the ability of the wireless

provider to receive any new permits from the City under this ARTICLE III until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

- K. All accepted applications for permits shall be publically available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).
- L. An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.
- M. Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).
- N. Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of 10 years.
- O. Permits shall be renewed following the expiration of the term identified in Section 3.14 upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).
- P. If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights of way, then the City shall, within 60-days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the City shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

**Section 2618 - REMOVAL; RELOCATION; RECONDITIONING; REPLACEMENT;
ABANDONMENT**

- A. A person may remove its small wireless facilities from the public rights of according to the procedures of O.C.G.A. § 36-66C-5(e).
- B. In the event of a removal under Section 4.1, the right of way shall be, to the extent practicable in the reasonable judgment of the City, restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the removal within 90 days of the removal, the City may, at the sole discretion of the City, restore the right of way to such condition and charge the person the City's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The City may suspend the ability of the person to receive any new permits under ARTICLE III until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City will not suspend such ability of any person that has deposited the

amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

- C. If, in the reasonable exercise of police powers, the City determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the City may take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.
- D. The City shall recondition and replace of authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).
- E. A wireless provider must notify the City of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The City may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

Section 2619 - STANDARDS

- A. Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use: (i) upon a receipt of a permit under ARTICLE III; (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).
 - 1. New, modified, or replacement poles installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.
 - 2. Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:
 - (a) Fifty feet above ground level; or

- (b) Ten feet greater in height above ground level than the tallest existing pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;
 - 3. New small wireless facilities in the public right of way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.
 - 4. New small wireless facilities in the public right of way collocated on a new or replacement pole under Section 5.1(a) or Section 5.1(b) may not extend above the top of such poles.
- B. Except as provided in Section 5.2(a) and Section 5.2(b), equipment of communications service providers, electric service providers and wireless providers shall be installed underground in all zoning districts so long as placement underground will not materially impact the provision of service. Any individual requesting to locate equipment or facilities above ground in any zoning district has the burden to demonstrate by clear and convincing evidence that undergrounding will effectively prohibit the provision of the service in question.
- 1. Notwithstanding Section 5.2, light poles and small wireless facilities collocated thereon may be located above ground in areas of the City where utilities or other equipment in the public rights of way are primarily located underground.
 - 2. Notwithstanding Section 5.2, the City may: (i) allow collocated small wireless facilities placed aboveground prior to the effective date of this Ordinance and subject to any applicable pole attachment agreement to remain above ground; or (ii) allow the wireless provider to replace the pole associated with previously collocated small wireless facilities at the same location or propose an alternate location within 50 feet of the prior location, which the wireless provider shall use unless such alternate location imposes technical limits or significant additional costs.
- C. Equipment of communications service providers, electric service providers and wireless providers in the historically or architecturally significant portions of the City shall be visually and architecturally integrated with surrounding area and shall not interfere with prominent vistas or significant public view corridors.
- D. Equipment of communications service providers, electric service providers and wireless providers must not obstruct, impede, or hinder vehicular, pedestrian, or bicycle travel or public safety within the public rights of way, except for authorized temporary lane or sidewalk closures.
- E. Equipment of communications service providers, electric service providers and wireless providers must be located in alignment with existing trees, facilities, poles, decorative poles, towers, as defined in 47 C.F.R. § 1.6100(b)(9), other equipment and streetlights.

- F. Equipment of communications service providers, electric service providers and wireless providers must not be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.

Section 2620 - AESTHETIC STANDARDS

- A. Equipment of communications service providers, electric service providers and wireless providers must be compatible in size, mass, and color to similar equipment in the immediate area, with a goal of minimizing the physical and visual impact on the area.
- B. New base stations, as defined in 47 C.F.R. § 1.6100(b)(1), support structures, towers, as defined in 47 C.F.R. § 1.6100(b)(9), and poles must similar to immediate area poles in regards to diameter size with a surface that is powder-coated and color shall be staff approved administratively, unless another color would blend better with the surrounding area.
- C. Notwithstanding Section 6.1 and Section 6.2, equipment of communications service providers, electric service providers and wireless providers must be designed using camouflaging techniques that make it as unobtrusive as possible if:
 - 1. It is not possible or desirable to match the design and color of equipment of communications service providers, electric service providers and wireless providers with the similar structures in the immediate area; or
 - 2. Existing structures in the area are out of character with a streetscape plan or other aesthetic plan that has been adopted by the City.
- D. Equipment of communications service providers, electric service providers and wireless providers shall incorporate specific concealment elements to minimize visual impacts. Unless it is determined that another design is less intrusive, or placement is required under applicable law, these concealment elements shall include:
 - 1. Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;
 - 2. Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.
 - 3. Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid

interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.

4. Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.
- E. Every facility placed in the public rights of way shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number to contact the facility owner's operations center.

First Reading:

Second Reading:

MAYOR AND CITY COUNCIL OF STATESBORO, GEORGIA

By: Jonathan M. McCollar, Mayor

By: Sue Sterling, 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 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: May 29, 2019

RE: June 4, 2019

Presentation & Proposal: East Parrish Street Renaming (Shannon Mixon)

Recommendation: Renaming of a portion of East Parrish Street to Highway 301 N to provide consistency with addressing with County and City properties.

Background: To reduce issues of mail delivery on Highway 301N and East Parrish Street, the County has requested that a portion of East Parrish Street be renamed to Highway 301 N. This would transition the portion of East Parrish Street starting at Shelby Street to Highway 301 N and follow with general readdressing of residences on that portion of the street.

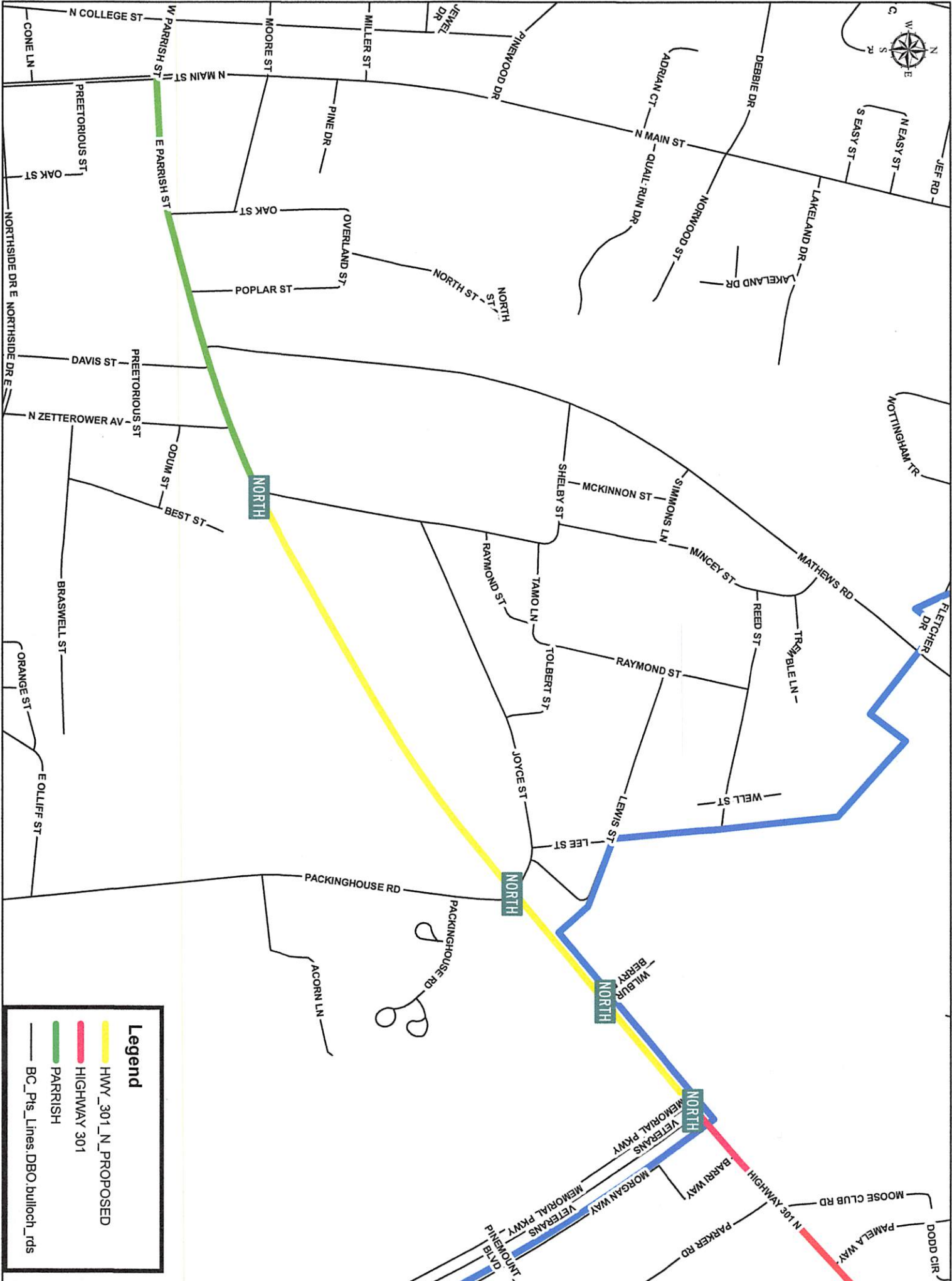
Budget Impact: None

Council Person and District: All

Attachments: Map Amendment Proposal, Presentation PowerPoint



MALCOLM COUNTY ASSAIGNS
NO RESPONSIBILITY FOR THE
ACCURACY OF THE
INFORMATION CONTAINED HEREIN



1 inch = 725 feet

ROAD SIGNS TO BE REPLACED

Legend

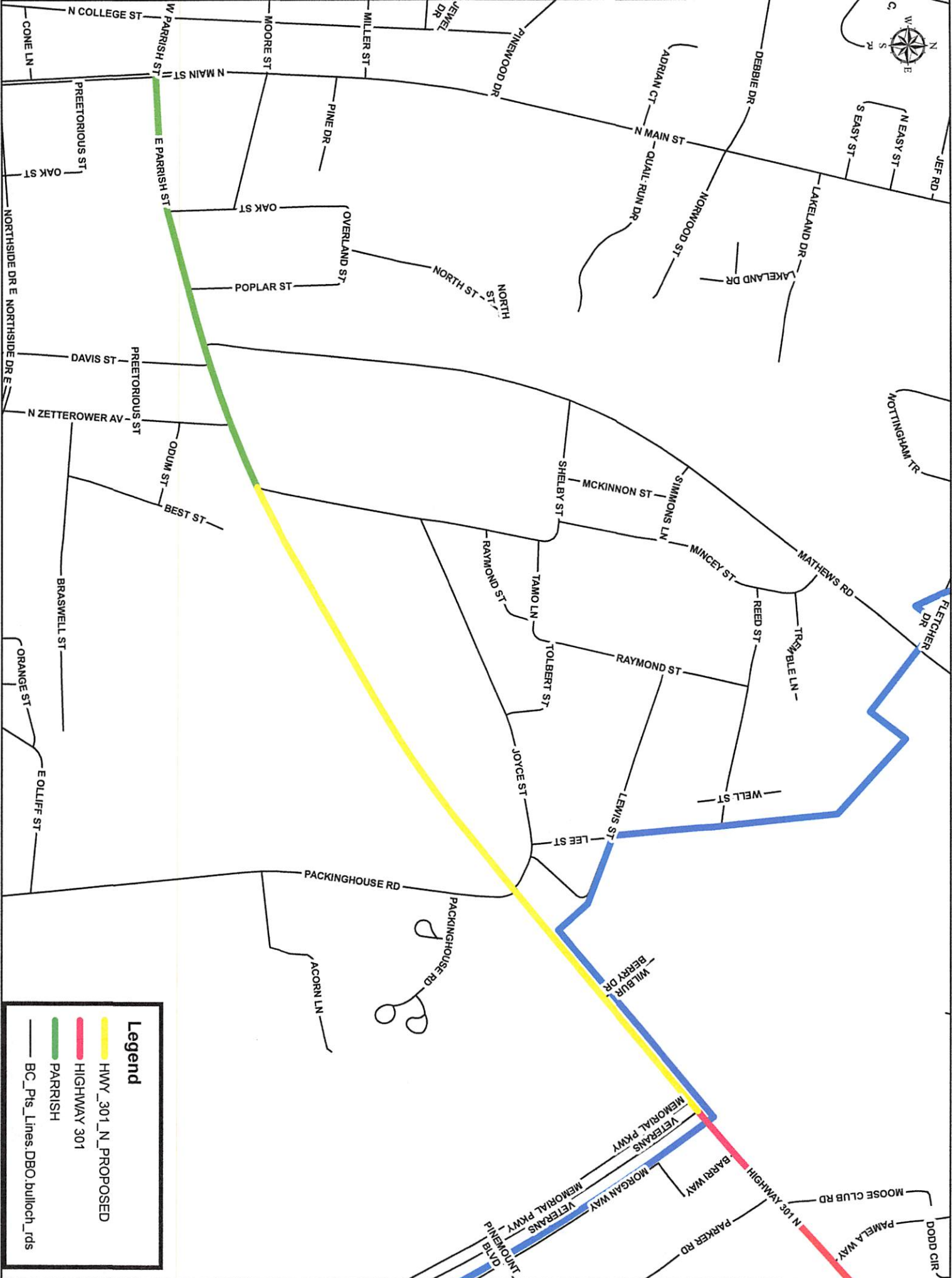
- HWY_301_N_PROPOSED
- HIGHWAY 301
- PARRISH
- BC_Pts_Lines, DBO, bulloch_rds

MAP BY: SHANNON HILL
1115 S MAIN ST
STATESBORO, GA 30459
912.794.0189



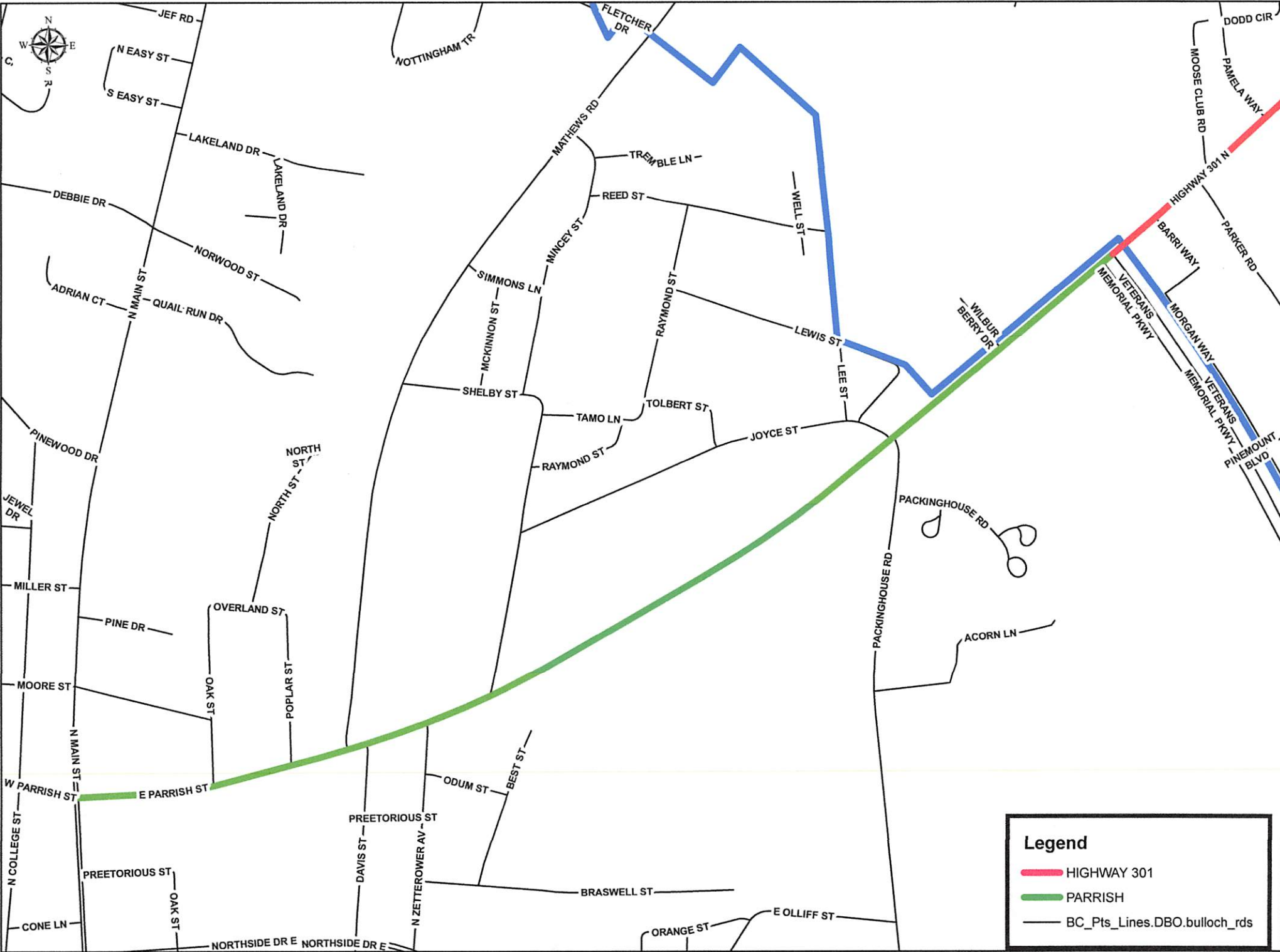
1 inch = 725 feet

PROPOSED ROAD NAMES



Legend

- HWY_301_N_PROPOSED
- HIGHWAY 301
- PARRISH
- BC_Pls_Lines,DBO,bulloch_rds



BULLOCH COUNTY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN

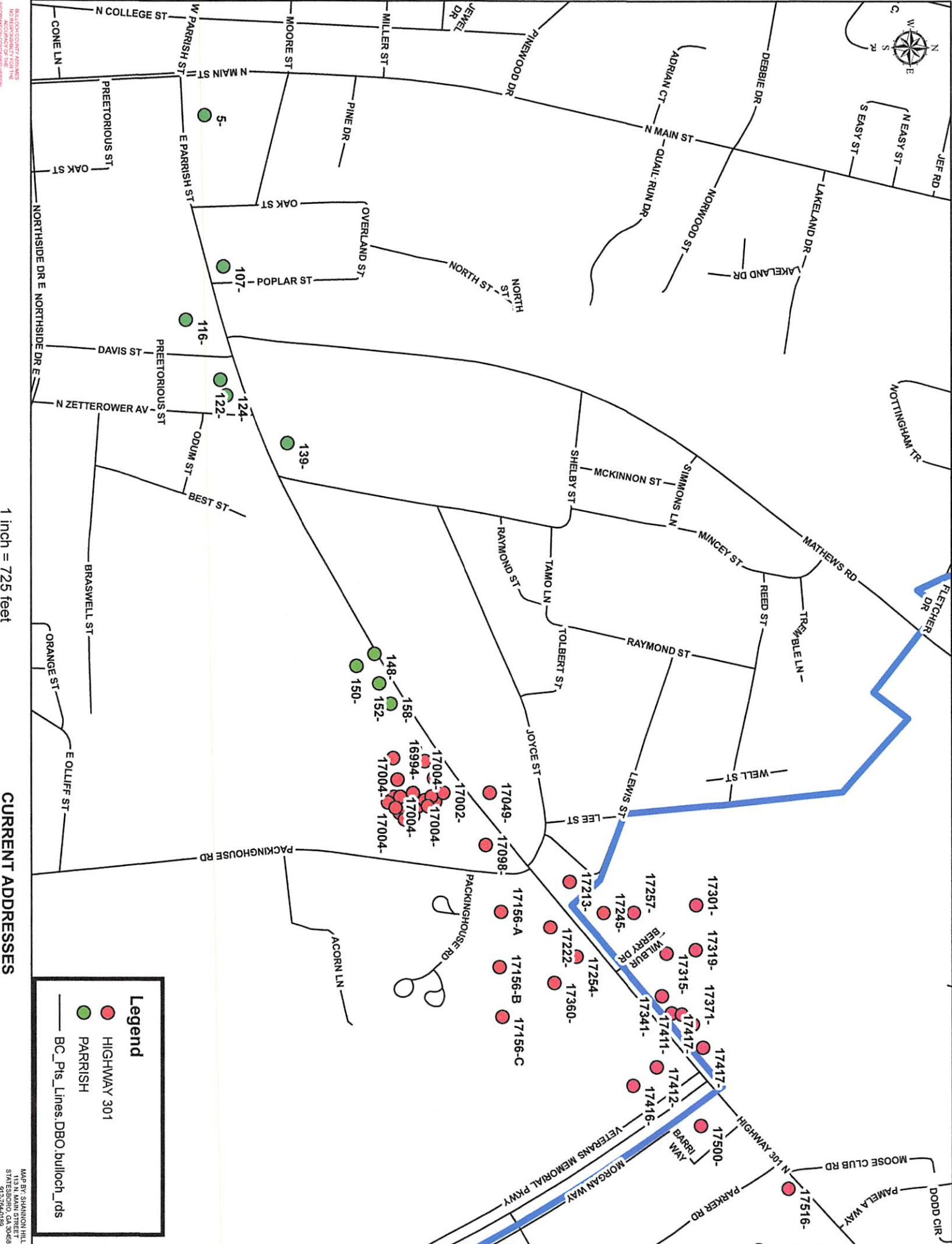
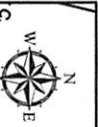
1 inch = 725 feet

CURRENT ROAD NAMES

Legend

- HIGHWAY 301
- PARRISH
- BC_Pts_Lines.DBO.bulloch_rds

MAP BY: SHANNON HILL
 113 N. MAIN STREET
 STATESBORO, GA 30458
 912-764-0189



1 inch = 725 feet

CURRENT ADDRESSES

Legend

- HIGHWAY 301
- PARRISH
- BC_Pts_Lines, DBO, bulloch_rds

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
Robert Seamans, Streets and Parks Superintendent

Date: May 28, 2019

RE: Bid Award – Knuckle Boom Loader with Trash Body Retro-fit Solid Waste Collection Division

Policy Issue: Purchasing Policy

Recommendation:

Staff recommends awarding the purchase and retro-fit of a Knuckle Boom Loader with Trash Body to CDS Acquisition, LLC dba Wastebuilt as they have submitted the lowest responsive bid in the amount of \$83,900.00.

Background:

The Knuckle Boom Loader with Trash Body will be Retro-fitted on a City owned 2004 Cab and Chassis and utilized in the Sanitation Division of the Public Works & Engineering Department. The Knuckle Boom Loader with Trash Body retro-fit, if approved, is funded in the amount of \$90,000.00 in the FY 2019 budget and is listed under CIP# SWC-1. This Knuckle Boom Loader with Trash Body along with the Cab and Chassis will be outfitted with other safety equipment with the remainder of the funds provided. This Knuckle Boom Loader with Trash Body retro-fit will be paid for using funds from the Solid Waste Collection Fund operating revenues. Bid opportunities were sent out with 3 companies submitting sealed bids on May 23, 2019 and the results were as follows:

Company	Amount
CDS Acquisition, LLC dba Wastebuilt	\$83,900.00
Carolina Environmental Systems	\$87,200.00
Solid Waste Applied Technologies	\$93,977.00

The low bidder, CDS Acquisition, LLC dba Wastebuilt, meets the requirements of the bid package. These requirements include additional specifications and warranty.

Budget Impact:

Reduce Maintenance Cost

Council Person and District:

N/A (citywide)

Attachments:

Bid Documents

CITY OF STATESBORO

COUNCIL

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



Jonathan M. McCollar, Mayor
Jason Boyles, Interim City Manager
Sue Starling, City Clerk
Cain Smith, City Attorney

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

To: Jason Boyles, Interim City Manager and Sue Starling, City Clerk

From: Cain Smith, City Attorney

Date: May 29, 2019

RE: June 4, 2019 City Council Agenda Items

Policy Issue: Consideration of a resolution establishing the Creek District Oversight Committee.

Recommendation: N/A

Background: City entered into an assumption/ assignment agreement with the Development Authority of Bulloch County in March, 2019. Section 8 of said agreement directs City to organize the Creek District Oversight Committee by resolution in accordance with Schedule 7 of agreement.

Budget Impact: None

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

Attachments: Previously referenced Assignment/ Assumption Agreement.

Resolution #2019-18

A Resolution Establishing the Creek District Oversight Committee.

WHEREAS, the City has previously approved an Assignment and Assumption Agreement with the Development Authority of Bulloch County regarding the assumption of a \$15,500,000 loan with Georgia Environmental Finance Authority; and

WHEREAS, Section 8 of the Assignment and Assumption Agreement mandates that the City of Statesboro shall establish the Creek District Oversight District in accordance with Schedule 7 of the same agreement.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session that the Creek District Oversight Committee is established and organized under these bylaws:

Article 1

NAME AND OBJECTIVE

1.1 Name. The Committee shall conduct its activities under the following name: The Creek District Oversight Committee.

1.2 Objective. Committee's objective is to make recommendations to Mayor and Council regarding development, zoning, and design standards and guidelines for the area containing the project commonly known as the Creek on the Blue Mile.

Article 2

BOARD OF DIRECTORS

2.1 Members. The membership of the Creek District Oversight Committee will be comprised of up to 7 voting members. The Committee will be comprised of (i) a City Council member appointed by the Mayor, (ii) a City staff member appointed by the City Manager, (iii and iv) two members appointed by the Blue Mile Foundation, Inc, (v) a member appointed by the County Commission, (vi) a member appointed by the Downtown Statesboro Development Authority, and (vii) a member appointed by the Board of Education (contingent on the Board of Education participating in the Blue Mile Tax Allocation District). The project coordinator shall serve as an ex officio nonvoting member of the Committee as well.

2.2 Terms. Terms of the members shall be three (3) years, effective June 5, 2019, and terminating three (3) years later on June 4, 2022.

2.3 Responsibility. Committee members shall be responsible for all functions and activities of the Committee.

2.4 Compensation. Committee members shall receive no compensation for their service.

2.5 Conflicts of Interest. Any Committee member or relative of the Committee member who has a direct or indirect financial interest in any contract or other transaction with the Committee must

disclose to the Committee, in advance, such interest. The Committee member concerned may participate in discussions relating to the subject of their interest, but may not vote.

Article 3

OFFICERS

3.1 Chairman. The Chairman shall preside at meetings and, with the advice and consent of Committee members, appoint project chairs and members.

3.2 Vice Chairman. The Vice Chairman shall act in the absence of the Chairman and shall succeed the Chairman in the event of a vacancy.

3.3 Secretary. The Secretary shall maintain records of the minutes of Committee's actions and meetings. Should no Committee member be able or willing to act in such capacity, the City of Statesboro may provide a clerical employee to perform such duties but not vote or count towards Quorum upon approval by Committee.

3.4 Liaison to Mayor and Council. One Committee member shall be appointed to forward Committee recommendations to the City Manager or his/her appointee.

Article 4

MEETINGS

4.1 Regular Meetings. Members shall meet monthly and comply with open meetings and records requirements of law and with bylaws for approval by Mayor & Council.

4.2 Special Meetings. Special meetings may be called by the Chairman of the Committee, any two Committee members, and/or the Statesboro City Council board member.

4.3 Notice. Notice of meetings shall be furnished by writing, by telephone and electronically and must be furnished forty-eight (48) hours in advance of any meeting, regular or special. City Manager or his/ her designee shall also receive notice of meetings and copies of Committee minutes.

4.4 Proxies. A Committee member may only vote in person.

4.6 Open Meeting and Open Records Laws. All meetings and records will be subject to relevant State of Georgia Open Meeting and Open Records laws.

Article 5

QUORUM AND VOTING

5.1 Quorum. A quorum of the Committee shall consist of a simple majority of its membership.

5.2 Action. Action on any matter shall be taken by majority vote of a Committee quorum.

5.3 Attendance. Committee members shall attend at least two-thirds (2/3) of the meetings in a twelve (12) month period or their Committee memberships will automatically lapse. The Secretary shall maintain such attendance records.

Article 6

PARLIAMENTARY PROCEDURE

6.1 Robert's Rules of Order. All meetings shall be conducted in accordance with Robert's Rules of Order, unless otherwise expressly provided in these bylaws.

Article 7

AMENDMENTS

7.1 Amendments to the Bylaws. These bylaws may be amended by action of the Creek District Oversight Committee at any regular meeting with subsequent review and formal approval by Mayor & Council.

SO ORDAINED, this ____ day of June, 2019 in Statesboro, Georgia.

Jonathan J McCollar, in his capacity as
Mayor of Statesboro, Georgia

ATTEST:

Sue Starling, in her capacity as City
Clerk of Statesboro, Georgia

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (the “Assignment”), is made and entered into as of as of the Effective Date set forth below by and among the **DEVELOPMENT AUTHORITY OF BULLOCH COUNTY** (the “Borrower”), a duly organized and validly existing public body corporate and politic existing under the Constitution and laws of the State of Georgia including the Development Authorities Law of the State of Georgia (O.C.G.A. § 36-62-1, *et seq.*), as amended (the “Act”), as Borrower, and the **CITY OF STATESBORO, GEORGIA** (the “Public Body”), a municipal corporation of the State of Georgia (the “State”), as Public Body, each a “Party” and collectively the “Parties.”

RECITALS:

A. The Parties are entering into this Assignment as contemplated by that certain “Memorandum of Understanding” of even date herewith between the Parties hereto and Blue Mile Foundation, Inc. (the “MOU”). All capitalized terms which are used but not defined herein, but which are defined in the MOU, shall have the same meaning herein as therein. The recitals contained in the MOU, and the Legislative Findings contained in the MOU, are hereby incorporated herein by reference.

B. Borrower has entered into the GEFA Loan Documents and the Environmental Facilities Agreement to partially finance the Public Component of the Project.

C. As contemplated in the GEFA Loan Documents, Borrower desires to assign its interest in the GEFA Loan Documents and in the Management Contract to Public Body, and Public Body desires to accept the assignment thereof, and to assume the duties, obligations and liabilities of Borrower under the GEFA Loan Documents and under the Management Contract. By its terms, the Environmental Facilities Agreement will terminate upon the effectiveness of this Assignment.

D. The Parties also wish to provide for the establishment of the Creek District Oversight Committee (defined below).

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. The “**Effective Date**” of this Assignment is the same as the effective date of the GEFA Loan Documents; i.e., _____, 2019. On the Effective Date, this Assignment has the following effective time: __ o’clock, __.m., Statesboro, Georgia time.
2. Effective as of the Effective Date and the effective time, Borrower hereby sells, transfers, assigns, conveys and sets over unto Public Body all of Borrower’s right, title and interest in, to and under the GEFA Loan Documents and the Management Contract.
3. Public Body hereby accepts the foregoing assignment of the GEFA Loan Documents and the Management Contract, and hereby agrees promptly and faithfully to keep, fulfill, observe, perform and discharge and be bound by all of the covenants, conditions and obligations of Borrower under

the GEFA Loan Documents and the Management Contract to be performed or complied with by Borrower thereunder.

4. As provided in the GEFA Loan Documents and the Management Contract, it is the intention of the Parties that, upon the execution and delivery of this Assignment, Public Body shall assume, and does hereby assume, all of the rights, duties, obligations and liabilities of Borrower under the GEFA Loan Documents and the Management Contract, whether incurred before or after such assignment. Further, as provided in the GEFA Loan Documents and the Management Contract, the Parties intend for Borrower to be released by the other parties thereto from all duties, obligations and liabilities under the GEFA Loan Documents and Management Contract, whether incurred before or after such assignment, provided that the same shall be, and are hereby, assumed by the Public Body, and the other parties to such documents shall have direct recourse against Public Body regarding same. Nevertheless, Public Body hereby agrees to indemnify, protect, defend and hold harmless Borrower from any claims, costs, losses, suits, damages and expenses, including without limitation, reasonable attorneys' fees, arising in connection with the rights, duties, obligations, indemnities and liabilities of Borrower under the GEFA Loan Documents and/or the Management Contract, whether incurred before or after such assignment.

5. It is further the intention, and Public Body does hereby assume, all of the rights, duties, obligations and liabilities of Manager set forth in Section 4 of the Management Agreement, and that upon execution of this Assignment Manager shall only be responsible for the performance by the Project Coordinator of the specific duties and responsibilities set forth on Schedule 3.2 to the Management Agreement, pursuant to the provisions of the Independent Contractor Agreement, in accordance with Section 3.2 to the Management Agreement, and that Manager shall otherwise be released from all other duties, obligations and liabilities under this Assignment.

6. Borrower and Public Body have found and determined, and do hereby find and determine, that, (a) the consideration to be received by Borrower for this Assignment includes, in part, the benefit to the Borrower and the citizens of Bulloch County and the City of Statesboro resulting from the Public Body's acceptance of this Assignment and agreement to assume the GEFA Loan Documents, which provide a portion of the funding for the Public Component of the Project, (b) the Project will benefit the public by providing a significant and much needed catalyst for revitalization and continuing redevelopment of the area within the City of Statesboro in which it is located and property in the vicinity of the Project, (c) the Project promotes a vital interest of the Public Body, and obtaining such critical public benefit is the basis on which Borrower is making this Assignment and Public Body is accepting it, and (d) therefore, Borrower is receiving at least equivalent consideration in exchange for this Assignment, and Public Body is receiving at least equivalent consideration in exchange for its assumption of the GEFA Loan Documents and the Management Contract.

7. As additional consideration for this Assignment, Public Body shall, and hereby agrees to, pay, or reimburse Borrower for the payment of, all of the Borrowers' out of pocket costs related to the Project, including the costs of McGuire Woods Consulting, Seyfarth Shaw, and Taulbee, Rushing, Snipes, Marsh & Hodgins, either out of proceeds of the GEFA Contract or the GEFA Loan Documents, whichever is authorized to pay such costs and becomes available first, but in no event later than December 1, 2019, even if such proceeds are not then available.

8. As additional consideration for this Assignment, Public Body shall, and hereby agrees to, by resolution, create a committee (the “**Creek District Oversight Committee**”) which shall continue in existence until the completion of the Project and which have such membership, powers, duties and responsibilities as are set forth on Schedule 7 attached hereto and incorporated herein by reference. Such agreement shall constitute an intergovernmental contract between Borrower and Public Body under Ga. Const. Art. IX, Sec. III, Para. I(a) which shall terminate as soon as it has been fully performed but in no event shall such intergovernmental contract continue in effect for longer than fifty (50) years from the effective date of this Assignment. However, Borrower shall not be a party to such resolution of Public Body and shall have no obligations, responsibilities or liabilities arising out of or relating to the Creek District Oversight Committee; rather, Public Body shall indemnify, hold harmless and defend Borrower, its members, directors, officers, employees and representatives, from and against all of same, except, as to any particular indemnitee, any resulting from the gross negligence or willful misconduct of such particular indemnitee.

9. This Assignment shall be binding on Public Body and Borrower and their respective successors and assigns.

10. This Assignment shall be governed by and construed in accordance with the laws of the State of Georgia.

11. If any provision of this Assignment or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Assignment or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.


12. This Assignment may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same document.


13. The recitals at the beginning of this Assignment are part hereof and are hereby incorporated herein by reference.

IN WITNESS WHEREOF, Borrower and Public Body have executed this Assignment as of the Effective Date and the effective time.

“Borrower”:

DEVELOPMENT AUTHORITY OF BULLOCH COUNTY

By: 
Its: Chairman

ATTEST: 
Asst. Secretary

[Authority's Seal]

[Signatures continue on following page]



The "Public Body":

CITY OF STATESBORO, GEORGIA

By: James Edwin McElfer
Title: Mayor

ATTEST:

Jane Stalling
Clerk

[City's Seal]



SCHEDULE 7

CREEK DISTRICT OVERSIGHT COMMITTEE

The membership of the Creek District Oversight Committee will be comprised of up to 7 voting members. Such members shall meet monthly, and comply with open meetings and records requirements of law and with bylaws for approved by Public Body's governing body. Such Committee shall make recommendations to Public Body regarding development/zoning/design standards and guidelines for the "Creek District"; i.e., the area containing the Project.

The Committee will be comprised of (i) a City Council member appointed by the Mayor, (ii) a City staff member appointed by the City Manager, (iii and iv) two members appointed by the Blue Mile Foundation, Inc., (v) a member appointed by the County Commission (vi) a member appointed by the Downtown Statesboro Development Authority, and (vii) a member appointed by the Board of Education (contingent on the Board of Education participating in the Blue Mile Tax Allocation District). The Project Coordinator provided for in the Management Contract will serve as an ex officio nonvoting member of the Committee as well.

The Committee will be advisory in nature only, with governing body of the Public Body ultimately making all decisions. To maintain consistency of communication between the Public Body and the Committee, one Committee member shall act as liaison to the Public Body. The City Manager and/or his/her appointee will be the official City recipient of Committee recommendations. The Project Coordinator will also receive and transmit Committee recommendations to all involved parties.

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**

**From: Steve Hotchkiss
Director of Public Utilities**

Date: 5-29-2019

RE: Emergency repairs to Well #8.

Policy Issue: City Manager approval.

Recommendation: Approval to allow Utility Service Co. to make emergency repairs to Well #8 in the amount of \$36,317.00 using funds from system revenues.

Background: City water well #8 is located adjacent to Georgia Southern University on Old Register Road just south of the Forest Drive intersection. On May 15 the City SCADA system indicated that Well 8 had gone offline and was not pumping; city personal investigated and found that the breakers were tripped and the unit would not pump. At that time, a contractor was called in to check the well and it was determined that the motor was bad and would need to be replaced.

After determining that the motor was bad and the well would need to be pulled, three contractors were contacted to provide quotes for repairs as follows:

CITY OF STATESBORO

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

Utility Service Co.	\$36,317.00
Beasley Well Drilling	\$53,413.16
Bulloch Well Drilling	\$38,730.00

The Local preference will not apply, the difference between the first and second bidder is greater than 3%.

Budget Impact: Funds to come from system Revenue

Council Person and District: All

Attachments: Bid Sheet



PO Box 2526
Savannah, GA 31402
(912)965-0351



1-800-524-6238

Professional Services for Water Systems

Fax: (912)966-2194

TO: City of Statesboro
PO Box 348
Statesboro, GA 30458
Attn: Danny Lively

QUOTATION

DATE: 5/22/2019
VIA EMAIL: _____
NO. OF PAGES: 1

REFERENCE: Well # 8

30 HRS	Equipment, labor, and materials to mobe, set the rig up, disconnect wiring, pull 440' of submersible pump assembly, break down, and inspect. If nothing out of the ordinary, prep and install the pump with new motor and new wire.	\$6,000.00
1 LS	Provide parts including: new 125 HP submersible motor, 440' of 4/0 wire, and new CI-6" in line check valve and new bowl assembly.	\$30,317.00
TOTAL		\$36,317.00

Please note that our quantities and total price are estimates only. Our invoice will be based on actual time and materials incurred to complete the project in accordance with the scope of work as described. Charges will be billed according to our Standard Confirming Order Schedule of Rates. Our price does not include any applicable tax or freight.

Payment Terms: Net 30

The foregoing prices are subject to Federal, State, and Local Sales and Use Taxes. This Quotation will automatically expire if Purchaser does not deliver a written acceptance to Contractor by 30 days.

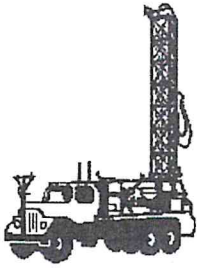
The undersigned accepts the above proposal at the prices shown, subject to any necessary revision in the list of estimated quantities, and hereby authorizes and instructs Contractor to proceed with the described work. Purchaser's pumps, motors, parts, and/or accessories may be stored by Contractor for thirty (30) days from the date of invoice or other written notice from Contractor. After thirty days, disposal of equipment may be made by Contractor without incurring any liability.

Purchaser:

Contractor: Rowe Drilling Co.

L. B. Hare, Jr.

L. Blake Hare, Jr., District Manager



Beasley Well Drilling & Pump Services Inc.

Marty Beasley
 375 Gordon Beasley Rd.
 Statesboro, Ga. 30458

Marty 912-690-3145
 Janet 912-690-1165

Estimate

Date	Estimate #
5/21/2019	26

License and Bonded by the state of Georgia
 License #658

CITY OF STATESBORO
 c/o DANNY LIVELY
 WELL #8

Project

Description	Total
4 STAGE 750 GPM FRANKLIN PUMP END	10,815.75
125 HP 3 PHASE 480 VOLT FRANKLIN MOTOR (NSF CERTIFIED)	23,148.81
460' #4 DOUBLE JACKED SUBMERSIBLE PUMP CABLE WITH GROUND	12,999.60
6" DUCK TILE IRON CHECK VALVE	1,449.00
LABOR TO PULL AND REPLACE PUMP, MOTOR AND WIRE	5,000.00
THIS IS A QUOTE TO REPLACE PUMP, MOTOR AND WIRE IN WELL #8 FOR THE CITY OF STATESBORO	

PLEASE CALL JANET BEASLEY AT 912-690-1165 FJOR ANY BILLING NEEDS, THANK YOU!

Total	\$53,413.16
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BULLOCH WELL DRILLING, INC.
Randy Beasley
Georgia License #6
116 Gordon Beasley Road
Statesboro, GA. 30458
(912) 764-2676 / (912) 531-1788

Proposal
May 16, 2019

City of Statesboro
54 East Main Street
Statesboro, GA 30458

Re: Well #8 Pump Repairs

- 1- 125 HP submersible motor \$ 15,830.00
- 4/0 flat submersible cable with ground 14,400.00

Crane, rigging, tools and labor to pull 125 HP motor from well and replace back in service.

\$ 8,500.00

TOTAL \$38,730.00

Thank you for the opportunity to quote you this price.