



June 04, 2024 9:00 am

1. Call to Order by Mayor Jonathan McCollar
2. Invocation and Pledge of Allegiance by Councilmember Ginny Hendley
3. Recognitions/Public Presentations
 - A) Presentation of a Proclamation recognizing June 10- 14, 2024 as Municipal Court Clerks week.
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 05-14-2024 Budget Work Session Minutes
 - b) 05-21-2024 Work Session Minutes
 - c) 05-21-2024 Council Minutes
 - d) 05-21-2024 Executive Session Minutes
 - B) Consideration of a motion to approve the cancellation of the July 2, 2024 regularly scheduled Council meeting.
6. Public Hearing to solicit input on the proposed FY2025 Budget for the City of Statesboro.
7. Public hearing and consideration of a motion to approve first reading of:
 - A) **Ordinance 2024-06**: An Ordinance amending Chapter 70 of the Statesboro Code of Ordinances regulating the use of Shareable Dockless Mobility Devices.
 - B) **Ordinance 2024-07**: An Ordinance amending Chapter 78 of the Statesboro Code of Ordinances amending Non-Motorized Devices.
8. Consideration of a motion to approve the Statesboro Police Department Towing Rotation and Wrecker Agreement for FY 2025.
9. Consideration of a motion to approve a Memorandum of Understanding with the Youth Career Commission to provide residential development opportunities to underserved juvenile and young adult citizens of the City of Statesboro.
10. Consideration of a motion to authorize the Mayor to execute a Memorandum of Understanding (MOU) between the City of Statesboro and Lake Sal Home Owners Association for access to Lake Sal infrastructure for stormwater maintenance.

11. Consideration of a motion to award the contract for \$237,207.00 with, Swindell Construction Company, Inc. for North College Street sidewalk improvements, project # ENG-122i. This project will be funded from the 2018 TSPLOST Fund.
12. Other Business from City Council
13. City Managers Comments
14. Public Comments (General)
15. Consideration of a Motion to enter into Executive Session to discuss “Personnel Matters” “Real Estate” and/or “Potential Litigation” in accordance with O.C.G.A 50-14-3(b)
16. Consideration of a Motion to Adjourn

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

IN RECOGNITION OF MUNICIPAL COURT CLERKS WEEK

June 10 – 24, 2024

WHEREAS, Municipal Court Clerks play a significant role in ensuring that municipal courts preserve public safety and promote quality of life in the City of Statesboro and local municipalities across the state; and,

WHEREAS, the procedures for the Statesboro Municipal Court operations are set forth by the Uniform Rules of Municipal Court and other laws of the State of Georgia; and,

WHEREAS, more people come in contact with Municipal Court Clerks than all other city services combined and public impression of the Statesboro judicial system is largely dependent upon the public's experience in municipal court; and,

WHEREAS, Municipal Court Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and,

WHEREAS, the Statesboro Municipal Court is committed to the notion that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us; Municipal Court Clerks act in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and,

WHEREAS, it is most appropriate that we recognize the accomplishments and significant role the Municipal Court Clerks play in preserving the public confidence, integrity and impartiality of the judiciary.

NOW, THEREFORE, IN WITNESS WHEREOF, I Jonathan McCollar, Mayor of the City of Statesboro do recognize the week of June 10- 14, 2024 as

MUNICIPAL COURT CLERKS WEEK

And further extend appreciation to our Municipal Court Clerk and Municipal Deputy Court Clerks for the vital services they perform and exemplary dedication to the communities they represent and serve.

SO PROCLAIMED this 4th day of June, 2024

Jonathan McCollar, Mayor



**CITY OF STATESBORO
COUNCIL BUDGET WORK SESSION MINUTES
May 14, 2024**

A work session of the Statesboro City Council was held on May 14, 2024 at 2:00 p.m. in the Council Chambers at City Hall. Present were Mayor Jonathan McCollar, Council Members: Ginny Hendley and Shari Barr. Also present was City Clerk Leah Harden, City Attorney Cain Smith, City Manager Charles Penny, Assistant City Manager Jason Boyles, Finance Director Cindy West. Absent was Councilmembers, Phil Boyum, Paulette Chaves, and John Riggs.

Mayor Jonathan McCollar called the meeting to order.

Review of the Proposed City of Statesboro Fiscal Year 2024 Operating Budget.

City Manager Charles Penny presented the “City Manager’s Proposed FY 2025 Annual Operating Budget.” The FY 2025 budget objectives include, retaining and recruiting exceptional employees, emphasis on utility infrastructure growth, tax base and revenue growth, and an emphasis on public safety. The FY 2025 budget highlights include a 10% total decrease from FY2024, a 13.5% General Fund increase, a balanced budget, and an increase to the sewer rates, tap fees, and aid to construction fees.

Compensation and benefits review includes a full year of the new pay plan that was done by the City’s consulting firm Condrey and Associates that was implemented in January of this year. The federal inflation rates in 2022 was 6.5% in 2023 6% and in 2024 3.5%. In addition the continuation of pay for performance. The current & future opportunities are to position Statesboro for growth in the region, grow the downtown center, keep the pay plan up to date, and advance a creative, inclusive, and professional culture.

Mr. Penny continued with concerns and unknowns stating that a significant amount of fund balance will be necessary to balance this year’s budget and that nearly 20% of the total value for real and personal property is non-taxable. We are also looking at labor market challenges.

The projected FY 2025 Budget in brief includes the general fund, enterprise funds, special purpose sales tax funds, hotel/motel tax, and grant funds. The General Funder operating expenses, Fire Service, Water/Sewer, Stormwater, Natural Gas, Solid waste Collection, and Solid Waste Disposal came in at \$49,380,798 in FY 2024 and is proposed \$51,563,921 for FY 2025. Excluding internal funds and fund transfers total expenditures for FY 2025 comes in at \$93.5 million down from current fiscal years’ \$103.9 million. The General Fund expenditures will increase about \$1.2 million which is about 8% due to personnel, benefits, as well as increases in operating costs.

Revenue trends reflect an 8% overall increase in General Fund revenues and a 12% increase in the property tax digest while franchise fees remain flat. Mr. Penny presented a bar chart showing the City’s current property tax rate compared to other cities comparable to Statesboro. Statesboro is in the middle of the pack with a tax rate of 8.125. The City has a lower rate than that of Bulloch County Board of Commissioners and the Board of Education. A one mill increase for Statesboro would generate a little over \$900,000. In the proposed budget we are showing an increase in our property tax revenue, from growth and from a possible increase in the millage rate in order to balance the budget. The city is at a good place when it comes to debt service there is just a small amount of debt in the general fund.

When we look at balancing the budget \$730,755 of fund balance will be used to balance the General Fund and \$34,476 of fund balance for the Fire Fund. The General fund highlights include authorization for the police department to over hire 4 additional officers. The percentage of general fund budget applied to

salary and benefits is 62.7%. Projected increased expenditures include salaries and benefits, transfer to the fire fund, debt service, liability insurance, transfer to the CIP fund, and one new position in the planning department. The public safety highlights affecting the proposed budget include the five mile district agreement with Bulloch County in which we are in the last year of the agreement. The agreement automatically renews unless the county would choose to stop the district. Also is the need for a third fire station and the possibility of a fire fee.

City Manager Charles Penny reviewed the fund appropriation levels. The Statesboro Fire Service Fund includes a third fire station as well as a study for the feasibility of a fire fee. The General Capital Fund includes a \$50,000 GMA Lease Poll for replacement trucks in Public Works and the Parks Division. The water/sewer fund reflects a 10% fee increase for residential and commercial sewer usage, water and sewer tap fee increase, aide to construction fee increase, and utility infrastructure expansion. The stormwater fund does not include a fee increase but to maintain a fund reserve and to implement essential capital projects. The natural gas fund is to continue pursuing opportunities for expansion and system growth as well as to study the expansion of infrastructure trunk line. Solid waste collection is to meet increasing service demand, increase transfer to the General Fund, two new positions a refuse collection equipment operator and a refuse collector to add an additional route as we currently operate 2 routes per day, 1 truck per route, 4 days a week. Solid waste disposal fund has included expansion the inert landfill.

The capital project priorities include housing rehabilitation, using interest earned from ARPA funds for replacement housing, sewer installation in unserved areas, and enhanced roadways, sidewalks, and intersection improvements to accommodate growth.

Mr. Penny presented what a 1 mill rate increase would look like on a home valued at \$200,000. The taxes on a home valued at \$200,000 assess at 40% with the current rate of 8.125 is \$633.75. The same home with a 1 Mill increase comes out at \$711.75 and increase of \$78 a year. A 1 mill rate increase would provide the funding to balance this budget. With the current interest rates we have the ability to use about \$1 million in interest earnings to balance the budget and prior to FY 2023 we were averaging less than \$25,000. So we need to take caution on balancing the budget using interest.

In summary the FY 2025 budget is financially sound, has strong reserves, good growth in property values, new investment, and looking out for our employees. We could balance the budget without increasing the millage rate and would require the use of \$1.7 million in fund balance leaving the fund balance at 23% which is below the City's policy of a 25% fund balance. A millage rate increase would allow the city to balance the budget using \$700,000 in fund balance leaving us at 27% in fund balance.

The city must continue to expand the base and a way to do that is by accepting voluntary annexations and through development. The city has approved zoning for over 3100 residential units with potential for additional rezoning requests and new commercial/retail developments help to grow the tax base and revenue.

The next steps for the FY 2025 budget are holding a Public Hearing on June 4th during the regular council meeting followed by budget adoption set for the June 18th council meeting.

No action taken.

The meeting was adjourned at 3:24 pm

Jonathan McCollar, Mayor

Leah Harden, City Clerk



CITY OF STATESBORO
WORK SESSION MINUTES
MAY 21, 2024

Mayor & Council Work Session

50 East Main Street

4:00 PM

A Work Session of the Statesboro City Council was held on May 21, 2024 at 4:00 p.m. in the Council Chambers at City Hall, 50 East Main Street. Present was Mayor Jonathan McCollar and Council Members: Paulette Chavers, Ginny Hendly, John Riggs and Shari Barr. Also present was City Clerk Leah Harden, City Manager Charles Penny, Assistant City Manager Jason Boyles and Senior IT Specialist Alan Schleder. Absent was Councilmember Phil Boyum.

Mayor Pro Tem Shari Barr called the meeting to order.

1. Quarterly Financial Report

Director of Finance Cindy West presented the third quarter financial report of Fiscal Year 2024, reviewing revenues and expenditures in the General Fund, Fire Service Fund, Water/Sewer Fund, Stormwater Fund, Natural Gas Fund, Solid Waste Collection Fund and the Solid Waste Disposal Fund. Revenues in the General fund is showing an increase over the prior year. General fund expenditures are up this year prior to last year due to the new pay plan, but we are still under budget. Ms. West also reviewed the SPLOST distribution had a big increase in January and a decrease in February but it's on the uptick and the TSPLOST distribution funds follow the same trend as SPLOST. The Hotel/Motel tax revenue is trending higher than in FY 2023.

4:08 Councilmember Paulette Chavers arrived

2. GDOT Proposal for Fair Road and Veterans Memorial Parkway

Director of Public Works John Washington presented the GDOT Road Safety Audit for SR 67/Fair Road to Veterans Memorial Pkwy. There are safety concerns with the alignment of the intersections adequate for all vehicular movements, left turns into oncoming traffic at non-signalized intersections, multiple businesses with driveways located at or near the intersections, high volume for service demand resulting in vehicle stacking at intersections of Fair Road and Veterans Memorial Pkwy with multiple signal cycles also rollovers and crash events at intersection for Fair Road and Veterans Memorial Pkwy. The improvements that are needed; eliminate multiple conflict points at commercial drives with left and right turns into oncoming traffic with installation of a raised median, realign intersections with SR 67 to improve viewing angle, convert minor intersections to right in/right out only, and high traffic volume service demand results in extended vehicle stacking in turn lane(s) on Fair Road at the bypass. GDOT engineer recommends replacing traffic signal with roundabout at Fair Road/Bypass intersection and are asking for the City's support.

4:30 Councilmember Ginny Hendley arrived.

3. Development Process – Zoning to Final Plat

Director of planning Kathy Field presented the development process stating it is an interactive process with planning, public works and the engineering department. Mrs. Fields reviewed the process flow start beginning with initial meetings with Right Start every Thursday, zoning approval, plan submission & review, preliminary subdivision, land disturbance activity permit, final plat, building permit issuance, CO inspection and close closeout.

Mayor Pro Tem Shari Barr asked about the silk fencing.

John Washington stated they are allowed to move what vegetation they have to, to get the silk fencing in. It is a standard procedure that the area has to be cleared for them to do that, in some cases they will clear more out but it is generally in the area they are going to be constructing their residential development.

4:49 pm Mayor Jonathan McCollar arrived.

4. Development Map Demo

Director of planning Kathy Fields presented interactive maps, the purpose is to ensure consistent communication with the public as well as Mayor and Council regarding development. The department of planning, in collaboration with central services, has developed real-time mapping. Multiple maps are being developed to ensure the public is informed to include large-scale residential development, commercial development, zoning, council districting, and future land use/ character area. The maps will be available on the City of Statesboro website under “Planning and Development” starting June 1st 2024, and be updated on the weekly basis.

5. Transit Update One Year After Implementation

Director of Public Works and Engineering John Washington gave an update on the Statesboro Area Transit. It has been a year and it is continuing to grow, we have two routes, the red and the blue. The blue route has 20 bus stops, 2 bus shelter locations, the most popular stops are at EGRMC and Cambridge at Southern. The red route has 19 bus stops, 2 bus shelters and the popular stops are the health department and Walmart Supercenter. In the budget we do have enough to add more shelters, we will take in considerations and public input. We have had over 14,000 passengers, over 118,000 miles and operated over 10,000 hours. Financially FY 2024 the total local match (TSPLOST) funds are \$138,750. FY 2025 budget includes expansion to 8 buses, 2 additional buses per route, the new buses have a 2 year delivery timeline. The annual revenue (TSPLOST) is \$600,000, the total local match (TSPLOST) funds are \$436,719. Program improvements include the additional bus shelters at popular/requested bus stops, this will impact current operations with longer wait times and bus time between stops, there are 3 bus bench/shelter requests and 9 bus stop requests. Transit consultant will be hired to perform analysis to coordinate added routes and stops. We do not have any updates on the fare card, right now it is a cash system, and we also hand out vouchers that help families that need it.

The meeting was adjourned at 5:14 pm.

Jonathan McCollar, Mayor

Leah Harden, City Clerk



CITY OF STATESBORO
COUNCIL MINUTES
MAY 21, 2024

Regular Meeting

50 E. Main St. City Hall Council Chambers

5:30 PM

1. Call to Order

Mayor Jonathan McCollar called the meeting to order

2. Invocation and Pledge

Councilmember Paulette Chavers 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	
Ginny Hendley	Councilmember	Present	
John Riggs	Councilmember	Present	
Shari Barr	Mayor Pro Tem	Present	

Other staff present: City Manager Charles Penny, Assistant City Manager Jason Boyles, Senior IT Specialist Alan Schleder, City Attorney Cain Smith and City Clerk Leah Harden

3. Recognitions / Public Presentation:

A) Presentation of a Medal of Valor and a Purple Heart to Advanced Patrol Officer Joey Deloach.

B) Presentation of a Life Saving award to Officer Nicholas Sparks-Hoskins.

Statesboro Police Chief Mike Broadhead stated that on April 16, 2024 officers were dispatched to Copper Beech apartments for a reported car prowler. APO Deloach located the suspect in the act of unlawfully entering an auto and confronted the suspect. The suspect immediately began shooting at APO Deloach who fired back striking the suspect. The suspect fled but was arrested a few minutes later. APO Deloach was badly wounded with a wound to the femoral artery as well as a bullet in the left shoulder. Realizing he was losing a lot of blood APO Deloach attempted to place a tourniquet on himself but was unable due to the blood loss. Officer Nicholas Sparks-Hoskins was quickly on the scene and properly applied the tourniquet. Officer Sparks-Hoskins then helped APO Deloach into a patrol car to get him to the emergency room. Chief Broadhead presented Advance Patrol Officer Joey Deloach with a Medal of Valor and a Purple Heart for the sacrifice he made on behalf of the citizens of our community. Chief Broadhead then presented a Life Saving Award to Officer Nicholas Sparks-Hoskins for his life saving actions and his attention to duty and professional skill.

C) Presentation of a Proclamation recognizing May 12 – 18, 2024 as Police Week.

Mayor McCollar read and presented a proclamation to Police Chief Mike Broadhead, recognizing May 12-18, 2024 as Police Week in Statesboro.

D) Presentation of a Proclamation recognizing the month of May 2024 as National Cities, Towns, and Villages month.

Mayor McCollar read a proclamation recognizing the month of May 2024 as National Cities, Towns, and Villages month.

4. Public Comments (Agenda Item): None

5. Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) 05-07-2024 Council Minutes

b) 05-07-2024 Executive Session Minutes

B) Consideration of a motion to approve surplus and disposition of a 2003 sterling L7500 Vacuum Truck (Vin# 2FZAATAK43AK4607) and a New Holland TC24 Tractor/Trencher (Vin# UG31620)

A motion was made to approve the consent agenda.

RESULT:	Approved (Unanimous)
MOVER:	Mayor Pro Tem Shari Barr
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Chavers, Hendley, Riggs, Barr
ABSENT	

6. Public Hearing and Consideration of a motion to approve:

- a. APPLICATION AN 24-03-06: 3SD Investments, LLC requests the annexation of approximately 16.54 acres of property in order to develop a townhome subdivision on Cypress Lake Road (Tax Parcel# MS40000074A000).**
- b. APPLICATION RZ 24-03-07: 3SD Investments, LLC requests a zoning map amendment from the R-40 (Single-Family Residential) zoning district to the R-2 (Townhouse Residential) zoning district in order develop a townhome development of approximately 101 units on Cypress Lake Road (Tax Parcel# MS40000074A000).**

A motion was made to open the public hearing.

RESULT:	Approved (Unanimous)
MOVER:	Mayor Pro Tem Shari Barr
SECONDER:	Councilmember Ginny Hendley
AYES:	Boyum, Chavers, Hendley, Riggs, Barr
ABSENT	

Haydon Rollins with Hussey Gay Bell representing the applicant spoke in favor of the request and stated that after some discussion with concerned individuals the developer requests an added condition that there will be no access to Country Club Road from the development.

Rob Brannen who lives on Lakewood Drive requested that the access point to Country Club Road not be used by the development.

Susan Radovich who lives on Lakewood Drive voiced her concerns about stormwater runoff affecting their property as well as concerns with increased traffic.

A motion was made to close the public hearing.

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

A motion was made to approve with staff conditions and with the additional condition that the development not use the access point to Country Club Road **APPLICATION AN 24-03-06:** 3SD Investments, LLC requests the annexation of approximately 16.54 acres of property in order to develop a townhome subdivision on Cypress Lake Road (Tax Parcel# MS40000074A000) and **APPLICATION RZ 24-03-07:** 3SD Investments, LLC requests a zoning map amendment from the R-40 (Single-Family Residential) zoning district to the R-2 (Townhouse Residential) zoning district in order develop a townhome development of approximately 101 units on Cypress Lake Road (Tax Parcel# MS40000074A000).

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

7. **Public Hearing and Consideration of a Motion to Approve: APPLICATION V 24-04-01: Hartridge Realty, LLC request a variance from Section 1.1.4(C) – Transitional Provisions, of the Unified Development Code in order to complete construction of a previously reviewed Self-storage Facility on Henry Boulevard (Tax Parcel# MS84000102 07G).**

A motion was made to open the public hearing.

RESULT:	Approved (Unanimous)
MOVER:	Mayor Pro Tem Shari Barr
SECONDER:	Councilmember Paulette Chavers
AYES:	Boyum, Chavers, Hendley, Riggs, Barr
ABSENT	

Steve Rushing a local attorney representing the applicant spoke in favor of the request.
No one spoke against the request.

A motion was made to close the public hearing.

RESULT:	Approved (Unanimous)
MOVER:	Mayor Pro Tem Shari Barr
SECONDER:	Councilmember Paulette Chavers
AYES:	Boyum, Chavers, Hendley, Riggs, Barr
ABSENT	

A motion was made to approve with staff conditions **APPLICATION V 24-04-01**: Hartridge Realty, LLC request a variance from Section 1.1.4(C) – Transitional Provisions, of the Unified Development Code in order to complete construction of a previously reviewed Self- storage Facility on Henry Boulevard (Tax Parcel# MS84000102 07G).

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

8. Second reading and consideration of a motion to approve Ordinance 2024-03: An Ordinance amending Chapter 82 of the Statesboro Code of Ordinances, Section 62(d) allowing the use of water utility master meters.

A Motion was made to approve **Ordinance 2024-03**: An Ordinance amending Chapter 82 of the Statesboro Code of Ordinances, Section 62(d) allowing the use of water utility master meters.

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

9. Consideration of a motion to approve Resolution 2024-13: A Resolution to adopt the third amendment to the Fiscal Year 2024 Budget for each fund of the City of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding appropriated.

A Motion was made to approve **Resolution 2024-13**: A Resolution to adopt the third amendment to the Fiscal Year 2024 Budget for each fund of the City of Statesboro, Georgia, appropriating the amounts shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding appropriated.

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

10. Consideration of a motion to approve a Memorandum of Understanding between the City of Statesboro and Read 4 Unity to advance our work in expanding access to pre-K-12 grade NEW & DIVERSE books by BIPOC authors for students and community in Statesboro, GA and surrounding areas.

A motion was made to approve a Memorandum of Understanding between the City of Statesboro and Read 4 Unity to advance our work in expanding access to pre-K-12 grade NEW & DIVERSE books by BIPOC authors for students and community in Statesboro, GA and surrounding areas.

RESULT:	Approved (Unanimous)
MOVER:	Mayor Pro Tem Shari Barr
SECONDER:	Councilmember Paulette Chavers
AYES:	Boyum, Chavers, Hendley, Riggs, Barr
ABSENT	

11. Consideration of a motion to approve a Memorandum of Understanding between the City of Statesboro and Colgate-Palmolive Company to provide Bright Smile Bright Futures (BSBF) program events relating to oral health and wellness initiatives.

A Motion was made to approve a Memorandum of Understanding between the City of Statesboro and Colgate-Palmolive Company to provide Bright Smile Bright Futures (BSBF) program events relating to oral health and wellness initiatives.

RESULT:	Approved (Unanimous)
MOVER:	Mayor Pro Tem Shari Barr
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Chavers, Hendley, Riggs, Barr
ABSENT	

12. Consideration of a motion to award a contract in the amount of \$188,000.00 to Sam Hunt and Sons, Inc. for repairs to the main driveway entrance and retaining wall at Station One of the Fire Department. This project, FD-89, is funded from the 2019 SPLOST Fund.

A motion was made to approve an award a contract in the amount of \$188,000.00 to Sam Hall and Sons, Inc. for repairs to the main driveway entrance and retaining wall at Station One of the Fire Department. This project, FD-89, is funded from the 2019 SPLOST Fund.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember Phil Boyum
SECONDER:	Mayor Pro Tem Shari Barr
AYES:	Boyum, Chavers, Hendley, Riggs, Barr
ABSENT	

13. Consideration of a motion to award a contract for engineering technical services for a multimodal transportation study of the Brannen Street Corridor to Goodwyn Mills Cawood (GMC) in the amount of \$125,000.00. The project work, ENG-96, will be paid from 2018 TSPLOST Funds.

A motion was made to approve an award of contract for engineering technical services for a multimodal transportation study of the Brannen Street Corridor to Goodwyn Mills Cawood (GMC) in the amount of \$125,000.00. The project work, ENG-96, will be paid from 2018 TSPLOST Funds.

RESULT:	Approved (Unanimous)
MOVER:	Mayor Pro Tem Shari Barr
SECONDER:	Councilmember Phil Boyum
AYES:	Boyum, Chavers, Hendley, Riggs, Barr
ABSENT	

14. Consideration of a motion to award the contract for \$313,355.00 with Tim Lanier Construction, LLC for Gentilly Road sidewalk improvements, project # ENG-122g. This project will be funded from the 2018 TSPLOST Fund.

A motion was made to approve award the contract for \$313,355.00 with Tim Lanier Construction, LLC for Gentilly Road sidewalk improvements, project # ENG-122g. This project will be funded from the 2018 TSPLOST Fund.

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

15. Consideration of a motion to award a contract for engineering design services of the Fair Road Widening Improvements project (ENG-124f) to Atlas Technical Consultants LLC (Atlas) in the amount of \$385,634.00. This work will be paid from 2018 TSPLOST Funds.

At 6:43 pm Councilmember Ginny Hendley left the meeting.

A motion was made to approve award a contract for engineering design services of the Fair Road Widening Improvements project (ENG-124f) to Atlas Technical Consultants LLC (Atlas) in the amount of \$385,634.00. This work will be paid from 2018 TSPLOST Funds.

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

16. Consideration of a motion to award a contract for engineering design services of the Cawana Road Intersection Improvements project, ENG-123f, to American Engineers, Inc. (AEI) in the amount of \$212,500.00. The project work will be paid from 2018 TSPLOST Funds.

At 6:46pm Councilmember Ginny Hendley rejoined the meeting.

A motion was made to approve award a contract for engineering design services of the Cawana Road Intersection Improvements project, ENG-123f, to American Engineers, Inc. (AEI) in the amount of \$212,500.00. The project work will be paid from 2018 TSPLOST Funds.

RESULT:	Approved (Unanimous)
MOVER:	Mayor Pro Tem Shari Barr
SECONDER:	Councilmember John Riggs
AYES:	Boyum, Chavers, Hendley, Riggs, Barr
ABSENT	

17. Consideration of a motion to award a contract to Southern Utility Group Inc. In the amount of \$92,740.00, for the installation of natural gas facilities to serve DAS Manufacturing in the Metter Industrial Park. To be paid for with funds in the Natural Gas CIP budget item # NGD-11 and carry over funds.

A motion was made to approve award a contract to Southern Utility Group Inc. In the amount of \$92,740.00, for the installation of natural gas facilities to serve DAS Manufacturing in the Metter Industrial Park. To be paid for with funds in the Natural Gas CIP budget item # NGD-11 and carry over funds.

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

18. Other Business from City Council

Mayor Pro Tem Shari Barr shared that the next Family Resource Day will take place on Friday May 31st from 3:00 pm to 6:00 pm on the Berkshire Village Lawn located at 220 Lanier Drive.

Councilmember Phil Boyum shared that he will be teaching part of a Planning and Zoning class at the GMA Annual Convention in Savannah in June.

Mayor McCollar announced the next Downtown Live will take place Thursday May 30th at 7:00 pm with the band Liquid Pleasure.

19. City Managers Comments

City Manager Charles Penny brought to Mayor and Councils attention a memo in the FYI packet regarding background information on the sewer usage fees, sewer tap fees, water tap fees, and aid to construction fees that were mentioned during the budget work session. Mr. Penny stated the first meeting in July is on the 2nd and asked if Council would like to cancel that meeting. Direction was given to place a cancellation motion on the June 4th agenda for consideration. The last item is a reminder that a public hearing for the FY 2025 budget will take place during the June 4th Council meeting with the adoption of the budget to take place at the June 18th Council meeting. Mr. Penny made Mayor and Council aware that he will not be present during the second meeting in June because he is participating in a Divided Community program in New York and will not be back until late that evening.

20. Public Comments (General):

Geoff del Forn Vice President of the Statesboro Police Foundation stated they have been working to find possible solutions to retaining and attracting new officers to our Police Department. We understand that the new growth heading to our community will require more Officers to protect and serve our citizens. One option the foundation has found is the Peace Officers Annuity Benefit Program.

City Manager Charles Penny stated that staff will need to do research on this and weigh out all the options and report back to council with their findings.

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

At 7:04 pm a motion was made to enter into executive session.

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

At 7:17 pm a motion was made to exit executive session.

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

Mayor McCollar called the meeting back to order with no action taken in executive session.

22. Consideration of a Motion to Adjourn

A motion was made to adjourn.

RESULT:	Approved (Unanimous)
MOVER:	Councilmember John Riggs
SECONDER:	Mayor Pro Tem Shari Barr
AYES:	Boyum, Chavers, Hendley, Riggs, Barr
ABSENT	

The meeting was adjourned at 7:17 pm.

Jonathan McCollar, Mayor

Leah Harden, City Clerk

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Paulette Chavers
Ginny Hendley
John C. Riggs
Shari Barr



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

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

To: Mr. Charles Penny, City Manager

From: Cindy S. West, Finance Director

Date: May 30, 2024

RE: Public Hearing of FY2025 Budget

Background: State law requires the City of Statesboro to have a Public Hearing on the proposed budget, at which time any person wishing to be heard on the budget may appear. The public hearing must be held at least one week prior to the meeting of the governing authority at which adoption of the budget resolution will be considered.

Budget Impact: \$ 108,973,791 (including transfers and internal service funds)

Council Person and District: All

Attachments: FY2025 Budget in Brief

FY 2025 Budget in Brief

Fund	FY2024	FY2025
General Fund		
Revenues	\$ 22,784,595	\$ 24,609,270
Fund Balance Appropriated	-	730,755
Total	<u>\$ 22,784,595</u>	<u>\$ 25,340,025</u>
Operating Expenses	<u>\$ 22,312,422</u>	<u>\$ 25,340,025</u>
Statesboro Fire Service Fund		
Revenues	\$ 6,492,584	\$ 7,646,005
Fund Balance Appropriated	387,334	35,476
Total	<u>\$ 6,879,918</u>	<u>\$ 7,681,481</u>
Operating Expenses	<u>\$ 6,879,918</u>	<u>\$ 7,681,481</u>
Water Sewer Fund		
Revenues	\$ 17,747,915	\$ 13,884,740
Loans/Grants	\$ 5,160,000	1,900,000
Fund Balance Appropriated	\$ -	1,900,020
Total	<u>\$ 22,907,915</u>	<u>\$ 17,684,760</u>
Operating Expenses	\$ 10,479,303	\$ 10,978,690
Capital Expenses	9,747,000	5,610,000
Debt Service	\$ 1,100,797	1,096,070
Total	<u>\$ 21,327,100</u>	<u>\$ 17,684,760</u>
Stormwater Fund		
Revenues	\$ 1,391,000	\$ 1,413,000
Loans/Grants	10,870,000	9,580,000
Fund Balance Appropriated	69,845	-
Total	<u>\$ 12,330,845</u>	<u>\$ 10,993,000</u>
Operating Expenses	\$ 800,845	\$ 838,200
Capital Expenses	11,470,000	9,830,000
Debt Service	60,000	100,150
Total	<u>\$ 12,330,845</u>	<u>\$ 10,768,350</u>
Natural Gas Fund		
Revenues	\$ 7,526,100	\$ 5,397,665
Fund Balance Appropriated	211,411	591,450
Total	<u>\$ 7,737,511</u>	<u>\$ 5,989,115</u>
Operating Expenses	\$ 6,152,511	\$ 4,969,115
Capital Expenses	1,585,000	1,020,000
Debt Service	-	-

Total	<u>\$ 7,737,511</u>	<u>\$ 5,989,115</u>
Solid Waste Collection Fund		
Revenues	\$ 5,426,000	\$ 5,533,050
Fund Balance Appropriated	-	-
Total	<u>\$ 5,426,000</u>	<u>\$ 5,533,050</u>
Operating Expenses	\$ 4,584,635	\$ 5,077,600
Capital Expenses	725,000	285,000
Total	<u>\$ 5,309,635</u>	<u>\$ 5,362,600</u>
Solid Waste Disposal Fund		
Revenues	\$ 4,486,890	\$ 4,645,000
Fund Balance Appropriated	1,970	450,035
Total	<u>\$ 4,488,860</u>	<u>\$ 5,095,035</u>
Operating Expenses	\$ 4,398,860	\$ 4,285,535
Capital Expenses	90,000	809,500
Total	<u>\$ 4,488,860</u>	<u>\$ 5,095,035</u>
Special Revenue Funds		
Confiscated Asset Fund		
Revenues	<u>\$ 1,050</u>	<u>\$ 1,500</u>
Operating Expenses	<u>\$ 1,050</u>	<u>\$ 1,500</u>
Opioid Settlement Fund		
Fund Balance Appropriated	<u>\$ 52,700</u>	<u>\$ 10,000</u>
Operating Expenses	<u>\$ 52,700</u>	<u>\$ 10,000</u>
CDBG Fund		
Fund Balance Appropriated	<u>\$ 30,000</u>	<u>\$ 25,000</u>
Operating Expenses	<u>\$ 30,000</u>	<u>\$ 25,000</u>
US DOJ Fund		
Revenues	\$ 30,000	\$ 10,000
Fund Balance Appropriated	-	-
Total	<u>\$ 30,000</u>	<u>\$ 10,000</u>
Operating Expenses	<u>\$ 30,000</u>	<u>\$ 10,000</u>
ARPA Fund		
Revenues	\$ 5,400,000	\$ 250,000
Fund Balance Appropriated	\$ 278,015	\$ 4,212,000
	<u>\$ 5,678,015</u>	<u>\$ 4,462,000</u>

Operating Expenses	<u>\$ 5,678,015</u>	<u>\$ 4,462,000</u>
Multiple Grant Fund		
Revenues	<u>\$ 221,090</u>	<u>\$ -</u>
Operating Expenses	<u>\$ 221,090</u>	<u>\$ -</u>
South Main TAD Fund		
Revenues	<u>\$ 463,000</u>	<u>\$ 675,000</u>
Operating Expenses	<u>\$ 295,380</u>	<u>\$ -</u>
Old Register TAD Fund		
Revenues	<u>\$ 52,012</u>	<u>\$ 242,630</u>
Operating Expenses	<u>\$ 321,102</u>	<u>\$ 242,630</u>
Hotel Motel		
Revenues	<u>\$ 1,300,000</u>	<u>\$ 1,400,000</u>
Operating Expenses	<u>\$ 1,300,000</u>	<u>\$ 1,400,000</u>
Tech Fee		
Revenues	<u>\$ 50,000</u>	<u>\$ 60,000</u>
Operating Expenses	<u>\$ 34,325</u>	<u>\$ 40,000</u>
Capital Funds		
2013 SPLOST		
Revenues	\$ 100,000	\$ 75,000
Fund Balance Appropriated	2,326,822	-
	<u>2,426,822</u>	<u>75,000</u>
Capital Expense	<u>\$ 2,426,822</u>	<u>\$ -</u>
2018 TSPLOST		
Revenues	\$ 2,919,655	\$ 1,400,000
Fund Balance Appropriated	4,788,480	6,341,000
Total	<u>\$ 7,708,135</u>	<u>\$ 7,741,000</u>
Capital Expense	<u>\$ 7,708,135</u>	<u>\$ 7,741,000</u>
2019 SPLOST		
Revenues	\$ 8,363,011	\$ 9,596,184
Fund Balance Appropriated	\$ 1,521,164	\$ -
Total	<u>\$ 9,884,175</u>	<u>\$ 9,596,184</u>

Capital Expense	<u>\$ 9,884,175</u>	<u>\$ 6,961,460</u>
2023 TSPLOST		
Revenues	\$ 5,894,000	\$ 6,242,000
Fund Balance Appropriated	\$ -	\$ -
Total	<u>\$ 5,894,000</u>	<u>\$ 6,242,000</u>
Capital Expense	<u>\$ 1,315,000</u>	<u>\$ 2,795,000</u>
CIP		
Revenues	<u>\$ 195,000</u>	<u>\$ 110,000</u>
Capital Expense	<u>\$ 195,000</u>	<u>\$ 110,000</u>
CDBG-EIP		
Revenues	<u>\$ 750,000</u>	<u>\$ -</u>
Capital Expense	<u>\$ 750,000</u>	<u>\$ -</u>
LMIG- Akins Blvd		
Revenues	<u>\$ 859,585</u>	<u>\$ -</u>
Capital Expense	<u>\$ 766,500</u>	<u>\$ -</u>
Internal Service Funds		
Health Insurance Fund		
Revenues	\$ 5,227,745	\$ 5,177,500
Fund Balance Appropriated	-	-
Total	<u>\$ 5,227,745</u>	<u>\$ 5,177,500</u>
Operating Expenses	<u>\$ 5,137,500</u>	<u>\$ 5,177,500</u>
Fleet Management Fund		
Revenues	\$ 871,505	\$ 710,505
Fund Balance Appropriated	-	\$ 243,290
Total	<u>\$ 871,505</u>	<u>\$ 953,795</u>
Operating Expenses	\$ 827,615	\$ 936,340
Capital Expenses	-	-
Debt Service	-	17,455
Total	<u>\$ 827,615</u>	<u>\$ 953,795</u>
Wellness Fund		
Revenues	\$ 71,290	\$ 71,290
Fund Balance Appropriated	\$ 770	\$ -
Total	<u>\$ 72,060</u>	<u>\$ 71,290</u>

Operating Expenses	<u>\$ 72,060</u>	<u>\$ 71,150</u>
Central Services Fund		
Revenues	\$ 1,442,850	\$ 2,423,185
Fund Balance Appropriate	<u>\$ 46,710</u>	<u>\$ -</u>
	<u>\$ 1,489,560</u>	<u>\$ 2,423,185</u>
Operating Expenses	\$ 1,471,560	\$ 1,627,065
Capital Expense	<u>\$ 18,000</u>	<u>\$ 638,000</u>
	<u>\$ 1,489,560</u>	<u>\$ 2,265,065</u>
Less Internal Funds Expenses	\$ 7,508,735	\$ 7,812,055
Less Transfers Between Funds	\$ 6,265,151	\$ 7,646,160
Total Operating	<u>\$ 51,628,990</u>	<u>\$ 53,253,616</u>
Total Capital	<u>\$ 52,358,647</u>	<u>\$ 40,261,960</u>
Total Debt Service (Enterprise Funds)	<u>\$ 1,160,797</u>	<u>\$ 1,213,675</u>
Total Expenditures	<u>\$ 103,987,637</u>	<u>\$ 93,515,576</u>
Total Expenditures Including Transfers and Internal Service Funds	<u>\$ 117,761,523</u>	<u>\$ 108,973,791</u>

CITY OF STATESBORO

COUNCIL

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



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

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

To: Charles Penny, City Manager
Jason Boyles, Assistant City Manager

From: John Washington, Director of Public Works and Engineering, City Engineer

Date: May 28, 2024

RE: Shareable Dockless Mobility Devices and Non-Motorized Devices

Policy: Ordinance Amendments

Recommendation:

Staff recommends approval of amendments to Chapter 70 and Chapter 78 of the Statesboro Code of Ordinances to regulate personal shareable dockless (personal) mobility devices and amend ordinances related to non-motorized devices.

Background:

At the February 20, 2024 work session, TSW provided recommendations to introduce a new code language in Chapter 70 regarding shareable dockless (personal) mobility devices (ie, scooters) and to update language in Ordinance Chapter 78-9 pertaining to non-motorized vehicles (ie, roller skates, skateboards, bicycles, electric scooters, etc) and include additional language related to mobility devices.

TSW prepared this information concurrently with the new Unified Development Code (UDC), but is not included in the UDC. Chapter 70 pertains to "Streets, Sidewalks, and Other Public Places." Chapter 78 pertains to "Traffic and Vehicles."

Budget Impact: None

Council Person and District: All

Attachment: Draft Ordinances

CHAPTER 70 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. IN GENERAL

Sec. 70-1. Obstructing streets or sidewalks—Generally.

No person shall place any obstruction in or on any streets or sidewalks of the city so passage thereon is impeded, except as provided in this chapter.

Sec. 70-2. Same—Permit; warning devices.

- (a) Whenever it shall become absolutely necessary for any person to obstruct the streets or sidewalks or any part thereof, permission shall first be obtained from the city engineer.
- (b) All areas where construction work is to be conducted shall have the necessary warning devices for the safety of vehicular and pedestrian traffic.

Sec. 70-3. Display of merchandise on street or sidewalk.

It shall be unlawful for any person to place and display his goods, wares or merchandise on the streets and sidewalks of the city, or offer them for sale thereon, without special permission so to do granted by the mayor or mayor pro tem.

Sec. 70-4. Soliciting funds on streets.

- (a) Prohibited. It shall be unlawful for any person to solicit funds on any street in the city for any purpose.
- (b) Penalty. Any person violating this section will, upon conviction in the municipal court of the city, be punished by fine or imprisonment as provided in section 1-12.

Sec. 70-5. Fences or ditches on line of street or sidewalk.

No fence or ditch shall be erected or dug on the line of any street or sidewalk in the city without obtaining a permit from the city engineer.

Sec. 70-6. Erection of telephone or telegraph poles.

No person shall erect any telephone or telegraph poles on the streets or sidewalks of the city without first obtaining a permit from the city engineer.

Sec. 70-7. Removal or resetting of utility poles.

- (a) *Duty to remove upon notice.* It shall be the duty of any electric light company, telephone company or telegraph company, or any other public utility under franchise from the city or otherwise, to set poles for the stringing of wires thereon, upon notice from the mayor and city council or the city engineer to that effect, to remove or reset any poles belonging to such company or its successors or assigns, when such removal or resetting of poles is necessary, in the judgment of the mayor and

city council or of the city engineer, to facilitate the improvement of any street or portion of street by changing the grade thereof or otherwise, or to allow the improvement or promote the convenience of any lot on such street. The expense of the removal shall be borne by the company using the poles.

- (b) *Removal by city.* Upon failure or refusal to remove or reset such poles upon ten days' notice from the mayor and city council, the city will enter upon the property and remove or reset such poles, charging the expense of the removal or resetting to the company owning or controlling the poles. Such expenses shall be added to the business license fee of the company for the next ensuing year, and no license to do business in the city shall be issued to the company until the expense of removing or resetting the poles has been paid.

Sec. 70-8. Maintenance of railroad grade crossings.

- (a) *Required.* All railway companies or other persons who have, own, maintain, use or operate, by lease or otherwise, any railway track in the city shall be required to keep all streets, lanes, alleys, sidewalks, etc., where the track adjoins or crosses the street, lanes, alleys or sidewalks, in a good and safe condition for travel.
- (b) *Maximum grade.* All grade crossings where the track crosses the streets shall be not more than a ten percent grade.
- (c) *Correction of conditions by city.* The city shall give such railway companies or other persons 15 days' notice to put any place in the condition required by this section. If such parties shall fail or refuse to fix such place, then the city shall fix such place and issue execution instanter against the parties for the amount expended.

Secs. 70-9—70-35. Reserved.

ARTICLE II. EXCAVATION, CONSTRUCTION OR ALTERATION OF PUBLIC RIGHT-OF-WAY

Sec. 70-36. Definitions.

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

City means the city or any division, department, agency, authority, instrumentality or branch thereof, or the city council, or other city officer having charge of the streets of the city.

City streets means streets donated by the owner, either expressly or by implication, and accepted by the city for public street purposes in accordance with statutory or common law provisions.

Excavate or alter means the ditching, digging or penetrating in any way into the bed or surface of any public street.

Obstruct means the placing of a barrier upon any public street or engaging in any work or activity which will interfere with the normal flow or passage of traffic upon the public street.

Private street means a privately owned street or way which is only open for the benefit of one or more individuals and not dedicated to the use of the general public, or a street which lies on privately owned land.

Right-of-way is a general term denoting land, property or interest therein, usually but not required to be a strip, acquired for or devoted to a city street.

Sec. 70-37. Applicability of article.

The jurisdiction of this article shall include all roads, streets and highways except private roads and those roads, streets and highways which are part of the state highway system.

Sec. 70-38. Sec. 70-1. Permit required; unlawful signs.

- (a) The following conduct is hereby declared to be unlawful and in violation of this Code:
- (1) It shall be unlawful for any person, without a permit issued by the city, to purposely or recklessly obstruct any public road, street, sidewalk or other public passage in such a way as to render it impassable to the public without unreasonable inconvenience or hazard, when such person fails or refuses to remove the obstruction after receiving an official request from the city or the order of a police officer that he do so within a specified period of time.
 - (2) It shall be unlawful for any person, without a permit issued by the city, to purposely or recklessly excavate or alter the surface, shoulders or sides of any public road, street, sidewalk or other public passage.
 - (3) It shall be unlawful for any person to erect or cause to be erected within the right-of-way of any public road, street, sidewalk or public passage any sign, notice, warning or symbol designed or intended to discourage the use of such public passage by the public.
- (b) It shall be the continuing duty and obligation of the city, through its agents and employees, whenever any such act as is prohibited in this section occurs, to enter upon any such public street, public roadway, public alley or public easement, after giving 30 days' advance notice in writing to all abutting property owners of its intentions, and to effect compliance with the provisions of this article.

Sec. 70-39. Application for permit; granting of permit.

- (a) As a condition precedent to the granting of a permit required by this article, the applicant shall file an application in writing with the city engineer specifically describing the nature, extent, location and time of the proposed obstruction, excavation or alteration and such other information as the city, through its designated official, may require.
- (b) An inspection of the location of the work in the area where the permit is requested may be made by the city engineer prior to the issuance of a permit.
- (c) At the time of application, a performance and maintenance bond shall be posted with the city for each permit issued. The duration of the bond shall be one year from the projected completion date of the project contained in the application. If completion of the proposed project extends beyond

the projected completion date, the bond requirement may be extended by the city engineer to one year from the date of completion. The bond shall provide a minimum coverage of \$500.00, and shall be based on a fee schedule developed by the city engineer and approved by the mayor and city council.

- (d) At the time of application, the applicant shall execute a document agreeing to indemnify the city for any costs, damages or liability resulting from work performed by the applicant or owner or their agent during the period in which the bond described in subsection (c) of this section is in effect.
- (e) Except in case of emergency, application for a permit to excavate, obstruct or alter a public street shall be made ten days prior to the date the work is to commence.
- (f) The permit shall be granted or denied by considering the following factors:
 - (1) The effect on the integrity of existing roadway facilities;
 - (2) The effect on traffic patterns, traffic congestion and traffic safety;
 - (3) The effect on ingress and egress to and from the surrounding properties; and
 - (4) The impact on development of the surrounding area.

Sec. 70-40. Standards; asphalt repair.

The person conducting or contracting for any excavation, construction or alteration work authorized by this article and by a permit issued by the city engineer shall perform such work according to the following standards:

- (a) Safety precautions, including signage and flagman, shall be implemented and shall be in accordance with Manual on Uniform Traffic Control Devices for Streets and Highways, issued by the state department of transportation.
- (b) All roadbed and surface repairs shall be made in accordance with current standards established by the state department of transportation, with the exception of asphalt topping.
- (c) Asphalt repairs shall be done by the city. The person applying for the permit and requesting the alteration, construction or excavation shall pay a sum to the city for such repairs, at the time the permit is issued, at a rate based on square feet, as set by the city engineer and approved by the mayor and city council.

Sec. 70-41. Residential construction plat requirements.

No application for a building permit for construction of any principal residential structure shall be considered or approved unless the applicant provides to the city a plat prepared by a state-registered land surveyor depicting the following information:

- (a) A depiction of the lot on which the structure is to be placed to include property corners, changes of directions and boundaries identified to show distance and degrees by metes and bounds.
- (b) The exact location and size of the principal, residential structure of the property and the exact location and size of any accessory buildings.

- (c) Location of any proposed driveway including the size and length of drainage pipe, if applicable.
- (d) The name and location of any streets, roadways or rights-of-way adjoining the property. If no street, roadway or right-of-way adjoins the property, the location and distance of the nearest street, roadway or right-of-way to the property should be shown.
- (e) The location and nature of any and all easements affecting the property on which the structure will be placed.
- (f) The location and direction of water, sewer and gas lines shown from main lines to the principal structure.
- (g) Identification of any portion of the property located in the 100-year or 500-year flood zone as delineated on the most recent City of Statesboro Flood Insurance Rate Maps. If the property is located within the 100-year flood zone, the flood elevation must also be shown and the proposed finished floor elevation of the residence shall be shown.
- (h) The location of the septic tank system, if necessary.
- (i) The signature and stamp of the state-registered land surveyor who prepared the plat.

Secs. 70-42—70-60. Reserved.

ARTICLE III. PARADES, PROCESSIONS AND PUBLIC GATHERINGS

Sec. 70-61. Use of public spaces and facilities.

- (a) Permit required. No person shall, without first being permitted by the permitting officer, who shall be the chief of police, after application made according to the requirements set out hereinafter:
 - (1) Conduct a public assembly, meeting, march, parade, demonstration, or other like event, either fixed or processional
 - a. In any city park or square involving 50 or more attendees or participants, or
 - b. Utilizing any city building or structure, or
 - c. Utilizing any city baseball/softball field or tennis court, or
 - d. Utilizing any city property in a manner which has the effect, intent, purpose or substantial likelihood of obstructing motor vehicle or pedestrian traffic; or
 - (2) Circulate or distribute any leaflets, handbills, notices, pamphlets, books, documents, or papers of any kind in any indoor public facility of the City of Statesboro, except during those events regulated or sponsored by the City of Statesboro or in such areas as will be designated by posted signage as approved for distribution of literature (such area will be designated by the city manager for the city hall facility at 50 East Main Street within 20 days of adoption of this ordinance), such distribution not to occur inside any room during a meeting nor at anytime so as to impede ingress to or egress from any interior space; or

- (3) Bring, land or cause to ascend or descend or alight any airplane, helicopter, flying machine, balloon, parachute, or other apparatus for aviation on, over, or upon the public properties of the City of Statesboro, or facilities thereon; or
 - (4) Bring any non-domestic (e.g., any of the following would be considered non-domestic: poisonous, exotic, dangerous, feral, or farm animals) on, over, or upon the public properties of the City of Statesboro, or facilities thereon; or
 - (5) Station or erect any building, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure on, over or upon the public properties of the City of Statesboro; or
 - (6) Create or emit any electronically amplified sound (except from a radio, recorder or other device which is possessed and used by an individual for his/her own enjoyment and is operated in such a manner so as to not interfere with the use and enjoyment by any other person); or
 - (7) Conduct any exhibit, fair, or circus over, or upon the public properties of the City of Statesboro; or station or use any electrical or electronic device or equipment that would require outdoor auxiliary power.
- (b) Application.
- (1) Within no less than ten days prior to an event, the person or persons associated in fact, whether or not a legally recognized entity, who wish to conduct an event requiring a permit, as set forth herein, shall apply to the permitting officer (chief of police) for such permit. Such application shall at a minimum include:
 - a. The name, mailing and street address, gender, birth date and social security number of the applicant. If the application is made by or for an association of persons or other organization, the application shall set forth as to each such entity the legal form of the entity (e.g., corporation, unincorporated association, LLP, etc.), the name of said entity, if named; the registered or recognized address of the entity, if any; the federal tax identification number of the entity; the name, mailing and street address, date of birth and social security number of the person making the application on behalf of or as a representative of said entity; such person's relationship to said entity; and some demonstration or recitation of the authority of the person making the application to act on behalf of the entity.
 - b. A plan to be reviewed by the permitting officer, which plan will include:
 1. Anticipated number of persons participating in the event;
 2. Date or dates of the event;
 3. Hours of each day the event will be conducted;
 4. Exact location of said event, or, if the event is processional or mobile, the specific route of the event;

5. Whether sound amplification equipment will be employed, and, if so, a description of what equipment will be used sufficient to allow the permitting officer to evaluate the plan;
 6. Whether artificial lighting will be employed and, if so, a description of what equipment will be used, sufficient to allow the permitting officer to evaluate the plan;
 7. Whether temporary static structures such as stages, bleachers, canopies, stands, towers, scaffolds, platforms, rostrums, podiums, portable toilets or other temporary static structures will be constructed or employed, whether vehicles will be employed, and if so, a description of same sufficient to permit the permitting officer to evaluate the plan;
 8. A description of the anticipated need for safety, police, medical, sanitation, and other required personnel and equipment, with the anticipated needed numbers and suggested posting by location and time of such personnel and equipment, along with a listing of what such personnel and equipment will be provided by applicant;
 9. A description of provisions necessary to the safety and welfare of the participants in the event and members of the public in the area where the event will be conducted and routes of access thereto and therefrom;
 10. Whether the event will require that the public spaces or facilities to be used or burdened, or the routes and means of access thereto and therefrom, be temporarily diverted from their dedicated or customary uses, or the public or private users thereof be diverted or excluded from, or limited in their use or enjoyment of, or their access to or through, said spaces or facilities, before, during or after the event;
 11. Whether any sign, display, flag, placard, or banner larger than two feet by three feet or using any wooden, metal, or hard plastic material, support or other component will be used; and
 12. the name, permanent street and mailing addresses, telephone numbers where the persons responsible for each of the following matters may be reached before, during and after the proposed event, and fax number and e-mail address if available:
general communication with public safety and other city staff, security, peacekeeping, sanitary and toilet facilities, medical and healthcare, and trash clean up.
- c. A disclosure as to whether the applicant or any entity for whom the application is being made is or has been a party to (whether or not then operating under the same or any other name) as defendant or other responding party, any legal action, civil, criminal, or administrative, arising out of any event of a nature substantially similar to the one proposed in the application, and, if so, identifying information as called for in the application;

- d. A disclosure as to whether the applicant or any entity for whom the application is being made has failed to satisfy or is in violation or contempt of or in arrears as to any civil, criminal, or administrative fine, penalty, judgment, order, or award (whether or not then operating under the same name) as a result of participation in any prior event(s) of a substantially similar nature to that which is the subject of the instant application and if so, a description of said fine, penalty, award, judgment or order and an explanation for non-compliance.
- (2) Untimely permit applications will be considered and may be granted if reasonably practicable and if appropriate under other provisions of this article, but in such case the time limits for appeal of a denial, shall remain the same.
- (3) Where an event is to be conducted on, over, upon, or burdening public properties, or employing the facilities thereon, which is also to substantially involve or take place partly or wholly upon private property with the consent of the owner(s) thereof, such owner(s) or their authorized representatives must be identified in the application and proof of such consent provided for the event.
- (c) Review by the permitting officer (chief of police).
 - (1) Within five working days of the receipt of a fully completed, executed, and filed application, the permitting officer shall review the application in light of all of the contents thereof and the goals, intentions, and presumptions of this section as set out hereinbefore, and render a decision and communicate same to applicant either permitting the event as planned or denying a permit for same. If the permit is denied, the permitting officer shall provide the applicant in writing a statement of the reasons why the application is not granted. [First class mail to the address provided by applicant, postmarked no more than five days after receipt of the fully completed, executed, and filed application, shall be sufficient for this purpose, though not the exclusive means of notice.]
 - (2) Nothing in this process shall prevent the permitting officer, at its sole option and within the five-day period for approval or denial, from conferring with applicant with respect to modifications of applicant's plan for the event, and amend the application to reflect such modifications if agreed to by applicant. However, applicant may neither supplement nor amend its application within said five-day period except at the invitation of the permitting officer. Any attempt to do so sua sponte shall require a separate and new application.
 - (3) The permitting officer may deny the application for permit upon any of the following reasons or combination of reasons:
 - a. The application does not contain all required information or materials, or the information set out in the application is so incomplete, vague, or ambiguous as to prevent full and proper review by the permitting officer;
 - b. The application contains material omissions, falsehoods, or misrepresentations;

- c. The applicant, or any entity for which the permit is sought, is incompetent to contract, sue or be sued;
- d. The person applying lacks authority to represent the entity for which the application is made;
- e. The applicant or any entity for which the permit is sought has on prior occasions damaged public property, or has not paid in full for such damages, or is in arrears as to any judgment (civil, criminal, or administrative) rendered against the applicant or entity, or is in violation of any injunction or restraining order entered against the applicant or entity, whether under the same name or another;
- f. The applicant or any entity for which the permit is sought has on prior occasions violated permitting ordinances in connection with events of a substantially similar nature;
- g. The plan of the event as proposed is likely to present an unreasonable danger to the health or safety of participants in the event or other members of the public (though not through the agency of any predicted reaction by onlookers or members of the public);
- h. The plan of the event as proposed is likely to substantially restrict and/or congest traffic (vehicular or pedestrian) on any of the public roads, rights of way, sidewalks, or waterways in the immediate vicinity of such event;
- i. The plan of the event as proposed is likely to cause a substantial disturbance of the peace as defined by state law, or is likely to intrude upon the privacy or property of citizens in the area of the proposed event in a manner violative of state law, or is likely to burden commerce in the area of the event by obstructing entrances or exits to any retail, wholesale, manufacturing, transportation, storage, office, or professional or personal service establishment, or by obstructing parking areas, loading docks, driveways, walkways or other methods of ingress or egress to any such establishment;
- j. The plan of the event as proposed includes activities which are prohibited by laws of the United States, the State of Georgia or ordinances of the City of Statesboro, or activities which constitute nuisance or tortuous conduct with respect to public or private property or person;
- k. The plan of the event as proposed would conflict with previously planned programs or events organized and conducted by the City of Statesboro and previously scheduled for the same time and place;
- l. The plan of the event as proposed is prohibited by or is inconsistent with the zoning classifications and uses of the proposed or desired location; or
- m. A fully executed prior application for permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of that particular space.

- (4) Signs, flags, placards, banners or displays (other than puppets) which exceed two feet by three feet in size or which include any wooden, hard plastic, or metal material, support, or other component shall not be used or carried in the event unless the item is approved by the Statesboro Police Department prior to commencement of the event (provided that evaluation of a sign may be based only upon its potential to endanger public safety, and may not be based upon content of the sign's message). No person may use or carry any firearm, spear, pointed or edged weapon, slingshot, club, bat, hammer, edged tool, or any piece of metal or hard plastic rod, pipe or tubing, or any piece of wood which is pointed or which is larger than two inches by two inches in cross section or longer than six feet regardless of cross sectional dimension, in any event for which a permit is required under this article. No flag, sign, display, banner, rope, cable, wire, chain, or structure may be draped or affixed to any City of Statesboro property, including, but not limited to, the streets, sidewalks, trees, buildings or other properties of the City of Statesboro.
 - (5) It is the specific intent of the City of Statesboro in enacting this ordinance to regulate only the time, place and manner of events and not to regulate the content or message of any speech or expressive conduct. The factors enumerated above, which we find express and support the substantial and compelling interests of this governing body in the preservation of the rights and liberties of its citizens and the safety, health, and good order of its society, are the only bases upon which the permitting officer shall decide to issue or deny a permit applied for hereunder and no such decision shall be made or justified based upon the anticipated or predicted content of the speech or expressive conduct of any applicant.
- (d) Revocation.
- (1) For events that have been granted a permit or events that do not require a permit, the City of Statesboro Police Department shall have the authority to terminate an event at any time, or prevent its initiation, should traffic, weather, or other conditions develop which present an imminent danger to those participating in the event or to the public at large, or if an evacuation is ordered or a curfew or state of emergency or disaster is lawfully declared. If an event is permitted and is terminated pursuant to this subsection, the permit shall be revoked for that day only except that the termination shall extend through the duration of any such evacuation, curfew or state of disaster or emergency.
 - (2) The City of Statesboro Police Department shall have the authority to terminate the event at any time or prevent its initiation should any consideration or combination of considerations enumerated herein as a ground for denial of a permit arise or first become apparent to the City of Statesboro Police Department after the grant of a permit. If an event is terminated pursuant to this subsection, the permit shall be permanently revoked.
 - (3) If in preparation for or after the start of an event for which a permit has been issued, participants in said event violate the terms of the permit, or deviate in material fashion from the plan submitted in application for the permit, or violate any laws of the United States, State of Georgia or the City of Statesboro, the police department shall have the authority to terminate the event at any time or prevent its initiation. If an event is terminated pursuant to

this subsection, the permit shall be permanently revoked. For purpose of this subsection (c), exceeding the number of projected attendees/participants shall not be considered a material deviation unless the number present exceeds the stated life safety or fire related capacity for an interior space or the maximum number of persons allowed for an exterior space as stated in the permit.

- (4) It shall be unlawful for any person to violate the terms of the permit or to deviate from the plan submitted in the application for the permit.
 - (5) It shall be unlawful for any person or group of persons who have been permitted to conduct an event to remain on the permitted location or facility, after an event, permitted or otherwise, has been terminated pursuant to this section.
- (e) Appeals.
- (1) Upon receipt of any decision by the permitting officer denying an application, an applicant may, within five business days, file an appeal of said denial with the city manager, which appeal shall be in writing and sent to the city manager by certified mail or hand delivery.
 - (2) The written appeal must state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of determination to which appeal is being made, and any other papers relevant to the denial. The written appeal shall set forth an address and day and night telephone numbers where applicant can be reached regarding the appeal, including notification of a hearing on the appeal.
 - (3) Within three business days of the receipt of a written appeal, the city manager shall schedule a hearing, which shall be set for a date and time certain not later than five business days following the mailing of the notice. The city manager shall cause notice of the hearing to be served upon the applicant by certified U.S. mail directed to the address provided by applicant in the appeal notice. Such notice shall include the date, time, and location of the hearing. Telephonic notice of the hearing setting may also be given and will suffice if the written notice is mailed as required.
 - (4) At the hearing, all parties shall be provided a fair and impartial hearing and shall be allowed to produce any and all evidence concerning the appeal.
 - (5) Within five business days after the conclusion of the hearing, the city manager shall make a written decision on the appeal, which shall affirm, modify, or reverse the decision being appealed. The notice of the decision shall be sent to the applicant at the address set forth on the application for permit by certified U.S. mail and shall set forth the reasons for the decision.
 - (6) The decision of the city manager shall be binding on all parties, subject to the right of appeal as provided by O.C.G.A. Section 5-4-1, et seq.
- (f) Time allotment.

- (1) In order to promote the public safety and other concerns provided for in this section and to coordinate multiple uses of limited space and to enlarge, rather than reduce, the utility of public spaces and facilities as a forum for events, permitted events shall be limited as follows: outdoor events may not commence before 8:00 a.m. or continue past 8:00 p.m.; parades or processions on streets may only be held during daylight between the hours of 9:00 a.m. and 11:30 a.m., or between 1:00 p.m. and 4:30 p.m., or between 5:30 p.m. and 8:00 p.m.; parades or processions shall not block any street or intersection for more than one hour; ballfields, interior spaces and park or square spaces may not be used earlier or later in the day than such hours of operation as may be established by the city council by written resolution. Issuance of a city permit for an activity involving use of or presence upon any state or federally owned or regulated roadway or property for which state or federal permit or authorization is required is not intended to constitute such state or federal authorization in any way or at any hour of the day.
- (2) At or prior to the expiration of the time allotted and permitted for an event, the permitted person or persons shall have completely vacated the permitted location or facility.
- (3) Certain city owned or operated facilities are subject to reasonable usage fees which shall be charged only in accordance with rate schedules established in writing and which shall be made available to an applicant at the time an application form is obtained under this article.

Sec. 70-62. Exhibition shows in streets regulated.

- (a) Defined. For the purpose of this section "exhibition show" shall mean an exhibition or show where merchandise, wares or other tangible items are displayed for show and/or sale either out of doors or in a building occupied in whole or part for a period not to exceed two days. It shall not include a sidewalk sale conducted by a merchant having a valid business license, on the sidewalk immediately adjoining said merchants' store. However, all sidewalk sales must be conducted so that reasonable use of the sidewalk is maintained for the normal pedestrian traffic.
- (b) Permit required. No person shall engage in, participate in, aid, form or commence any exhibition show as defined above, in or upon any street, sidewalk or other public place in the city unless a permit shall have been obtained from the chief of police, provided, no person may conduct or otherwise participate in any exhibition show except between the hours of 9:00 a.m. and 9:00 p.m. only.
- (c) Sponsor of show to be nonprofit organization. No permit shall be issued unless the exhibition show is totally sponsored by a nonprofit organization conducting the exhibition show for charitable, cultural, religious or civic purposes. No sale of arts, crafts or other tangible items shall be permitted within the street or sidewalk areas except under the auspices and control of the organization receiving the permit. Such organization shall be fully responsible for compliance with rules, regulations and ordinances for the city with respect to the exhibition show being conducted pursuant to a permit issued thereunder.

- (d) Application. A person seeking issuance of a permit for an exhibition show shall file an application with the chief of police on forms provided by the city.
- (1) Filing period. An application for an exhibition show permit shall be filed with the chief of police not less than two weeks before the time when it is proposed to conduct the exhibition show. The application for an exhibition show shall set forth the following information:
- a. The name, address, and telephone number of the organization applying for a permit.
 - b. The name and addresses of its principal officers and management.
 - c. The purpose for which any receipts derived from such exhibition show are to be used.
 - d. The name and address of the person or persons who will be in direct charge of the exhibition show.
 - e. An outline of the type of exhibition show and the hours of operation.
 - f. The amount of any special wages, fees, commissions or expenses to be expended or paid to anyone in connection with the exhibition show.
 - g. A full statement of the character and extent of the charitable, religious, educational or civic work being done by the applicant organization within the city.
 - h. The name and portions of the street or streets to be closed for the purpose of displays and conducting the exhibition show or the specific name and area of any city park or other public place in which the exhibition show is to be conducted.
 - i. Any additional information which the chief of police shall find reasonable and necessary to a fair determination to whether a permit should be issued.
- (e) Standards for issuance. The chief of police shall issue a permit for an exhibition show upon finding that the application meets the qualifications herein, that the exhibition will not unduly inconvenience or interfere with the orderly movement of traffic in the area involved, that property owners in the area are not unduly deprived of access to their property, that the exhibition will not unduly interfere with normal business activity within the area of the street occupied by the exhibition; and that emergency vehicles will not be denied access to any person or property, and that adequate cleanup arrangements have been made. In addition, if the exhibition show is to be located in a park or other public place, the chief of police shall be satisfied that adequate provisions and accommodations can be made for conducting such exhibition show.
- (f) Notification of rejection or withdrawal of permit. The chief of police shall act upon the application for an exhibition show permit within seven days after the filing thereof. If the chief of police disapproves the application he shall notify the applicant stating the reasons for his denial of the permit. A permit issued hereunder may be withdrawn in the event of any violation of conditions, misstatement of fact in the application or in instances where the health or safety of the citizens will be adversely affected.

- (g) Duration. Where the exhibition show is to be conducted pursuant to a permit issued hereunder, such exhibition show may not extend for more than two successive days without an intervening period of at least one week.
- (h) Operation and parking of motor vehicles. It shall be unlawful to operate or leave parked any motorized vehicle of any type including motorcycles and minicycles upon any street or public vehicular area wherein an exhibition show is conducted pursuant to a permit issued under this section without the express permission of the person in direct charge of the exhibition show. Any vehicle parked in violation hereunder is subject to impoundment.
- (i) Violation. It shall be unlawful for any person to violate any provision of this section or any of the conditions of the exhibition permit. Any person violating any provision thereof shall upon conviction thereof, be punished as provided by law.

Sec. 70-63. Reserved.

Sec. 70-64. Interference with a business unlawful.

It shall be unlawful for any person, acting alone or in concert with one or ~~an~~ more other persons, by the use of force, intimidation, violence or threats thereof or by the doing of any act tending to cause a disturbance of the public peace, to prevent or attempt to prevent any individual from doing or transacting business or trading with or buying from or selling to any licensed ~~bb~~business, trade or profession in the city or any person engaged in any such licensed business, trade or profession or from accepting or refusing business from any such licensed business, trade or profession or from entering or leaving any place of such licensed business, trade or profession.

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ARTICLE VII. SHAREABLE DOCKLESS MOBILITY DEVICES

Sec. 70-65. General provisions.

The primary authority and responsibility for the enforcement of the provisions of this article shall be vested in the director.

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Sec. 70-66. Sec. 17-501. Definitions.

As used in this article, unless specifically stated otherwise, the following terms shall mean and include:

Director means the Director of the public works and engineering department or designee.

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Furniture zone means an area designated by the city within pedestrian, where amenities such as lighting, benches, newspaper kiosks, utility poles, tree pits, and landscaping are located. Not every pedestrian are incorporates a furniture zone.

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Pedestrian area means a portion of a public right-of-way where a sidewalk, path, or trail is located for use by pedestrians and where vehicles are prohibited.

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Shareable dockless mobility device ("device or unit") means a human-powered or motorized device that permits an individual to move or be moved freely, including but not limited to electric bicycles,

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scooters, or skateboards, operated by private entities and rented to the general public on a short-term basis with no docking stations.

Shareable dockless mobility device permit ("dockless permit") means a permit required to operate a shareable dockless mobility device system within the City of Statesboro ("city").

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Shareable dockless mobility device system means a system operated by private entities that provides the general public with mobility devices that can be rented on a short-term basis with no docking stations.

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Shareable dockless mobility device system fleet ("fleet") means total number of dockless mobility devices operated by an operator.

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Shareable dockless mobility device system operator ("operator") means a private entity that operates a shareable dockless mobility device system.

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Sec. 70-67. Safety.

- (a) All operators must maintain shareable dockless mobility devices in safe working order, including but not limited to warning devices. In the event a safety or maintenance issue is reported for a specific device, that device shall immediately be made inoperable to users and shall be collected within the four-hour time frame provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.
- (b) Shareable dockless mobility devices shall meet minimum safety standards including but not limited to on board GPS, braking systems, steering systems, and functioning wheels/tires.
- (c) Shareable dockless mobility devices shall be able to withstand continuous outdoor and shared use.
- (d) Shareable dockless mobility devices shall not be able to exceed any applicable speed limits specified Chapter 78 of the Statesboro Code of Ordinances.
- (e) Shareable dockless mobility devices shall have a front light that emits white light visible to a distance of at least 300 feet under normal atmospheric conditions and a rear red reflector.
- (f) Operators shall provide a method for users to notify the company 24 hours a day, seven days a week if one or more of their shareable dockless devices experiences a safety or maintenance issue.
- (g) Operators shall maintain liability insurance, with the city as the certificate holder, with a minimum of a \$3,000,000.00 aggregate.
- (h) At their own expense, operators are required to educate users regarding laws applicable to riding and operating in the city as outlined in the Statesboro Code of Ordinances and state law.
- (i) Operators shall have the ability to remotely lock-down individual shareable dockless mobility devices as required by the city or when the devices are deemed or reported unsafe.
- (j) Operators shall encourage users to wear upper body reflective gear and/or bright clothing, as well as lighting, at night on their helmet or upper body.

Sec. 70-68. Shareable dockless mobility device user behavior.

- (a) Users shall comply with the standards of Sec. 78-9-1 and Sec. 78-9-2, as applicable.
- (b) Use of shareable dockless mobility devices by users under the age of 16 must be authorized by a parent or guardian.
- (c) Operators shall provide a means for the public to report users operating devices in violation of this Code and/or improperly parking a device to the operator.
- (d) Operators shall provide access to real-time reporting to the city at all times.
- (e) Public reporting forms shall include the following:
 - (1) The time and location of the violation to identify the user and allow the user to indicate the actual time of the incident.
 - (2) An optional means to scan the ID code on the vehicle after the device is parked.
 - (3) A means to report when non-users damage or move vehicles.
 - (4) A clear option for members of the public to post the complaint anonymously.

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Sec. 70-69. Signage.

- (a) All shareable dockless mobility devices shall have visible language that notifies the user that:
 - (1) The user shall yield to pedestrians at all times;
 - (2) The user shall not ride while under the influence of alcohol or drugs; and
 - (3) Wearing a helmet while riding is encouraged except when the user is under the age of 16, where the use of the device has been authorized by a parent or guardian and the use of a helmet is required.
- (b) The 24-hour, seven day a week customer service phone number for users to report safety concerns, complaints, or ask questions shall be displayed in two locations on the device - one visible when the device is on its side and one visible when the device is upright.
- (c) All shareable dockless mobility devices shall have permanently affixed contact information for relocation requests.

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Sec. 70-70. Sec. 17-505. Parking.

- (a) Where available and when so designated by the city, shareable dockless mobility devices shall be parked in the furniture zone in pedestrian areas.
- (b) Operators shall inform customers on how to park their device properly. See appendix A for correct and incorrect parking examples.
- (c) Shareable dockless mobility devices shall not be parked in a manner to impede:
 - (1) Public right-of-way;

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- (2) Pedestrian areas;
 - (3) Transit zones, including bus stops, shelters, passenger waiting areas, except at existing bicycle racks;
 - (4) Loading zones;
 - (5) Disabled parking zones;
 - (6) Pedestrian access to street furniture (for example - benches, bus shelters, etc.);
 - (7) Curb ramps;
 - (8) Entryways;
 - (9) Exits;
 - (10) Driveways; and
 - (11) Utilities.
- (d) Any shareable dockless mobility devices that are reported or found to be in a location identified in subsection c above in violation of this section must be removed by the operator within four hours of notification.
- (e) If the devices are not removed within four hours, they are subject to removal by the city at the operator's expense.
- (f) The city reserves the right to remove any shareable dockless mobility device within the city limits.
- (g) The operator shall be responsible for reimbursing the city for all costs associated with removal and storage.
- (h) The city retains the right to create geo-fenced areas where shareable dockless mobility devices shall be parked.
- (i) The city will issue written notification to all operators identifying the designated geo-fenced parking areas (using GeoJSON location shapes or latitude/longitude points) and all operators must comply within five days of notification.
- (j) Shareable dockless mobility devices shall be parked upright at all times.

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Sec. 70-71. Operations within the city.

- (a) At any time, operators will limit their fleet in operation in the city to 200 units.
- (b) The director shall limit the number of units licensed to a maximum of 200 devices, per initial license.
- (c) All operators shall maintain local staff within 50 miles of Statesboro City Hall (measured in a straight line) and shall provide the city with a direct contact for operator's local staff.
- (d) All shareable dockless mobility devices shall ping their location at minimum every 90 seconds while in use.

(e) The operator shall be responsible for any costs for any damage to public property caused by the use or parking of sharable dockless mobility devices within the city. Upon receiving written notice of associated costs, the operator shall reimburse the city for all costs within 30 days of notice.

(f) Maps shall update when a shareable dockless mobility device is reported lost or stolen, following a five-minute delay for safety.

(g) Operators are required to provide the director department with real-time data-sharing and monthly reports showing shareable dockless mobility device usage and maintenance issues.

(1) Operator shall provide the following anonymized data for each trip record:

<u>Description</u>	<u>Format</u>	<u>Field Name</u>
<u>Company Name</u>	[company name]	<u>Company_name</u>
<u>Device type</u>	Text, e.g. "Scooter"	<u>Unit_type</u>
<u>Trip record number</u>	Text	<u>Trip_id</u>
<u>Trip duration</u>	MM:SS	<u>Trip_duration</u>
<u>Trip distance</u>	Feet	<u>Trip_distance</u>
<u>Start date</u>	MM, DD, YYYY	<u>Startdate</u>
<u>Start time</u>	HH:MM:SS (00:00:00 - 23:59:59)	<u>Startdatetime</u>
<u>End date</u>	MM, DD, YYYY	<u>Enddate</u>
<u>End time</u>	HH:MM:SS (00:00:00 - 23:59:59)	<u>Enddatetime</u>
<u>Start location latitude and longitude in decimal degrees</u>	(X,Y)	<u>Start_location</u>
<u>End location latitude and longitude in decimal degrees</u>	(X,Y)	<u>End_location</u>
<u>Unique device identifier</u>	Text	<u>Unit_id</u>

(2) Operators are also required to provide monthly reports about injuries:

<u>Description</u>	<u>Format</u>	<u>Field Name</u>
<u>Company Name</u>	[company name]	<u>Company_name</u>
<u>Device type</u>	Text, e.g. "Scooter"	<u>Unit_type</u>
<u>Location</u>	GeoJSON Point object	<u>Location</u>
<u>Injury description</u>	Text, e.g. "Fracture required hospitalization"	<u>Injury_description</u>
<u>Report</u>	Provide URL to pdf or photo of any relevant incident and/or police report.	<u>Injury_report</u>

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(3) Operators are required to provide monthly utilization rate charts which outline average rides per device per day.

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(4) Operators are required to provide monthly reports of any complaints.

<u>Description</u>	<u>Format</u>	<u>Field Name</u>
<u>Company name</u>	[company name]	<u>Company_Name</u>
<u>Device type</u>	Text, e.g. "Scooter"	<u>Unit_type</u>
<u>Unique device identifier</u>	Text	<u>Unit_id</u>
<u>Date of complaint</u>	MM, DD, YYYY	<u>Date_submitted</u>

<u>Location referenced in complaint</u>	<u>GeoJSON Point object</u>	<u>Complaint location</u>
<u>Complaint type</u>	<u>Text, e.g. "parking, reckless, behavior, safety concern, maintenance concern, etc."</u>	<u>Complaint type</u>
<u>Complaint details</u>	<u>Text of actual complaint</u>	<u>Complaint</u>
<u>URL Link</u>	<u>An array of absolute URLs to photos or relevant files. Null/undefined/empty interpreted as N/A</u>	<u>Complaint link</u>

Sec. 70-72. User protections.

- (a) Operator must provide a privacy protocol that safeguards users' personal, financial, and travel information and usage including, but not limited to, trip origination and destination data. Operator agrees to make its policies, procedures and practices regarding data security available to the city, upon request.
- (b) Operator shall not require users to share their private data with third parties in order to use the operator's dockless mobility services.
- (c) Operator may allow users to opt-in (not opt-out) to providing access to their contacts, photos, files, other private data and third party data sharing only with clear notice to the user.
- (d) Operator must anonymize data by aggregate in order to protect individual privacy. Data shared with city cannot connect to name, phone number, credit card number, or other sensitive information unless requested by the city.
- (e) Operator may not make any personal data of program participants in the city available to any third-party advertiser or other private entity, including another entity that may be affiliated with or jointly owned by the entity that owns permittee.

Sec. 70-73. Dockless permits required.

- (a) All operators shall obtain a dockless permit annually to operate in the city in addition to any license otherwise required by the city.
- (b) A dockless permit is not a right, but rather, is a privilege which may be rescinded by the city.
- (c) Fees and charges for permits shall be as adopted by ordinance of the mayor and city council.
- (d) Any operator applying for a dockless permit shall submit an application to the director on the form designated by the director.
- (e) The dockless permit application shall be sworn to by the applicant or agent thereof that all information included therein is accurate and truthful.
- (f) Any expansion of a fleet not specifically addressed in the most current dockless permit on file shall require a subsequent dockless permit application and fee.

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(g) Operators are required to provide API data indicating when vehicles are lying down and maintain clear pathways throughout the city.

Sec. 70-74. Denial, revocation, and appeals process.

(a) Denial. The director shall deny dockless permits that do not comply with the provisions of this article, are incomplete, or contain any false material statements.

(b) Revocation. Should it be determined that a dockless permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit was erroneously issued in violation of this chapter, or that the operator is found to be in violation of any provision in this section, the director shall revoke the permit.

(c) Procedure. Should the director deny or revoke a permit, the reasons for the denial or revocation are to be stated in writing and hand delivered, by electronic mail, or mailed by certified mail, return receipt requested, to the address on the permit application on or before the 45th business day after the director's determination. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission. Violation of any provision of this chapter and any other applicable state laws or city ordinance will be grounds for denying a permit or revoking a permit.

(d) Appeals. The city manager shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by the director. A failure to act by the director or designee shall not be construed to be an order, requirement or decision within the meaning of this chapter.

(1) Appeal. Operators whose license has been revoked or denied may appeal by filing with the city manager or designee an application for appeal specifying the grounds thereof, within 15 days after the action appealed from was taken. A failure to act by the city manager or designee shall not be construed to be an order, requirement or decision within the meaning of this article.

(2) Legal proceedings. An appeal stays all legal proceedings in furtherance of the action appealed.

(3) Time of hearing. The city manager or designee shall fix a reasonable time for the hearing of the appeal and give notice to the parties in interest. Any party may appear at the hearing in person, by an agent, by an attorney or by a written documentation.

(4) Decision of the city manager or designee. Following the consideration of all testimony, documentary evidence, and matters of record, the city manager or designee shall make a determination on each appeal. The city manager or designee shall decide the appeal within a reasonable time but in no event more than 60 days from the date of the hearing. An appeal shall be sustained only upon an expressed finding that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner. In exercising its powers, the city manager or designee may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the

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appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all other applicable laws are met.

- (5) Certiorari. In the event an operator whose permit has been denied or revoked is dissatisfied with the decision of the city manager or designee, the operator may petition for writ of certiorari to the Bulloch County Superior Court as provided by law.

Sec. 70-75. Violation and penalties.

- (a) Violators of any provision of this chapter shall be subject to the provisions of section 1-12 of the Code of Ordinances, Statesboro, Georgia.

- (b) In addition to the provisions of section 1-12, the violator may be subject to revocation or suspension of the dockless permit after written notice and reasonable opportunity to cure.

(1) Continuous and repeated violations.

- a. Violations of this articles that are continuous shall be considered unlawful and a public nuisance and may be abated by injunctive or other equitable relief and by such other means as are provided by law in addition to, or in lieu of the penalties allowable under this Code generally and this chapter in particular. The imposition of a penalty shall not prevent equitable relief.

- b. With respect to violations of this chapter that are continuous, each day the violation continues is a separate offense.

- (c) The city reserves the right to terminate dockless permits and require that the entire fleet be removed from the city limits. The decommissioning of the fleet shall be completed within 30 days from termination of the dockless permit unless a different time period is determined by the city.

- (d) If an operator's dockless permit is terminated, the operator may not reapply for a new permit for 12 months after all of the operator's shareable dockless mobility devices are removed from the city, unless earlier reinstatement is approved by the city. Operator must continue to provide access to real time data regarding device locations until all of operator's devices are removed.

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CHAPTER 78 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Sec. 78-1. Uniform rules of the road adopted.

- (a) Pursuant to Chapter 6 of Title 40 of the Official Code of Georgia Annotated, O.C.G.A. §§ 40-6-372 through 40-6-376, O.C.G.A. §§ 40-6-2 through 40-6-395 of that chapter known as the Uniform Rules of the Road and the definitions contained in O.C.G.A. § 40-1-1 are hereby adopted as and for the traffic regulations of this city with like effect as if recited herein.
- (b) Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punished in accordance with section 1-12.

Sec. 78-2. Designation of speed limits.

- (a) The city council shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets, and shall declare a reasonable and safe maximum limit thereon, which may be greater or less than the maximum speed permitted for an urban district.
- (b) Any altered limit established shall be effective at all times, or during hours of darkness, or at other times as may be determined, when appropriate signs giving notice thereof are erected upon such street or highway.

State law reference(s)—When local authorities may and shall alter maximum speed limits, O.C.G.A. § 40-6-183.

Sec. 78-3. Parking in no parking zones.

It shall be unlawful for the owner or driver of any motor vehicle or other vehicle to leave or park the vehicle on streets or parts of streets posted with no parking signs.

Sec. 78-4. Parking in limited parking zones.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the sign designates.

Sec. 78-5. Parking time limit for trucks in inner fire zone.

No truck carrying as cargo such articles as gasoline, kerosene, rosin, turpentine, lumber, logs, cotton and other similar articles shall park on the streets of the city in the inner fire zone for a longer period than 60 minutes, but such trucks shall make a continuous direct passage through such section of the city; nor shall any truck of any capacity, and used for any purpose, occupy or use any parking space in the inner fire zone for a longer period than 60 minutes unless the truck is a small pickup truck that does not occupy more than one parking space as designated and indicated on the streets in the zone affected.

Sec. 78-6. Parking for purpose of loading or unloading merchandise.

- (a) No truck or other vehicle hauling merchandise will be allowed to park on the main streets of the city for the purpose of loading or unloading without first obtaining permission of the police department and police supervision of traffic around the loading or unloading vehicle.
- (b) All operators of vehicles wishing to load or unload on the main streets of the city or on a street not specifically designated as an alley must notify the police department of the intention to park or load or unload, and shall have provided police supervision and traffic control around the parked vehicle.

Sec. 78-7. Parking for purpose of displaying, washing or repairing vehicle.

No person shall stand or park a vehicle upon any roadway for either of the following principal purposes:

- (1) Displaying it for sale.
- (2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency or servicing it with gas and oil. The owners of businesses rendering such services shall be responsible for any such act.

Sec. 78-8. Obstruction of streets by railroad trains.

No railroad shall obstruct any street of the city with its cars or engines for more than a period of five minutes; provided, however, that this restriction shall not apply to trains while in motion.

Sec. 78-9. ~~Roller skates and skateboards.~~ Non-motorized devices.

(a) The following standards apply to roller skates, riding in or by means of any coasters, skateboards, toy vehicles, and similar devices without electronic or motor propulsion or assistance, except as exempted in Sec. 78-9 (b) below:

- (1) No person ~~upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device~~ may ride any of the devices specified above within ~~shall go upon~~ any roadway, except while crossing a street on a crosswalk, and except upon streets set aside as play streets when and as authorized by ordinance of this city.
- (2) All the devices specified above may be ridden on sidewalks, bike lanes, multi-use trails, and other public spaces except under the following conditions:
 - a. When the Chief of Police and/or the Director of the City of Statesboro Department of Public Works and Engineering determines that prohibiting such devices for up to 180 days at a time serves the public health, safety, and welfare.
 - b. When specifically designated by the mayor and city council.
 - c. When one or more sign indicating such prohibition is conspicuously posted at the location subject to the prohibition.

(b) The standards above do not apply to bicycles (including electronic assistance bicycles defined in O.C.G.A. § 40-1-1) regulated by Sec. 78-9-1 below, nor to electric scooters regulated by Sec. 79.9-02 below.

(c) No person may leave any devices specified in (a) or (b) above unattended in a street, on a sidewalk, on a trail, or in other public space except within a legal bicycle parking space/rack or some other location legally designated by the City for the temporary storage of said devices.

Sec. 78-9-1. Bicycles.

Bicycles shall be operated in accordance with the applicable provisions of O.C.G.A Title 40 - Motor Vehicles and Traffic.

Sec. 78-9-2. Electric scooters.

The following standards apply to electric scooters (e-scooters) as defined herein.

(a) Electric scooter means every device weighing less than 100 pounds that is:

- (1) Equipped with handlebars and an electric motor;
- (2) Powered by an electric motor or human power or both; and
- (3) Capable of a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor.

Such term shall not include an electric bicycle, electric personal assistive mobility device, motorcycle, or moped.

(b) E-scooters may only be used in the following locations:

- (1) On roadways with a speed limit not exceeding 35 miles per hour.
- (2) On bike lanes, regardless of the speed limit of the roadway.
- (3) On multi-use trails when there is no adjacent roadway.
- (4) On sidewalks and multi-use trails only when the adjacent roadway speed limit is over 35 miles per hour and the sidewalk or trail width exceeds five feet.

(c) E-scooters may not operate above 15 miles per hour.

(d) Users must be at least 15 years of age.

(e) Users under 16 years of age must wear a DOT-approved helmet.

(f) Users 16 years of age or older are encouraged to wear a DOT-approved helmet.

(g) Users must always yield to pedestrians.

(h) Users may not have any passengers. Only one person may be on the s device when it is being operated.

(i) Users may not use any handheld device while operating the device.

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(j) Users must obey the same traffic laws governing drivers of motor vehicles.

(k) Users are not required to maintain insurance or registration.

(l) Users must comply with all other applicable requirements of the State of Georgia and the City of Statesboro, as may be amended from time to time.

~~No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway except while crossing a street on a crosswalk, and except upon streets set aside as play streets when and as authorized by ordinance of this city.~~

Sec. 78-10. Technology fee.

There shall be imposed by the Municipal Court of the City of Statesboro, Georgia a technology surcharge in the amount of \$20.00 per offense for all offenses against the ordinances of the City of Statesboro or laws of the State of Georgia. The technology surcharge shall be in addition to all other fines and fees imposed by the municipal court. The revenue derived from the technology surcharge shall be used by the city to provide technical support for public safety and municipal court functions. This amendment shall become effective upon its approval by the Mayor and City Council of Statesboro, Georgia.

Sec. 78-11. Funeral processions.

Funeral procession means any motor vehicle procession organized by a funeral service provider under and subject to O.C.G.A. § 40-6-76.

Sec. 78-11-1. Request for Statesboro Police Department funeral escort.

- (a) A funeral service provider may request a Statesboro Police Department escort for a funeral procession within the city limits of Statesboro by submitting an escort request form to the Statesboro Police Department Chief of Police or his/her designee in compliance with the requirements set forth in section 78-11-3.
- (b) Provision of police escorts for a funeral procession shall be at the sole discretion of the police chief or his/her designee based on factors affecting the Statesboro Police Department's ability to adequately provide public safety services to the city.
- (c) Police escorts may be canceled at any time by the police chief, his/her designee, or the shift officer based on current call volume, staffing, or other operational factors.
- (d) The number of police officers either on or off duty, the number of police vehicles, the route taken, and the use of police department staff and equipment for funeral processions shall be at the sole discretion of the police chief or his/her designee.
- (e) Funeral service provider may request to obtain additional off-duty Statesboro Police Department officers and vehicles at expense in compliance with current Statesboro Police Department policy and procedure regarding such provision and subject to officer and vehicle availability.
- (f) Funeral service providers shall ensure that all procession drivers in police escorted processions are provided with notice of route directions and traffic procedures pertaining to O.C.G.A. § 40-6-76 and other provisions of Title 40, particularly as to procedure at traffic control devices.

Sec. 78-11-2. Private funeral escort service.

- (a) An authorized private funeral escort service may be used to facilitate a funeral escort for a funeral service provider within the city.
- (b) A private funeral escort service shall provide the following to the Statesboro Police Department chief or his/her designee in order to apply to receive authorization to escort funeral processions in the city.
 - (1) A State of Georgia business license;
 - (2) Liability insurance for the private escort service with a minimum of \$1,000,000.00 in coverage per occurrence;
 - (3) Evidence, proof or documentation that:
 - a. Service personnel engaged in traffic direction are properly trained and equipped;
 - b. Service vehicles are properly marked and driven by properly trained personnel; and
 - c. Drivers in procession are to be provided with notice of route directions and traffic procedures pertaining to O.C.G.A. § 40-6-76 and other provisions of Title 40, particularly as to procedure at traffic control devices.
- (c) Authorized private funeral escort services shall obey all traffic laws, and the procession shall be allowed to proceed under O.C.G.A. § 40-6-76.

Sec. 78-11-3. Application for Statesboro Police Department funeral escort.

A funeral service provider seeking issuance of a Statesboro Police Department police escort for a funeral in accordance with O.C.G.A. § 40-6-76 shall file an escort request form with the chief of police or his/her designee.

- (1) Filing period. An escort request form must be filed with the chief of police or his/her designee at least 24 hours prior to the time the procession is to begin for services Tuesday through Saturday. For services on Sunday or Monday, the permit must be received by 1:00 p.m. on the Friday preceding the requested escort date.
- (2) Application contents. The application for an escort request form shall set forth the following information:
 - a. The name, address, and telephone number of the person seeking the escort;
 - b. Contact person/responsible party;
 - c. The date and time when the escort will be needed;
 - d. The requested route to be traveled with the starting point and ending point;
 - e. Approximate number of vehicles anticipated in the procession.

APPENDIX A. SPEED LIMITS FOR ON-SYSTEM HIGHWAYS

STATE ROUTE	WITHIN THE CITY/TOWN LIMITS OF AND/OR SCHOOL NAME	FROM	MILE POINT	TO	MILE POINT	LENGTH IN MILES	SPEED LIMIT
S.R. 24	STATESBORO	S.R. 26/US 80	0.00	CR 459 Packing House Rd.	0.33	0.33	35
S.R. 24	STATESBORO	CR 459 Packing House Rd.	0.33	S.R. 73 Bypass	1.12	0.79	45
S.R. 24	STATESBORO	S.R. 73 Bypass	1.12	CR 340 Beasley Rd. (E. Statesboro City Limits)	1.72	0.60	45
S.R. 26 US 80	STATESBORO	0.07 mi. West of CR 692 Fox Lake Rd. (W. Statesboro City Limits)	16.00	CR 622 Williams Rd.	16.87	0.87	45
S.R. 26 US 80	STATESBORO	CR 622 Williams Rd.	16.87	S.R. 24	18.37	1.50	35
S.R. 26 US 80	STATESBORO	S.R. 24	18.37	S.R. 73 Bypass	19.70	1.33	40
S.R. 26 US 80	STATESBORO	S.R. 73 Bypass	19.70	0.06 mi. West of CR 342 Rushing Rd. (E. Statesboro City Limits)	20.72	1.02	45
S.R. 67	STATESBORO	0.22 mi. South of S.R. 67 Bypass (S. Statesboro City Limits)	16.90	CS 673 Gentilly Rd.	18.43	1.53	45
S.R. 67	STATESBORO	CS 673 Gentilly Rd.	18.43	CS 699 Zetterower Ave.	19.35	0.92	35
S.R. 67	STATESBORO	CS 699 Zetterower Ave.	19.35	S.R. 73/US 301	19.74	0.39	30
S.R. 67	STATESBORO	S.R. 73/US 301	19.74	CS 702 East Cherry St.	20.24	0.50	35
S.R. 67	STATESBORO	CS 702 East Cherry St.	20.24	S.R. 26/US 80	20.81	0.57	30
S.R. 67 BYPASS	STATESBORO	S.R. 67	0.00	0.15 miles south of Old Register Rd	2.15	2.15	50

STATE ROUTE	WITHIN THE CITY/TOWN LIMITS OF AND/OR SCHOOL NAME	FROM	MILE POINT	TO	MILE POINT	LENGTH IN MILES	SPEED LIMIT
S.R. 67 BYPASS	STATESBORO	0.15 mi south of Old Register Rd	2.15	0.26 mi north of SR 73/US301 (S. Statesboro City Limits)	2.60	0.45	45
S.R. 73 US 301	STATESBORO	S.R. 67 Bypass (S. Statesboro City Limits)	12.18	0.10 mi. south of Rucker Lane	12.73	0.55	45
S.R. 73 US 301	STATESBORO	0.10 mi. south of Rucker Lane	12.73	S.R. 67	14.14	1.41	35
S.R. 73 US 301	STATESBORO	This segment of roadway runs common with State Route 67 from M.P. 14.14 to M.P. 15.21.					
S.R. 73 US 301	STATESBORO	S.R. 26/US 80	15.21	CR 451 Shelby St.	15.89	0.68	35
S.R. 73 US 301	STATESBORO	CR 451 Shelby St.	15.89	S.R. 73 Bypass (N. Statesboro City Limits)	16.80	0.91	45
S.R. 73 BYPASS	STATESBORO	S.R. 73/US 301	0.00	0.28 mi. North of S.R. 26/US 80	2.17	2.17	55
S.R. 73 BYPASS	STATESBORO	0.28 mi. North of S.R. 26/US 80	2.17	0.28 mi. South of Brannen St. Conn.	2.73	0.56	45
S.R. 73 BYPASS	STATESBORO	0.28 mi. South of Brannen St. Conn	2.73	S.R. 67	4.53	1.80	50

APPENDIX B. SPEED LIMITS FOR OFF-SYSTEM ROADWAYS

ROAD NAME	WITHIN THE CITY/TOWN LIMITS OF AND/OR SCHOOL NAME	FROM	TO	LENGTH IN MILES	SPEED LIMIT
Beasley Rd.	STATESBORO	East Main St.	Jones Mill Rd.	0.90	35
Beasley SCHOOL ZONE	STATESBORO Mill Creek Elementary	East Main St.	Brannen Rd.	0.33	25
Beasley Rd.	STATESBORO	Jones Mill Rd.	Northside Dr. East	0.80	45
Bermuda Run Rd.	STATESBORO	Fair Rd.	Brampton Ave.	0.47	35
Brampton Ave.	STATESBORO	Fair Rd.	SR 73 Bypass	0.62	35
Brannen St.	STATESBORO	Fair Rd.	Gentilly Rd.	0.92	25

ROAD NAME	WITHIN THE CITY/TOWN LIMITS OF AND/OR SCHOOL NAME	FROM	TO	LENGTH IN MILES	SPEED LIMIT
Brannen St.	STATESBORO	Gentilly Rd.	Cawana Rd.	1.19	35
Broad St.	STATESBORO	Savannah Ave.	Brannen St.	0.60	25
Bruce Dr.	STATESBORO	Vista Circle	Shady Trail	0.60	25
Bulloch St.	STATESBORO	South Main St.	Johnson St.	0.60	25
Carmel Dr.	STATESBORO	Northside Dr.	Lee St.	0.30	25
Cawana Rd.	STATESBORO	E. Northside Dr.	Brannen St.	0.28	30
Cawana Rd. School Zone	STATESBORO Sallie Zetterower School	0.24 mi. north of Bartlett Dr.	250 ft. north of Bartlett Dr.	0.21	35
Chandler Rd.	STATESBORO	Fair Rd.	Lanier Dr.	1.10	30
College Blvd.	STATESBORO	Stillwell St.	Savannah Ave.	0.60	25
Cromartie Dr.	STATESBORO	West Jones St.	Bruce Dr.	0.40	25
Debbie Dr.	STATESBORO	North Main St.	Aldred Ave.	0.40	25
Debbie Dr. SCHOOL ZONE	STATESBORO Mattie Lively Elementary	0.03 mi. west of North Main St.	0.03 mi. east of Aldred	0.37	25
Denmark St.	STATESBORO	City Limits/Altman St.	Johnson	0.64	30
Donaldson St.	STATESBORO	Stillwell St.	Savannah Ave.	0.60	25
Donnie Simmons Way	STATESBORO	Carver St.	Stockyard Rd.	0.60	30
East Grady St.	STATESBORO	South Main St.	Deanna Dr.	1.00	25
East Jones St.	STATESBORO	South Main St.	Gentilly Rd.	0.90	25
East Main St.	STATESBORO	South Main St.	South Zetterower Ave.	0.33	25
East Main St.	STATESBORO	South Zetterower Ave.	E. Northside Dr.	0.28	30
East Olliff St.	STATESBORO	North Main St.	Packinghouse Rd.	1.00	30
Fleming Dr.	STATESBORO	Lester Rd.	Carmel Drive	0.40	30
Fleming Dr. SCHOOL ZONE	STATESBORO Statesboro High School	Lester Rd.	500 West of Marsham Dr.	0.31	25
Fletcher Dr.	STATESBORO	North Main St.	City Limits	0.40	25
Foss St.	STATESBORO	Donnie Simmons Way	West Main St.	0.30	30
Foss St. SCHOOL ZONE	STATESBORO Julia P. Bryant Elementary School	West Main St.	Donnie Simmons Way	0.30	25
Georgia Ave.	STATESBORO	Chandler Rd.	Fair Rd.	0.60	30
Gentilly Rd.	STATESBORO	East Grady St.	Fair Rd.	1.20	35

ROAD NAME	WITHIN THE CITY/TOWN LIMITS OF AND/OR SCHOOL NAME	FROM	TO	LENGTH IN MILES	SPEED LIMIT
Greenbriar Trail	STATESBORO	Wildwood Dr.	Wood Valley	0.30	25
Harden Rd.	STATESBORO	West Jones St.	Bruce Dr.	0.50	25
Hill St.	STATESBORO	North Main St.	North Gordon St.	0.60	25
Jef Rd.	STATESBORO	North Main St.	Zetterower Rd.	0.40	25
Jewel Dr.	STATESBORO	North College St.	West Parrish St.	0.41	25
Johnson St.	STATESBORO	West Jones St.	West Main St.	0.70	30
Jones Mill Rd.	STATESBORO	Lester Rd.	Beasley Rd.	0.90	35
Knight Dr.	STATESBORO	Harvey St.	Chandler Rd.	0.40	25
Lanier Rd.	STATESBORO	North Main St.	Zetterower Rd.	0.30	25
Lanier Dr.	STATESBORO	Georgia Ave.	City Limits/ 650 ft. south of SR 73 Bypass	1.15	35
Lee St.	STATESBORO	Northside Dr.	East Main St.	0.30	25
Lester Rd.	STATESBORO	Northside Dr.	East Main St.	0.80	35
Lester Rd. SCHOOL ZONE	STATESBORO Statesboro High School	500 ft. N. of Northside Dr. E	1,000 ft. N. of Fleming Dr.	0.60	25
Lovett Rd.	STATESBORO	E. Northside Dr.	Brannen St.	0.35	30
Martin Luter King Dr.	STATESBORO	West Main St.	West Parrish St.	0.70	30
Marvin Ave.	STATESBORO	Gentilly Rd.	Fair Rd.	0.40	25
Matthews Rd.	STATESBORO	East Parrish St.	City Limits/Flecher	0.90	35
Miller St. Ext.	STATESBORO	Northside Dr. W.	City Limits/1,172 ft. northwest of Stockyard Rd.	0.63	35
Morris St.	STATESBORO	Donnie Simmons Way	Proctor St.	0.30	25
North College St.	STATESBORO	Pinewood Dr.	West Main St.	1.00	35
North Edgewood Dr.	STATESBORO	Gentilly Rd.	Windsor Way	0.80	25
North Main St.	STATESBORO	Parrish St.	Fletcher Dr.	1.01	35
North Main St.	STATESBORO	Fletcher Dr.	City Limits/Zetterower Rd.	0.77	45
North Mulberry St.	STATESBORO	East Olliff St.	East Main St.	0.40	25
Old Register Rd.	STATESBORO	South Main St.	SR 73 Bypass	0.80	35
Old Register Rd.	STATESBORO	S.R. 73 Bypass	City Limits/ 0.54 mi north of	0.56	45

ROAD NAME	WITHIN THE CITY/TOWN LIMITS OF AND/OR SCHOOL NAME	FROM	TO	LENGTH IN MILES	SPEED LIMIT
			Langston Chapel Rd.		
Packinghouse Rd.	STATESBORO	SR 73/US 301	East Main St.	0.98	45
Park Ave.	STATESBORO	Stillwell St.	Savannah Ave.	0.60	25
Pegwen Blvd.	STATESBORO	Northside Dr.	Jones Mill Rd.	0.80	25
Pitt-Moore Rd.	STATESBORO	Gentilly Rd.	Fair Rd.	0.45	25
Pine Needle Dr.	STATESBORO	Wildwood Dr.	Oak Leaf Dr.	0.30	25
Proctor St.	STATESBORO	West Main St.	Martin Luther King Dr.	0.39	25
Rucker Lane	STATESBORO	South Main St.	1,900 Ft. North-West of South Main Street	0.28	25
S&S Rail Road Bed	STATESBORO	Cawana Rd.	Pretoria Rushing Rd.		
Savannah Ave.	STATESBORO	East Main St.	Northside Dr.	0.90	30
South College St.	STATESBORO	West Main St.	Azalea Dr.	1.30	30
South Edgewood Dr.	STATESBORO	Gentilly Rd.	Windsor Way	0.70	25
South Mulberry St.	STATESBORO	East Jones St.	Savannah Ave.	0.40	25
Stockyard Rd.	STATESBORO	West Main	Northside Dr. West	1.14	35
Stockyard Rd. SCHOOL ZONE	STATESBORO Julia P. Bryant Elementary School	West Main St.	Donnie Simmons Way	0.30	25
Tillman Rd.	STATESBORO	South Main St.	Fair Rd.	0.20	35
Wendwood Dr.	STATESBORO	Gentilly Rd.	Ed. Moore Ct.	0.60	25
West Grady St.	STATESBORO	South Main St.	Parker St.	0.50	25
West Jones Ave.	STATESBORO	City Limit/Country Club Rd.	Johnson St.	0.40	35
West Jones Ave.	STATESBORO	Johnson St.	South Main St.	0.80	30
West Main St.	STATESBORO	College St.	City Limits/Stockyard Rd.	1.00	30
West Main St.	STATESBORO	South Main St.	College St.	0.14	25
West Main St.	STATESBORO Julia P. Bryant Elementary School	Proctor St.	City Limits/ 385 ft. west of Stockyard Rd.	0.31	25

ROAD NAME	WITHIN THE CITY/TOWN LIMITS OF AND/OR SCHOOL NAME	FROM	TO	LENGTH IN MILES	SPEED LIMIT
West Parrish St.	STATESBORO	Northside Dr.	North Main St.	0.70	35
Wildwood Dr.	STATESBORO	Fair Rd.	Wood Valley	0.40	25
Williams Rd.	STATESBORO	Martin Luther King Dr.	Stockyard Rd.	0.70	25
Williams Rd.	STATESBORO	Stockyard Rd.	City Limits/Timber Rd.	0.25	45
Whispering Pines Ave.	STATESBORO	Cypress Lake Rd.	Cul-de-sac/ Dead End	0.64	25
Woodlawn Dr.	STATESBORO	Fair Rd.	Chelsea Circle	0.40	25
Zetterower Ave.	STATESBORO	East Parrish St.	Fair Rd.	1.70	35
Zetterower Rd.	STATESBORO	North Main St.	Northside Dr. West	1.40	35



STATESBORO POLICE DEPARTMENT

Ph 912-764-9911

25 West Grady Street, Statesboro, Georgia 30458

Fx 912-489-5050

TO: Charles Penny, City Manager

FROM: Mike Broadhead, Chief of Police

DATE: June 4, 2024

RE: Annual Wrecker Agreement

POLICY ISSUE: Adoption of Annual Wrecker Agreement

RECOMMENDATION: That Council approve the July 1, 2024, 2023-June 30, 2025 Wrecker Agreement.

BACKGROUND: The City maintains a Wrecker Agreement with local businesses that conduct motor vehicle tows. The Agreement provides companies with requirements in order to be used by the City to tow vehicles at the City's request. In order to be placed on the wrecker rotation, companies must agree to, and abide with, the Agreement. As an example, if the police respond to a motor vehicle crash and a driver requires a tow from the scene, and that driver does not have a personally preferred towing service, the City will contact the next wrecker available under the rotation. This Agreement has been adopted annually by City Council.

There are no proposed changes to last year's Agreement aside from the dates.

BUDGET IMPACT: There is no budget impact.

COUNCIL DISTRICT: All

ATTACHMENTS: Updated Wrecker Agreement.

STATESBORO POLICE DEPARTMENT TOWING ROTATION AGREEMENT

July 01, 2024 to June 30, 2025

DEFINITIONS

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

DISCLAIMER

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

Being on the SPD Towing Rotation List is a privilege and not a right. This does not create a contract between SPD and the Company. To be eligible for inclusion on the SPD Towing Rotation List towing Companies must submit, during the application period, their Towing Rotation Application. Companies must agree to comply with the rules and regulations as set forth in this Towing Rotation Agreement. Companies must also follow all Federal, State, and local laws and regulations related to towing companies. Failure to comply with the terms of this Agreement or applicable Federal, State, or local laws or regulations may lead to sanctions against the Company. These sanctions are described further by this Agreement.

The signature of the duly authorized representative on the Application and Agreement signifies that the company acknowledges the following:

- the entire document has been read
- the information provided by the Company is complete and accurate
- that the Company and all of its employees are bound by the provisions of the Agreement
- that the Company understands the requirements for inclusion on the Towing Rotation List
- that the Company accepts all conditions of the Agreement
- that the Company accepts responsibility for the actions of its owners and operators
- that the Company's inclusion on the SPD Towing Rotation List is a discretionary privilege and not a right

- that the Company's inclusion on the SPD Towing Rotation List does not guarantee an equal or specific number of calls while on the rotation
- that falsification of any portion of this Application or Agreement, including in any documentation provided in support of the Application, shall be cause for immediate removal from the Towing Rotation List
- that any such falsifications may later result in criminal prosecution

DESCRIPTION

1. This rotation and agreement will be effective July 01, 2024 to June 30, 2025 unless terminated earlier at the discretion of SPD.
2. Renewals and enrollments for existing and/or new companies must be completed each year during the renewal/enrollment period specified by SPD.

APPLICATION REQUIREMENTS

1. SPD will receive sealed packets until June 17, 2024 at 4:00 p.m. at 25 West Grady Street, Statesboro, Georgia. Packets delivered by this date and time will be processed in preparation for the July 01, 2024 implementation date.
2. Packets must be complete in order to be considered.
3. SPD reserves the right to reject all application, to waive any informality or technicality, and to accept applications deemed to be in the best interest of the Agency.
4. Packets which include trucks, drivers, yards, owners, operators, or managers not qualifying for participation per the terms of this Agreement will not be considered.

CONDITIONS APPLYING TO THE COMPANY

1. The Company is responsible for submitting all information requested as part of this application
2. Managers who do not drive or operate tow trucks must submit original GCIC criminal histories not older than 30 days. Arrests that do not have dispositions listed will not be acceptable for the background check without a court document showing formal disposition of the charges.
3. Managers must be in compliance with the following criteria:
 - a. Must be legally authorized to work in the United States
 - b. Shall not have been convicted in Georgia of murder, rape, armed robbery, kidnapping, aggravated sodomy, aggravated sexual battery, aggravated child molestation, any felony crime involving an assault or battery against a law enforcement officer or government official, or any felony crime involving sexual conduct. For purposes of this definition, a conviction includes a guilty verdict, a guilty plea, or a plea of Nolo Contendere and includes anyone placed under a Court's supervision to avoid an adjudication of guilt under a First Offender sentence or Pre-Trial Diversion program. The date of conviction is the date on which any of these sentences was imposed by the Court.
 - c. Shall not have been convicted in any other state of a crime similar to the Georgia offenses listed above.

- d. Shall not have been declared incompetent by reason of mental defect or disease without a later adjudication restoring said competency by a Court.
 - e. Shall not be a Registered Sex Offender in Georgia or in any other state.
 - f. Shall not have any convictions in Georgia or any other state involving violence, moral turpitude, weapons, illegal use/possession of any substance, domestic violence, resisting arrest, obstructing justice, or theft within the past 5 years. This applies to misdemeanors and felonies. For purposes of this definition, moral turpitude means conduct which is done knowingly contrary to justice, honesty, or good morals; has an element of falsification or fraud, or contains an element of harm or injury directed to the person or property of another.
- 4. The Company must maintain at least one approved yard within 7 miles of the city limits.
 - 5. If the Company has only one approved Driver, and if that Driver is to be unavailable or out of service for any length of time, the Company shall not use an unauthorized driver during that time period.
 - 6. The Company must maintain general liability and property damage insurance equivalent to that required by the Georgia Department of Public Safety Rule 570-6-1-09 governing nonconsensual towing. The City of Statesboro shall be listed as an additional insured and the Company shall provide proof to SPD that the City of Statesboro is so listed.
 - 7. The Company shall provide evidence of Worker's Compensation Insurance and shall maintain said coverage throughout the rotation year as required per Georgia law.
 - 8. The Company will be available 24 hours a day, 7 days a week. The towing company called to tow a vehicle must be at the scene of the call within 20 minutes, except under extraordinary circumstances. The wrecker which arrives must bear the markings of the towing company which was contacted to respond. If the wrecker contacted does not arrive within 20 minutes then another towing service may be requested to respond and the first company sanctioned.
 - 9. The Company bears the responsibility for ensuring that it can respond to requests. SPD's Dispatch Center will attempt to contact Companies on the list by phone one time and then move on to the next towing service on the list. It is not Dispatch's responsibility to continue to call the towing service. If a Company cannot be reached and the next service is contacted, SPD's Dispatch will note this fact and forward the information to the Operations Bureau Captain.
 - 10. For all regular rotation calls, the Company agrees to bill for towing and storage at the exact same rate as provided in the "Nonconsensual Towing Maximum Rate Tariff" adopted and published annually by the Mayor and City Council of Statesboro. In cases of tows which are longer than one hour, an on-scene SPD supervisor may sign the tow receipt, noting the wrecker's arrival and departure from the scene, and thereby authorize billing at an additional \$15.00 per additional quarter hour. For purposes of this section, the tow begins when the SPD dispatcher or officer contacts the Company. It ends when the wrecker departs the scene with the vehicle in tow.
 - 11. If the Company initiates proceedings to perfect and enforce its lien rights against the vehicle as provided for in Chapter 3 of Title 40 of the Official Code of Georgia, the Company may assess the actual costs of postage for providing notice via certified mail or statutory overnight delivery to the owner.

12. Only those charges allowed per this agreement may be charged to a vehicle owner or insurance company. There will be no additional charges allowed for cleanup of any debris or spills at the scene. SPD may perform audits on Company billing receipts.
13. The Company will ensure that all operators, assistants, trainees, and any other employees have sufficient experience and/or training in currently recommended towing techniques. It will also ensure that they are capable of performing their duties in a lawful, safe, proper, and efficient manner.
14. The dispatch phone number shall be answered in the name of the Company making application.
15. The Company agrees not to use unapproved managers, drivers, operators, yards, or trucks. New managers, drivers, operators, yards, and trucks may be added by submitting the required information and supporting documentation. The Company must immediately notify SPD of any and all changes to Company information including the removal of any yard, truck, driver, or operator.
16. The Company shall state their regular business hours on the application and shall maintain those hours while serving on the Towing Rotation List.
17. Applications for inclusion on SPD's Towing Rotation List shall constitute agreement and consent by the person or entity making the application for inspections by SPD personnel. These inspections include, but are not limited to, entry onto the premises during normal business hours, inspection of records, inspection of the conditions on the yard, and inspection of equipment. These inspections are for purposes of determining compliance with the terms set forth in this agreement.
18. Only those Companies contacted by SPD's Dispatch from the Towing Rotation List may respond to an SPD tow request. Companies are prohibited from responding to calls based on surveillance, either in person or by overhearing radio traffic and responding. Further, the Company contacted by Dispatch from the Towing Rotation List must be the one which responds. Companies are not permitted to cover for one another without the List itself being changed at the direction of the Chief of Police or his/her designee.
19. The Company will maintain complete and accurate records of all SPD-requested tows and shall provide SPD with said records upon request. Failure to maintain such records will result in sanctions up to suspension or removal from the Towing Rotation List.
20. The Company agrees that all work will be performed using equipment declared on the Company's application and approved for use by SPD. No work on behalf of SPD will be performed by equipment, employees, or agents of the Company not declared on the Company's application. The only exceptions are when specialized equipment is needed for the towing of vehicles requiring special handling. In that case, a subcontractor may be utilized.
21. The Company will ensure that tow truck operators provide only those services that are necessary or requested and will, at the time of the tow, provide the owner or driver of the vehicle (if present on scene) with the following:
 - a. the location where the vehicle will be stored
 - b. a copy of the current rate schedule
 - c. the terms of the vehicle recovery
22. The Company shall make every effort to resolve legitimate claims for damage or theft that are obviously related to the towing and/or storage of the vehicle. This will be done in a timely

manner. Vehicles that are damaged as a result of the tow may result in the Company being sanctioned up to suspension or removal from rotation.

23. The Company shall provide SPD officers on scene any requested information regarding the Company, driver, truck, equipment, yard, or any other fact deemed pertinent.
24. The Company shall ensure that once the Operator is given control of the vehicle at the tow scene a notation is made on the invoice describing any property removed from the vehicle and the name of the person removing it.
25. Operators shall not leave the scene of a tow on a traffic collision until all debris, oils, and radiator fluids (including all absorbent material) have been properly removed unless permitted by the SPD officer.
26. The Company shall provide renewal copies of occupation tax certificates, local/state/federal licenses, insurance, registration, Motor Carrier Certification, and driver certificates to SPD at the time the item is renewed. As the Companies should reasonably know when these items are due, Companies will be suspended without notice until the renewed copies are provided or may be terminated if the renewal is not received within 30 days of the previous expiration. Notification by an insurance company or the State of Georgia that a required element of this Agreement has been revoked shall be cause for immediate suspension without notification by SPD.
27. The Company shall ensure that all owners, operators, office staff, and any other Company employees shall cooperate fully and honestly with SPD officers at the scene of traffic collisions. Dishonesty and/or failure to cooperate may result in sanctions up to termination from the Towing Rotation List.
28. The Company shall ensure that all owners, managers, and operators report to SPD at 25 West Grady Street no later than July 1 of each year to sign authorization forms for bi-annual criminal and driver's history checks to be conducted.
29. The Company must submit a Georgia E-Verify affidavit form or exemption affidavit along with its application packet.

CONDITIONS APPLYING TO THE OPERATOR

1. Operators shall comply with all Federal, State, and local laws and regulations when engaged in Rotation Towing.
2. Each Owner and Operator must submit original GCIC criminal histories not older than 30 days. Arrests that do not have dispositions listed will not be acceptable for the background check without a court document showing formal disposition of the charges.
3. An SPD identification card shall only be issued to Owners and Operators who meet the following criteria:
 - a. Must be legally authorized to work in the United States
 - b. Shall not have been convicted in Georgia of murder, rape, armed robbery, kidnapping, aggravated sodomy, aggravated sexual battery, aggravated child molestation, any felony crime involving an assault or battery against a law enforcement officer or government official, or any felony crime involving sexual conduct. For purposes of this definition, a conviction includes a guilty verdict, a guilty plea, or a plea of Nolo Contendere and includes anyone placed under a Court's supervision to avoid an adjudication of guilt

- under a First Offender sentence or Pre-Trial Diversion program. The date of conviction is the date on which any of these sentences was imposed by the Court.
- c. Shall not have been convicted in any other state of a crime similar to the Georgia offenses listed above.
 - d. Shall not have been declared incompetent by reason of mental defect or disease without a later adjudication restoring said competency by a Court.
 - e. Shall not be a Registered Sex Offender in Georgia or in any other state.
 - f. Shall not have any convictions in Georgia or any other state involving violence, moral turpitude, weapons, illegal use/possession of any substance, domestic violence, resisting arrest, obstructing justice, or theft within the past 5 years. This applies to misdemeanors and felonies. For purposes of this definition, moral turpitude means conduct which is done knowingly contrary to justice, honesty, or good morals; has an element of falsification or fraud, or contains an element of harm or injury directed to the person or property of another.
4. Each Owner and Operator must submit his driving record, not older than 30 days, from the Georgia Department of Public Safety.
 5. Each Owner or Operator who responds to Rotation calls shall clearly display a valid SPD identification card which has been issued to that Owner or Operator for his/her specific Company. ID cards are non-transferable and shall be used for official, Rotation calls only. The use of ID cards to obtain credit, complete a financial transaction, or secure a gratuity is prohibited. The card remains the property of SPD and shall be surrendered to SPD upon termination. The Company is responsible for making sure that the ID card is returned to SPD and shall not destroy or dispose of said ID cards.
 6. Operator error that results in excess of \$1,000.00 in damage to a vehicle or which causes bodily injury may result in the Company being sanctioned and the Operator being permanently banned from participating in the Towing Rotation List.
 7. Using an unauthorized Operator on a Rotation call may result in a Company's immediate termination from the Towing Rotation List.

CONDITIONS APPLYING TO THE TRUCKS AND EQUIPMENT

1. Each tow truck shall comply with the equipment requirements as established by the Georgia Department of Public Safety's Rule 570-6-1-11.
2. Tow trucks must comply with all Federal, State, and local laws.

CONDITIONS APPLYING TO THE STORAGE YARD/LOT

1. Yards/lots shall be located within a 7 mile radius of the city limits of Statesboro and in compliance with the requirements of the Georgia Department of Public Safety's Rule 570-6-1-.08 governing non-consensual towing.
2. The Company shall provide owner access to vehicles towed subject to a Rotation call during the normal business hours on the Company's application. If the Company provides access to the vehicle outside of the normal business hours listed on the application, the Company may charge

the owner “after hours fees” as prescribed in the “Nonconsensual Towing Maximum Rate Tariff” adopted and published annually by the Mayor and City Council.

3. Companies, upon being contacted by the vehicle owner or authorized agent will comply with the following:
 - a. A representative of the Company will respond within 20 minutes and by appointment
 - b. The Company will not charge the vehicle owner or authorized agent an additional fee for responding to the yard during normal business hours for the purposes of any of the following activities:
 - i. Releasing a vehicle
 - ii. Releasing life essential personal property contained within the vehicle
 - iii. Inspecting the condition of the vehicle
4. Yards that experience frequent problems with theft from, or vandalism to, towed or stored vehicles may be prohibited from accepting vehicles towed under the Towing Rotation List.
5. All property removed from towed vehicles by the Company for “safekeeping” must be listed on the invoice received by the vehicle owner.
6. The Company shall ensure that the storage yard operator maintains a log of individuals who have been given access to vehicles for the purpose of removing personal property. Such a log shall show the name, vehicle, date, time, and receipt number.

COMPLAINTS PROCEDURES

1. The Company shall cooperate with SPD in any inquiry regarding a complaint alleging that any part of this agreement has been violated by the Company.
2. As a matter of practicality, the enforcement of certain articles in this Agreement occurs primarily as violations are reported to SPD.
3. SPD shall be the determining authority as to the severity of any violation. Complaints will be delivered to the Dispatch Supervisor, registered with the Operations Bureau Captain, and then assigned out for investigation. The Operations Bureau Captain will then make a recommendation to the Chief of Police or his/her designee as to the appropriate disposition of the complaint and any potential sanctions.

PENALTIES FOR VIOLATION OF THE TERMS OF THIS AGREEMENT

1. SPD has an obligation to the public regarding the safety of vehicles and their contents when towed and stored at SPD request and by a Company operating under the Towing Rotation List. When circumstances warrant, it may be necessary to immediately suspend a towing company from the Rotation and continue said suspension until the situation can be thoroughly investigated and a fair decision rendered.
2. Actions that may result in a Company’s suspension or termination from the SPD Towing Rotation List include, but are not limited to:
 - a. requesting or demanding a vehicle owner sign any financial responsibility disclaimers
 - b. charging unauthorized fees
 - c. holding life-essential personal property “hostage” for payment to the company
 - d. expiration of liability or workers compensation insurance

- e. failure to maintain complete and accurate records of Rotation towed vehicles
 - f. threats
 - g. operating a tow truck or Company in violation of law
 - h. using unauthorized company operators, trucks, or yards on rotation calls
 - i. serious operator error
 - j. vehicle damage sustained during the towing process
 - k. operating unsafe tow trucks
 - l. moving a yard to another location without prior notification to SPD
 - m. operating a yard which does not have an office on site unless the yard and off-site storage location is approved by SPD
 - n. falsifying information on this application
 - o. revocation/suspension of driving or towing privileges by the State of Georgia
3. Following an investigation, the Company will be notified by email or U.S. mail of any sanctions deemed appropriate by SPD
 4. SPD will determine the length of any suspension. Suspension may result in a Company being denied participation for any length of time in the current Rotation, extended into a proceeding Rotation, permanently, or as determined by the Chief of Police or his designee.
 5. A company, yard, truck, or driver may be suspended or terminated from the Rotation for practices determined by SPD to be unlawful, unreasonable, or otherwise not in the best interests of the public and as outlined in this Application.
 6. A violation of any part of this Agreement may be the cause for sanctions.
 7. If SPD removes, suspends, or sanctions a Company on the Rotation the Company will be furnished with the reasons for said sanctions, in writing, within 5 days of imposition of said sanctions. The Company has the right to appeal this decision to the Mayor and City Council. in order to appeal such a decision, the Company shall file a written notice of appeal with the City Clerk within 30 days of receipt of the written decision by SPD. Upon receipt of a notice of appeal, the City Clerk shall place the appeal on the agenda for the next meeting of the Mayor and City Council for hearing.

AFFIRMATION AND ACKNOWLEDGEMENT

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

Company Owner

Printed name: _____

Company name: _____

Date: _____

Phone number: _____

Email address: _____

Mailing address: _____

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Paulette Chavers
Ginny Hendley
John C. Riggs
Shari Barr



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

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

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

From: Cain Smith, City Attorney

Date: May 29, 2024

RE: June 4 2024 City Council Agenda Items

Policy Issue: Consideration of Memorandum of Understanding with the Youth Career Commission to provide residential development opportunities to underserved juvenile and young adult citizens of the City of Statesboro

Recommendation: Consideration

Background: Reverend Wayne Williams, CEO of Youth Career Commission and citizen, requested City support for conducting this year's developmental programs.

Budget Impact: One-time payment of \$3,500 from the General Fund

Council Person and District: All

Attachments: Proposed MOU

**MEMORANDUM OF UNDERSTANDING REGARDING
THE PROVISION OF RESIDENTIAL IMMERSIVE
TRAINING EXPERIENCE TO UNDERSERVED
JUVENILE AND YOUNG ADULT CITIZENS OF THE
CITY OF STATESBORO**

THIS AGREEMENT, made and entered into this 4th day of June, 2024, by and between the CITY OF STATESBORO, a municipal corporation chartered under the laws of the State of Georgia, , and the YOUTH CAREER COMMISSION, INC. hereinafter referred to as the “Parties”

WITNESSETH:

WHEREAS the City of Statesboro recognizes the need to provide summer development opportunities for the underserved juvenile and young adult citizens of the City of Statesboro;

WHEREAS the Youth Career Commission, a non-profit organization based in Statesboro, offers a two week residential program to underserved populations within the City of Statesboro at below cost that endeavors to provide or enhance the essential skills that will enable participants to thrive in the workplace and society, to offer educational and career path guidance, ignite the entrepreneurial spirit, and provide tools to achieve responsible independence and future upward socioeconomic mobility; and

WHEREAS the Parties desire to formalize their partnership in providing and subsidizing these services to the aforementioned populations;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein made, the Parties do hereby mutually agree as follows:

1. **Contract:** The Parties hereby agree to enter into this MOU for the mutual benefit of the Parties and the citizens of the City of Statesboro.
2. **Payment for Services:** City shall remit a one-time \$3,500.00 payment to the Youth Career Commission to provide the aforementioned program to underserved juvenile and young adult populations from the City of Statesboro to be held between the third and sixteenth days of June, 2024.
3. **Use of Proceeds:** The funding provided by the City of Statesboro is to be used to subsidize programs that benefit the underserved juvenile and young adult populations of the City of Statesboro.
4. **Legal Construction.** In the event any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
5. **Indemnification** the Youth Career Commission agrees to protect, defend, hold harmless, and indemnify the City of Statesboro from and against all claims, demands, actions, suits, damages, liabilities, losses, settlements, judgments, costs, and expenses, including but not limited to reasonable attorneys’ fees and costs actually or allegedly, directly or indirectly, arising out of or related to the program offered by Youth Career Commission in each case.

6. **Governing Law.** This Agreement shall be governed in all respects by the laws of the State of Georgia.
7. **Modification.** This Agreement may be modified at any time with the written mutual consent of all Parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly enacted by their proper officers and so attest with their corporate seals affixed hereto set forth in duplicate originals.

Jonathan McCollar
Mayor, City of Statesboro

Wayne Williams
CEO, Youth Career Commission, Inc.

CITY OF STATESBORO

COUNCIL

Phil Boyum
Paulette Chavers
Ginny Hendley
John Riggs
Shari R. Barr



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

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

To: Charles Penny, City Manager
Jason Boyles, Assistant City Manager

From: John Washington, Director – Public Works and Engineering

Date: May 28, 2024

RE: Memorandum of Understanding (MOU) for a Permanent Easement with
Lake Sal Home Owners Association - Lake Sal Dam and Outfall Structure

Policy Issue: CIP STM-36 Northlake Subdivision Flood Control

Recommendation:

Staff recommends approval of the memorandum of agreement (MOU) between the Lake Sal Homeowners Association (HOA) and the City of Statesboro. Request consideration of a motion for Council to authorize the Mayor to execute the attached memorandum of understanding authorizing the City of Statesboro to a permanent easement along Lake Sal dam and outfall structure, including a proposed emergency spillway.

Background:

The City of Statesboro proposes install a continuous monitoring and adaptive control system, and a new emergency spillway at the Lake Sal Dam. These items are part of STM-36 Northlake Flood Control Project. Staff and the HOA have been working on a permanent easement for access and maintenance of these items along the dam. The HOA has asked for an MOU with each party's responsibility in order to agree to the easement. Once this MOU is signed, the easement will be recorded and give the City access to the Lake Sal dam for installation of the project items to control flooding events in the area of Northlake Subdivision.

Budget Impact:

No impact.

Council Person and District: Councilmember Phil Boyum, District 1

Attachments:

Memorandum of Understanding
Easement Plat

Georgia Municipal Association City of Excellence

Telephone: (912) 764-5468 • Fax: (912) 764-4691 • www.statesboroga.gov

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY of STATESBORO and LAKE SAL HOMEOWNERS' ASSOCIATION**

1. **Parties.** This Memorandum of Understanding (hereinafter referred to as "MOU") is made and entered into by and between the City of Statesboro, whose address is 50 E. Main Street, Statesboro, Georgia 30458, and Lake Sal Home Owners Association (HOA), whose address is 712 Metts Road, Statesboro, GA 30461.
2. **Purpose.** The purpose of this MOU is for Lake Sal Homeowners Association to provide The City of Statesboro with easement and maintenance access and in return for drainage improvements, specifically lake dredging to increase flood water storage.
3. **Term of MOU.** This MOU is effective May 1, 2024 and shall remain in effect until all said drainage improvements have been completed or May 1, 2026, whichever comes first. This MOU may be terminated, without cause, by either party with written notice to the address listed above by certified mail or delivered by hand.
4. **Responsibilities of City of Statesboro.** The City of Statesboro will commit to the completion of stormwater project STM-36 Lake Sal Drainage Improvements. This will include the installation of an automated controlled outfall device, new emergency spillway, lake dredging, and upstream drainage improvements. The City will not drain the lake and will keep all safety grates in place during and after the completion of the project.
- 5.
6. **Responsibilities of Lake Sal HOA.** Lake Sal Homeowners Association provide a permanent access/maintenance easement for the City of Statesboro to the lake's outfall structure and proposed emergency spillway. The association will also allow the City temporary access Lake Sal for the purpose of planning, designing, and constructing STM-36 Lake Sal Drainage Improvements.

The Parties have executed this Agreement as of the 21 day of may 2024.

City of Statesboro

Authorized Representative

Lake Sal Home Owners Association



Authorized Representative

1887494325
PARTICIPANT ID
BK:69 PG:638-638
P2024000032

FILED IN OFFICE
CLERK OF COURT
02/20/2024 01:37 PM
HEATHER BANKS MCNEAL, CLERK
SUPERIOR COURT
BULLOCH COUNTY, GA

Heather Banks McNeal

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THE CLERK OF THE SUPERIOR COURT.

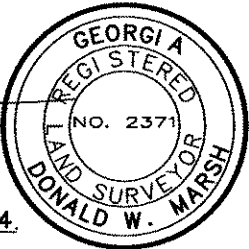
SURVEYORS CERTIFICATE

THE PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVIEW OR APPROVE ANY PLAT OR THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.

FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND SET FORTH IN O.C.G.A. SECTION 15-6-67.

DONALD W. MARSH
GA. RLS #2371

DATE: FEBRUARY 20, 2024.



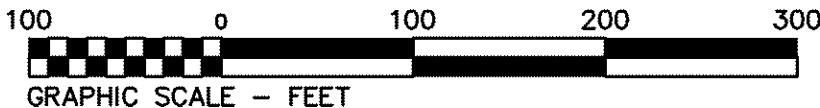
EASEMENT LINE TABLE

Course	Bearing	Distance
E1	N 13°32'35" W	25.23'
E2	N 59°37'56" E	61.70'
E3	N 50°41'48" E	58.30'
E4	N 42°53'37" W	70.96'
E5	N 35°05'36" E	71.21'
E6	N 75°17'30" E	113.45'
E7	S 42°53'37" E	77.52'
E8	S 48°01'26" W	100.01'
E9	S 48°01'26" W	39.66'
E10	N 42°53'37" W	18.08'
E11	S 50°41'48" W	61.50'
E12	S 59°37'56" W	65.65'

**SURVEY OF
A DRAINAGE EASEMENT
IN THE CITY OF STATESBORO, IN
THE 1209TH GMD OF BULLOCH CO., GA.
SURVEY FOR:**

THE CITY OF STATESBORO

EASEMENT AREA=0.75 ACRES



DONALD W. MARSH AND ASSOCIATES
9 SOUTH MULBERRY STREET
STATESBORO, GEORGIA 30458
764-2397

SURVEY DATE: FEBRUARY 20, 2024
PLAT DATE: FEBRUARY 20, 2024
SCALE: 1" = 100'

FILE NO. 2402008



**J.R. HENDLEY
FOUNDATION, INC.**
LOT 68, NORTHLAKE SUBD.
PB. 18, PG. 89
TAX PARCEL #MS47 000113 000

**ERNEST COOK &
DIXON SMITH**
LOT 69, NORTHLAKE SUBD.
PB. 18, PG. 89
TAX PARCEL #MS47 000112 000

**J.R. HENDLEY
FOUNDATION, INC.**
LOTS 72-73, NORTHLAKE SUBD.
PB. 18, PG. 89
TAX PARCEL #MS47 000108 000

WANDA DEAL
LOT 22, NORTHLAKE SUBD.
PB. 18, PG. 203
TAX PARCEL #MS47 000108 000

LAKE SAL HOMEOWNERS ASSOCIATION
NORTHLAKE SUBD.
PB. 18, PG. 89 & 203
TAX PARCEL #MS47 000107A 000

TIE-LINE TABLE

Course	Bearing	Distance
T1	S 66°14'54" W	5.00'
T2	S 13°32'35" E	28.56'
T3	S 13°32'35" E	36.41'

NOTE:
THIS SURVEY WAS COMPLETED USING A TOPCON GPT 3003 TOTAL STATION AND A SOKKIA GRX-3 DUAL FREQUENCY GPS BASE AND ROVER. ALL POINTS COLLECTED WITH GPS HAD A POSITIONAL TOLERANCE OF LESS THAN 0.07 RESIDUAL WITH 95% CONFIDENCE LEVEL.

PLAT CLOSURE 1:158,264'

LEGEND

- IBF IRON BAR FOUND
- IPF IRON PIPE FOUND
- IPS IRON PIPE SET
- RBF 5/8" REBAR FOUND
- RBS 5/8" REBAR SET
- CMF CONCRETE MONUMENT FOUND
- R/W CMF RIGHT-OF-WAY CMF
- NS NAIL SET
- OHP— OVERHEAD POWER LINE
- X— FENCE

NOTES

- 1) THE TERM "CERTIFICATE" AS USED IN RULE "180-6-.09(2) AND (3)" AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES, AS DEFINED IN O.C.G.A. 43-15-2(6) AND (11), SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
- 2) THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (OCGA), IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.

NOTE:
THIS SURVEY IS A PORTION OF
TAX PARCEL #MS47 000107A
000.

CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Paulette Chavers, District 2
Ginny Hendley, District 3
John Riggs, District 4
Shari Barr, District 5

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

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

To: Charles Penny, City Manager
Jason Boyles, Assistant City Manager

From: John Washington, Director of Public Works and Engineering

Date: May 28, 2024

RE: Recommendation of Low Bidder for CIP ENG-122i: North College Street Sidewalk

Policy Issue: Purchasing

Recommendation:

The Low bidder, Swindell Construction Company, Inc., meets the requirements of the bid package and submitted an acceptable bid bond. Staff recommends awarding this contract to Swindell in the amount of \$237,207. The next low bidder, Tim Lanier Construction, LLC. submitted a bid of \$254,267.50.

Background:

This project will consist of 5' sidewalk from Proctor St. to Northside Dr. This area is commercial and residential adjacent to downtown. Currently, pedestrians walk in the roadway due to no sidewalks in this area; this project will provide a safe connector from Northside Dr. to the downtown sidewalk network for greater connectivity within the City.

Budget Impact:

The bid submitted by Swindell Construction Company, Inc. is above the budgeted amount set or construction at \$175K. The overages will be funded from the 2018 TSPLOST Fund. The overage is primarily due to increase construction cost since the initial cost estimate.

Council Person and District: Paulette Chavers, District 2

Attachments: Bid Tabulation from bid opening

CC: Darren Prather, Director of Central Services

DATE: Wednesday, April 3, 2024
TIME: 3:00 PM EST
LOCATION: Statesboro Municipal Court Room

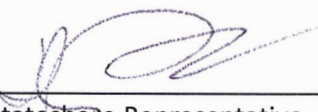


BID TABULATION

PROJECT NUMBER/BID TITLE: Bid Project #2024 ENG-122i: North College Street Sidewalk

Company: <u>Swindell Construction Company, Inc.</u>		<input checked="" type="checkbox"/> Utility Contractor's License # <u>UC-301751</u>	
Bid Delivered: <input checked="" type="checkbox"/> Hand Delivered <u>1:57 PM</u> <input type="checkbox"/> FedEx <input type="checkbox"/> UPS <input type="checkbox"/> USPS <input type="checkbox"/> Other:			
Base Bid \$ <u>237,207.00</u>			
<input type="checkbox"/> Two (2) Copies of Bids/Proposals <input checked="" type="checkbox"/> Addendum Received <input checked="" type="checkbox"/> E-Verify <input checked="" type="checkbox"/> MFBE <u>100%</u> <input checked="" type="checkbox"/> Non-Collusion			
<input checked="" type="checkbox"/> Bid Bond <input type="checkbox"/> Payment Bond <input type="checkbox"/> Performance Bond <input type="checkbox"/> Insurance (\$2,000,000 Aggregate/\$1,000,000 per occurrence)			
Company: <u>Tim Lanier Construction, LLC</u>		<input checked="" type="checkbox"/> Utility Contractor's License # <u>UC-300370</u>	
Bid Delivered: <input checked="" type="checkbox"/> Hand Delivered <u>2:50 PM</u> <input type="checkbox"/> FedEx <input type="checkbox"/> UPS <input type="checkbox"/> USPS <input type="checkbox"/> Other:			
Base Bid \$ <u>254,267.50</u>			
<input checked="" type="checkbox"/> Two (2) Copies of Bids/Proposals <input checked="" type="checkbox"/> Addendum Received <input checked="" type="checkbox"/> E-Verify <input checked="" type="checkbox"/> MFBE <u>25%</u> <input checked="" type="checkbox"/> Non-Collusion			
<input checked="" type="checkbox"/> Bid Bond <input type="checkbox"/> Payment Bond <input type="checkbox"/> Performance Bond <input type="checkbox"/> Insurance (\$2,000,000 Aggregate/\$1,000,000 per occurrence)			
Company: _____		<input type="checkbox"/> Utility Contractor's License	
Bid Delivered: <input type="checkbox"/> Hand Delivered _____ <input type="checkbox"/> FedEx <input type="checkbox"/> UPS <input type="checkbox"/> USPS <input type="checkbox"/> Other:			
Base Bid \$ _____			
<input type="checkbox"/> Two (2) Copies of Bids/Proposals <input type="checkbox"/> Addendum Received <input type="checkbox"/> E-Verify <input type="checkbox"/> MFBE _____ % <input type="checkbox"/> Non-Collusion			
<input type="checkbox"/> Bid Bond <input type="checkbox"/> Payment Bond <input type="checkbox"/> Performance Bond <input type="checkbox"/> Insurance (\$2,000,000 Aggregate/\$1,000,000 per occurrence)			


I certify that this is a correct tabulation of bids as read aloud and I certify that I have personally and visually checked the tabulation against the proposal forms submitted and **Swindell Construction Company, Inc.** is the apparent low bidder.



City of Statesboro Representative

4-4-24

Date



Witness