



June 16, 2020 5:30 pm

1. Call to Order by Mayor Jonathan McCollar
2. Invocation and Pledge of Allegiance by Councilmember Venus Mack
3. Recognitions/Public Presentations
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 06-02-2020 Council Minutes
 - b) 06-09-2020 Public Hearing Minutes
 - B) Consideration of a Motion to approve Surplus and Disposition of the following items in the Public Utilities Department:
 - a) 2002 F-150 Ford Pickup (Serial # 1FTRF17W53NA13582)
 - b) 2006 F-150 Ford Pickup (Serial # 1FTRF12297NA37670)
 - c) 1989 Case Backhoe (Serial # JJG0030707)
 - d) One Lot of assorted brass water meters and fittings (approximately 5000 pounds)
6. Second Reading and Consideration of a Motion to Approve **Ordinance 2020-03**: An Ordinance revising City Ord 6-8(d)(3) for Temporary Special Event Permits.
7. Second reading and Consideration of a Motion to Approve **Ordinance 2020-04**: An Ordinance revising City Ord 6-7(d) exemptions in order to provide for a pedestrian downtown open container exemption zone.
8. Second Reading and Consideration of a Motion to Approve **Ordinance 2020-05**: An Ordinance revising the restriction found in City Ord 6-7(i).
9. Public Hearing and Consideration of a Motion to Authorize the Mayor to execute a contract for services with the Statesboro Arts Council, Inc. to market downtown Statesboro by operating and managing the Averitt Center for the Arts, using proceeds from the Hotel/Motel Tax.
10. Public Hearing and Consideration of a Motion to Authorize the Mayor to execute a contract for services with the Downtown Statesboro Development Authority/Main Street to market downtown Statesboro, using proceeds from the Hotel/Motel Tax.

11. Public Hearing and Consideration of a Motion to Authorize the Mayor to execute a contract for services with the Statesboro Convention and Visitors Bureau, Inc. to market Statesboro and Bulloch County, using proceeds from the Hotel/Motel Tax.
12. Public Hearing and Consideration of a Motion to approve **Resolution 2020-17**: A Resolution Exempting Certain Vehicles from Marking Requirements for One Year.
13. Public Hearing and Consideration of a Motion to Approve: **APPLICATION RZ 20-05-01**: Landrum Hodges requests a zoning map amendment of 2.24 acres of property located at 814 South Main Street from R-4 (High Density Residential) to the CR (Commercial Retail) zoning district in order to utilize the property for a commercial land use (Tax Parcel MS52 000027 000).
14. Public Hearing and Consideration of a Motion to Approve:
 - A) **APPLICATION V 20-05-02**: West District Development, LLC requests a variance from Article XIV, Section 1402 to reduce the minimum lot size requirements for property to be considered for the PUD (Planned Unit Development) zoning district in order to construct a mixed-use development on 5.362 for a combination of parcels addressed South College Street, West Cherry Street and 40 West Cherry Street (Tax Parcel(s) S19 000001 000, S19 000001 A000, S18 000170 000).
 - B) **APPLICATION RZ 20-05-03**: West District Development, LLC requests a zoning map amendment of 5.362 acres located along South College Street from the CBD (Central Business District) to the PUD (Planned Unit Development) zoning district in order to construct a mixed-use development for a combination of parcels addressed South College Street, West Cherry Street and 40 West Cherry Street (Tax Parcel(s) S19 000001 000, S19 000001 A000, S18 000170 000).
15. Public Hearing and Consideration of a Motion to Approve: **APPLICATION RZ 20-05-04**: S.D. Sauers Construction Company, LLC requests a zoning map amendment of approximately 1.30 acres of property located at 723 and 723 ½ South Main Street from a split-zoning of R-4 (High Density Residential), PUD (Planned Unit Development), and HOC (Highway Oriented Commercial) to the CR (Commercial Retail) zoning district in order to utilize the property for a mixed-use, residential and commercial retail development (Tax Parcel MS52 000007 000, MS52 000009 000).
16. Public Hearing and Consideration of a Motion to Approve
 - A) **APPLICATION V 20-05-05**: Drayton-Parker Companies, LLC requests a variance from Article XI, Section 1102(C) to reduce the required front yard setback in order to allow for the new construction of a automotive gasoline station on 1.41 acres of property for a combination of parcels addressed 205 North Main Street and 2331 Northside Drive West (Tax Parcel(s) S17 000022 000, S17 000023 000).

- B) **APPLICATION V 20-05-06:** Drayton-Parker Companies, LLC requests a variance from Article XI, Section 1102(D) to reduce the required rear yard setback in order to allow for the new construction of a automotive gasoline station on 1.41 acres of property for a combination of parcels addressed 205 North Main Street and 2331 Northside Drive West (Tax Parcel(s) S17 000022 000, S17 000023 000).
- C) **APPLICATION V 20-05-07:** Drayton-Parker Companies, LLC requests a variance from Article XI, Section 1104(F) regarding the location of all permanent points of vehicular access to and from public streets within close proximity to intersections in order to allow for the new construction of a automotive gasoline station on 1.41 acres of property for a combination of parcels addressed 205 North Main Street and 2331 Northside Drive West (Tax Parcel(s) S17 000022 000, S17 000023 000).
- D) **APPLICATION V 20-05-08:** Drayton-Parker Companies, LLC requests a variance from Article XVI, Section 1601 regarding the minimum parking space size requirements in order to allow for the new construction of an automotive gasoline station on 1.41 acres of property for a combination of parcels addressed 205 North Main Street and 2331 Northside Drive West (Tax Parcel(s) S17 000022 000, S17 000023 000).
- E) **APPLICATION V 20-05-09:** Drayton-Parker Companies, LLC requests a variance from Article XXX, Section 3014(B) regarding the maximum number of parking spaces allowed in front of a building within the Downtown District in order to allow for the new construction of an automotive gasoline station on 1.41 acres of property for a combination of parcels addressed 205 North Main Street and 2331 Northside Drive West (Tax Parcel(s) S17 000022 000, S17 000023 000).
17. Consideration of a Motion to Approve **Resolution 2020-18:** A Resolution To Adopt The Third Amendment To The Fiscal Year 2020 Budget For Each Fund Of The City Of Statesboro, Georgia, Appropriating The Amounts Shown In Each Budget As Expenditures/Expenses, Adopting The Several Items Of Revenue Anticipations, And Prohibiting Expenditures Or Expenses From Exceeding The Actual Funding Appropriated
18. Consideration of a Motion to approve **Resolution 2020-19:** A Resolution to adopt he Fiscal Year 2021 Budget for each fund of the City of Statesboro, Georgia, appropriating the amount shown in each budget as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding available for appropriations.
19. Consideration of a Motion to Approve **Resolution 2020-20:** A Resolution adopting the Statesboro Schedule of Rates, Fees and Fines.
20. Consideration of a Motion to Approve **Resolution 2020-21:** A Resolution of the Mayor and Council of the City of Statesboro designating June 19 as “Juneteenth Independence Day” in honor of June 19, 1865, the date on which news of the end of slavery reached the slaves in the Southwestern States, and designating Juneteenth as a paid City holiday beginning in 2021.

21. Consideration of a Motion to restrict \$125,000 in the Water and Sewer Fund and \$125,000 in the Natural Gas Fund for the Loan Loss Reserve established May 19, 2020.
22. Consideration of a Motion to Award Contract Extension for Audit Services
23. Consideration of a Motion to Approve a five year Intergovernmental Agreement (IGA) with Bulloch County to renew and amend terms of provision of Statesboro Fire Department (SFD) services within the Five Mile Fire District.
24. Consideration of a motion to approve the Mayor to execute a letter of support and commitment of funds for intersection improvements for South Main Street/Fair Road (SR73/SR67) intersection.
25. Consideration of a motion to approve the Mayor to execute a letter of commitment for maintenance and lighting of intersection improvements for South Main Street/Fair Road (SR73/SR67) intersection.
26. Consideration of a motion to cancel the July 2, 2020 meeting of Mayor and Council
27. Other Business from City Council
28. City Managers Comments
29. Public Comments (General)
30. 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)
31. Consideration of a Motion to Adjourn



CITY OF STATESBORO
COUNCIL MINUTES
JUNE 02, 2020

Regular Meeting

50 E. Main St. City Hall Council Chambers

9:00 AM

1. CALL TO ORDER

Mayor Jonathan McCollar called the meeting to order

2. INVOCATION AND PLEDGE

Councilmember Paulette Chavers gave the Invocation and Pledge of Allegiance.

ATTENDENCE

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

Other staff present was: City Manager Charles Penny, Assistant City Manager Jason Boyles, City Attorney Cain Smith City Clerk Leah Harden and Public Information Officer Layne Phillips.

3. Recognitions/Public Presentations: None

4. Public Comments (Agenda Item): None

5. Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

- a) 05-19-2020 Work Session Minutes
- b) 05-19-2020 Council Minutes
- c) 05-20-2020 Work Session Minutes
- d) 05-21-2020 Work Session Minutes

A motion was made to approve the consent agenda.

RESULT:

Approved (Unanimous)

MOVER:

Councilmember John Riggs

SECONDER:

Councilmember Venus Mack

AYES:

Boyum, Chavers, Mack, Riggs, Barr

NAYS:

6. Second Reading and Consideration of a Motion to approve Ordinance 2020-03: An Ordinance revising Chapter 6 of the Statesboro Code of Ordinances regarding Temporary Special Event Permits found in Sec. 6-8 (d) (3).

Councilmember John Riggs stated he would like to table this item until we have a fee that would be charged for a Temporary Special Event Permit.

A motion was made to table this item until the next meeting in June.

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

7. Public Hearing and First Reading of Ordinance 2020-04: An Ordinance revising Chapter 6 of the Statesboro Code of Ordinances regarding Open Container found in Sec. 6-17(d).

A motion was made to open the Public Hearing.

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

City Attorney Cain Smith explained the two changes to this revision, one regarding the map amendment to include the West District and amending the open container size from 16 ounces to 20 ounces.

No one spoke for or against this request.

A motion was made to close the Public Hearing.

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

A motion was made to approve the first reading of **Ordinance 2020-04**.

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

8. Public Hearing and First Reading of Ordinance 2020-05: An Ordinance revising Chapter 6 of the Statesboro Code of Ordinances revising the restriction found in Sec. 6-7 (i)

A motion was made to open the Public Hearing.

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

City Attorney Cain Smith explained the changes made in this revision, stating instead of removing the complete section the words “official” would be removed.

No one spoke for or against this request.

A motion was made to close the Public Hearing

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

A motion was made to approve the first reading of **Ordinance 2020-05**

RESULT:	Approved 3-2
MOVER:	Councilmember Paulette Chavers
SECONDER:	Councilmember Venus Mack
AYES:	Chavers, Mack, Barr
NAYS:	Phil Boyum and John Riggs

9. Consideration of a Motion to approve Resolution 2020-16: A Resolution to adhere to amendments in O.C.G.A. § 44-7-111, and to appoint an agent to determine the condition of abandoned mobile homes.

A motion was made to approve **Resolution 2020-16:** A Resolution to adhere to amendments in O.C.G.A. § 44-7-111, and to appoint an agent to determine the condition of abandoned mobile homes.

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

10. Consideration of a Motion to Approve an Agreement with Carver State Bank regarding the establishment and practices of the Statesboro Small Business Recovery Fund.

A motion was made to approve an agreement with Carver State Bank regarding the establishment and practices of the Statesboro Small Business Recovery Fund.

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

11. Other Business from City Council

Mayor Jonathan McCollar stated the Love UR City Campaign has raised approximately \$32,000.00. The money raised it to help local families and businesses that have been affected by COVID-19 pandemic.

Mayor McCollar also stated on Sunday about 300 people showed up on the Courthouse lawn for a peaceful protest.

12. City Managers Comments

City Manager Charles Penny gave an update on the Opening of City Hall and other public buildings. He said the hours for City Hall are 9 am to 2 pm. We will reevaluate on June 10th to see if these hours will be extended to a regular business day 8 am to 5:30 pm.

13. Public Comments (General)

Annie Bellinger spoke regarding some of her personal experiences.

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

At 9:45 am motion was made to enter into Executive Session.

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

A motion was made to exit Executive Session.

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

At 10:19 am, Mayor Jonathan McCollar called the meeting back to order with no action taken in Executive Session.

15. Consideration of a Motion to Adjourn

A motion was made to adjourn.

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

The meeting was adjourned at 10:19 am.



CITY OF STATESBORO
PUBLIC HEARING MINUTES
JUNE 09, 2020

Public Hearing	50 E. Main St. City Hall Council Chambers	5:30 PM
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A Public Hearing was held on June 09, 2020 at 5:30 p.m. in the Council Chambers at City Hall to solicit input from the public on the proposed Fiscal Year 2021 Budget.

Present was Mayor Jonathan McCollar, Council Members: Phil Boyum, Venus Mack, John Riggs and Shari Barr. Also present was City Attorney Cain Smith, City Manager Charles Penny Assistant City Manager Jason Boyles, Public Information Officer Layne Phillips and City Clerk Leah Harden as well as other staff members and the news media.

Mayor Jonathan McCollar called the Public Hearing to order.

City Manager Charles Penny gave an overview of the proposed budget for Fiscal Year 2021 to include no millage rate increase and no rate increase for water sewer utilities however it does include an increase to the Stormwater fee. This budget does not include any new positions. Mr. Penny stated the budget is a little tight this year due to COVID and the economic impact it has had but it is a good budget.

There was no one to speak for or against the proposed budget for Fiscal Year 2021.

The meeting was adjourned at 5:40 pm

CITY OF STATESBORO

COUNCIL

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



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

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

To: Mr. Charles Penny
City Manager

From: Steve Hotchkiss
Director of Public Utilities

Date: 6-8-2020

RE: Asset Surplus and Disposition

Policy Issue: Council Approval to dispose of Vehicles & Equipment in accordance with City Purchasing Policy Section 3.

Recommendation: Consideration of a Motion to approve Surplus and Disposition of the following items:

- a) 2002 F-150 Ford Pickup (Serial # 1FTRF17W53NA13582)
- b) 2006 F-150 Ford Pickup (Serial # 1FTRF12297NA37670)
- c) 1989 Case Backhoe (Serial # JJG0030707)
- d) One Lot of assorted brass water meters and fittings approximately 5000#

Background: The staff in Public Utilities has provided the list of vehicles and equipment above that have exceeded their useful life. The brass water meters and fittings are items that are removed from service during routine maintenance work and have no value except to be sold as scrap.

Budget Impact: Small increase from sale of items.

Council Person and District: N/A

Attachments: None

Georgia Municipal Association City of Excellence

Telephone: (912) 764-5468 • Fax: (912) 764-4691 • email: cityhall@statesboroga.net

CITY OF STATESBORO

COUNCIL

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



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
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: June 6, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: Second Reading of ordinance revision of City Ord 6-8(d)(3)a which currently reads as follows : "A temporary permit to sell alcoholic beverages may be issued to any licensee holding a valid city issued catered event alcoholic beverage license for a period not to exceed three days for an approved special event. The licensed caterer must make complete application and pay all required application fees to the city clerk or his/her designee at least 45 days prior to the start date of the proposed event and shall be required to comply with all the general ordinances and regulations for on-premises consumption. The applicant seeking a temporary license must also obtain a state-issued temporary special event permit."

Recommendation: N/A

Background: Mayor and Council approved a motion to direct City Attorney to draft this agenda item pursuant to City Ord 2-2-4 at the May 5, 2020. Regular Council meeting. First reading was passed on May 19, 2020. Second reading was tabled at the June 2, 2020 meeting of Mayor and Council.

Budget Impact: None

Council Person and District: All

Attachments: Proposed ordinance revision

Ordinance 2020-03:

Section 6-8(d) (3) Temporary special event permit.

a. A temporary permit to sell alcoholic beverages may be issued ~~to any licensee holding a valid city issued catered event alcoholic beverage license~~ for a period not to exceed three days for an approved special event. The ~~licensed caterer~~ applicant must make complete application and pay all required application fees to the city clerk or his/her designee at least ~~45~~ 21 days prior to the start date of the proposed event and shall be required to comply with all the general ordinances and regulations for on-premises consumption. The applicant seeking a temporary license must also obtain a state-issued temporary special event permit.

b. ~~For events with fewer than 200 total people present any business holding an occupational tax certificate in a Bulloch County jurisdiction may apply. For events with more than 200 total attendees present only businesses holding a City issued catering license may apply. Regardless of event size only eight (8) temporary special event permits shall be issued to any entity in a twelve month period.~~

c. The special event must meet the following criterion prior to the issuance of a license to sell alcoholic beverages:

1. The special event must receive approval from the chief of SPD or his/her designee regarding crowd control, traffic control, and security measures.

2. The location at which the special event is to take place must be properly zoned and approved by the code enforcement officer.

3. The application must be presented to Mayor and Council and approved at a regularly scheduled meeting of the Statesboro City Council.

d. Every employee or volunteer of the special event licensee working the special event in any position dispensing, selling, serving, taking orders for, or mixing alcoholic beverages shall be required to possess valid server certification pursuant to section 6-10.

e. The code enforcement officer or the chief of SPD or his/her designee may immediately revoke any temporary license for a special event if it is determined continued alcohol sales may endanger the health, welfare, or safety of the public.

f. As a condition on the issuance of a temporary special event license, the ~~licensee~~ applicant shall indemnify and hold the city harmless from any and all claims, demands, or causes of action which may arise from activities associated with the special event.

g. An application fee as set out in the adopted rates and fees schedule shall be required, as well as any applications and/or fees required under Ordinance 70-61 and section 6-17.

CITY OF STATESBORO

COUNCIL

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



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
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: June 5, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: *Second reading and consideration of ordinance revision of City Ord 6-7(d) exemptions in order to provide for a pedestrian downtown open container exemption zone.*

Recommendation: N/A

Background: Mayor and Council approved motion to direct City Attorney to draft first reading of ordinance revision pursuant to City Ord 2-2-4 at the May 5, 2020 regular Council meeting. Council requested revision to exemption zone boundaries and vessel size at the May 19, 2020 first reading. Due to significant changes the measure was brought forth again as a first reading and approved on June 2, 2020.

Budget Impact: None

Council Person and District: All

Attachments: Proposed ordinance revision

Ordinance 2020-04:

Sec. 6-17 (d) – Downtown Open Container Exemption Zone

The restrictions contained herein shall not apply within the area of the City bounded on the north by Courtland Street, on the west by Martin Luther King Jr. Drive, on the south by Cherry Street, and on the east by Mulberry Street under the following conditions:

(1) Any On Premises licensee located within this delineated area may sell alcoholic beverages in a paper or plastic cup for removal from the premises; provided, however, that the alcoholic beverage is not placed in a can, bottle or other glass container and, further provided, that the licensee may dispense no more than one alcoholic beverage per person 21 years of age or older, and no person shall remove more than one alcoholic beverage from the licensed premises; and

(2) Any alcoholic beverage dispensed pursuant to this section shall not exceed 16 fluid ounces in size and no person shall possess an open container containing an alcoholic beverage unless contained in a plastic or paper cup not to exceed a volume of 16 fluid ounces on the streets, sidewalks or other public places within the area described in this subsection.

CITY OF STATESBORO

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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 and Leah Harden, City Clerk

From: Cain Smith, City Attorney

Date: June 5, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: *Second reading and consideration of ordinance revision revising the restriction found in City Ord 6-7(i) which currently reads as follows : "Interests of public officials and employees; prohibited. No license shall be granted to any city, state or federal employee or official whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity."*

Recommendation: N/A

Background: Mayor and Council approved this agenda item for first reading pursuant to City Ord 2-2-4 at the May 5, 2020 Council meeting. Presented first reading removing subsection in its entirety was amended by Mayor and Council to only remove the prohibition as to public officials at the May 19, 2020 meeting. That revision passed first reading 3-2 on June 2, 2020 and is now before Mayor and Council as second reading

Budget Impact: None

Council Person and District: All

Attachments: Proposed ordinance revision

Ordinance 2020-05:

Statesboro 6-7 (i) Interests of public employees ~~and officials~~; prohibited. No license shall be granted to any city, state or federal employee ~~or official~~ whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity.

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Paulette Chavers
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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: City Manager Charles Penny
From: Finance Director Cindy West

Date: 06-08-2020

RE: Renewal contracts for Averitt Center for the Arts, Downtown Statesboro Development Authority (DSDA) and Statesboro Convention and Visitors Bureau (SCVB).

Policy Issue: Term agreement shall be for one year to commence on first day of July of 2020 and shall end at midnight on June 30, 2021 unless terminated sooner with 30 days' notice.

Recommendation: Approval of all contracts.

Averitt Center for the Arts will receive 25.1% of the Hotel-Motel excise taxes collected pursuant to City Ordinances 74-32 et seq. to fund the general operating budget. The percentage remains the same as Fiscal Year 2020.

Downtown Statesboro Development Authority (DSDA) will receive 19.9 % of the Hotel-Motel excise taxes collected pursuant to City Ordinances 74-32 et seq. The percentage remains the same as Fiscal Year 2020.

Statesboro Convention and Visitors Bureau (SCVB) will receive 50.0 % of the Hotel-Motel excise taxes collected pursuant to City Ordinances 74-32 et seq. The percentage remains the same as Fiscal Year 2020.

Council Person and District: All

Attachments: Contracts

CONTRACT FOR SERVICES

This agreement made and entered into on June 16th, 2020, between the MAYOR AND CITY COUNCIL OF STATESBORO, a political subdivision of the State of Georgia, hereinafter referred to as “the City,” and THE AVERITT CENTER FOR THE ARTS, Inc., a nonprofit corporation organized and existing under the laws of the State of Georgia, hereinafter sometimes referred to as “ACA”.

WITNESSETH:

WHEREAS, pursuant to City Ordinances §74-32 *et seq.* the City of Statesboro levies a 6% excise tax on rooms, lodging and accommodations pursuant to subsection (b) of O.C.G.A. § 48-13-51 *et seq.*;

WHEREAS, THE AVERITT CENTER FOR THE ARTS, INC. is a private sector Nonprofit organization, which engages in the promotion of tourism to the City of Statesboro and Bulloch County;

WHEREAS, the City desires to retain the services of THE AVERITT CENTER FOR THE ARTS INC. to promote, attract, stimulate and develop conventions and tourism in the City of Statesboro and Bulloch County

NOW THEREFORE, in consideration of the sum of ten dollars (\$10.00) paid by the City to THE AVERITT CENTER FOR THE ARTS, INC., the receipt and sufficiency of which is hereby acknowledged, and in the consideration of the mutual promises, covenants, and conditions contained herein, the parties agree as follows:

1.

The ACA shall on behalf of the City of Statesboro promote, attract, stimulate and develop conventions and tourism in the City of Statesboro and Bulloch County, providing such consulting, advertising, marketing, and administrative services as may be necessary or appropriate to accomplish the foregoing purposes.

2.

As compensation for said services, the City shall pay to the ACA TWENTY FIVE AND ONE TENTH PERCENT (25.1%) of the Hotel-Motel excise taxes collected pursuant to City Ordinances §74-32 *et seq.* to fund the ACA budget for the promotion of tourism to the City of Statesboro and to fund the general operating budget of the ACA. Said funds shall be paid monthly to the ACA and within thirty (30) days from the receipt of said tax revenue by the City.

3.

The term of this agreement shall be for one (1) year, to commence on the 1st day of July 2020, and shall end at midnight on June 30, 2021 unless sooner terminated upon thirty (30) days written notice by either party.

4.

The ACA Director shall furnish the City with a copy of the ACA's proposed Budget for each fiscal year (including the program of work to be accomplished by this funding for the next fiscal year, and any multi-year programming) at least three (3) weeks before its scheduled adoption date by the ACA Board. The City Manager shall provide the ACA Board and the Mayor and City Council comments on the Budget at least seven (7) days before the scheduled adoption date. This same procedure is agreed to for any subsequent amendments to the Budget during any fiscal year.

5.

The ACA shall keep or cause to be kept full and accurate records and accounts showing the receipts and disbursements of all amounts received from the City pursuant to this contract. The ACA shall furnish an annual report to the City containing a complete financial statement and summary of the work performed by the ACA pursuant to the terms of the contract. Said report shall be furnished to the City on or before the 1st day of September for each year. The City or any person authorized by the City may examine and audit the books and records of the ACA at any time during regular business hours. The ACA shall provide the City a copy of its annual audit, performed by an outside certified public accountant, within five (5) days of receipt of the audit, or December 31st, whichever is earlier. The ACA director shall furnish the City with minutes of any meeting of the Board and any committees within two weeks of said meeting.

6.

The ACA shall have the authority to enter into subcontracts or other agreements for administrative, accounting, and other services necessary to carry out the terms of this agreement.

7.

The parties hereto agree to execute any and all documents necessary to carry out the intentions expressed in the agreement, and agree to join in any and all proceedings of any nature, legal or otherwise, should the same be necessary to carry out the intentions expressed herein.

8.

During FY 2021 THE AVERITT CENTER FOR THE ARTS, INC. agrees to work cooperatively with the Main Street Program, Downtown Statesboro Development Authority and the Statesboro Convention and Visitors Bureau, Inc. to develop a joint marketing program to better coordinate the limited resources available for marketing the Statesboro area, particularly the

Averitt Center and other downtown attractions. A report outlining the program shall be forwarded to the City upon approval by all three entities.

9.

This agreement is being delivered and is intended to be performed in the State of Georgia and shall be construed and enforced in accordance with the laws of the State of Georgia.

10.

All notices to the City shall be sent by registered or certified mail addressed to the City Manager, P.O. Box 348, Statesboro, Georgia 30459, or at such other address as the City shall designate in writing. All notices to the ACA shall be sent by registered or certified mail to the Executive Director of the ACA at 33 East Main Street, Statesboro, Georgia 30458 or such address as the ACA shall designate in writing. Notwithstanding any provision in this agreement to the contrary concerning modifications, a change in address may be effected by a registered or certified letter sent by either part to the other.

11.

If any term or provision of this agreement or the application thereof to any person or circumstances shall, to any extent, be declared invalid or unenforceable by a court of competent jurisdiction, the remainder of this agreement, or the application of such term or provision to persons whose circumstances are other than those as to which it is held invalid or unenforceable, shall not be affected thereby.

12.

This contact constitutes the sole and entire agreement between the parties. No modifications hereof shall be binding unless attached hereto and signed by each party, and no representations, promises, or inducements shall be binding upon either party except as herein stated.

13.

The parties hereby warrant and represent that each has the right, power, and authority to enter into this agreement and by entering into this agreement, such party will not be violating any other contract, agreement, order, judgment, decree, or document, written or oral, to which it is a party or by which it is bound.

14.

The ACA shall comply with all applicable state laws regarding open meetings and open records as codified in the Georgia Open Meetings Act found at O.C.G.A. Section 50-14-1 et. seq. and in the Georgia Open Records Act found at O.C.G.A. Section 50-18-70 et. seq.

In addition, the ACA shall post on its website the agenda for its Board meeting at least 48 hours in advance of each meeting and make the agenda available to the City of Statesboro City Clerk via email at the same time. Also posted on the ACA website shall be a list of all upcoming Board meeting dates and times making this information available to the public.

MAYOR AND CITY COUNCIL OF STATESBORO

By: _____
Mayor

Attest: _____
City Clerk

THE AVERITT CENTER FOR THE ARTS, INC.

By: _____
President

Attest: _____
Secretary

CONTRACT FOR SERVICES

This agreement made and entered into on June 16th, 2020, between the MAYOR AND CITY COUNCIL OF STATESBORO, a political subdivision of the State of Georgia, hereinafter referred to as “the City,” and the DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY, a governmental authority organized and existing under the laws of the State of Georgia, hereinafter sometimes referred to as “DSDA”.

WITNESSETH:

WHEREAS, pursuant to City Ordinances §74-32 *et seq.* the City of Statesboro levies a 6% excise tax on rooms, lodging and accommodations pursuant to subsection (b) of O.C.G.A. § 48-13-51 *et seq.*;

WHEREAS, the DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY is a governmental authority which engages in the development of the downtown area of Statesboro;

WHEREAS, the City desires to fund activities the of the DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY to foster the development of the downtown area of Statesboro;

NOW THEREFORE, in consideration of the sum of ten dollars (\$10.00) paid by the City to the DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY, the receipt and sufficiency of which is hereby acknowledged, and in the consideration of the mutual promises, covenants, and conditions contained herein, the parties agree as follows:

1.

The DSDA shall on behalf of the City of Statesboro foster the development of the downtown area of Statesboro.

2.

As compensation for said services, the City shall pay to the DSDA NINETEEN AND NINE TENTHS PERCENT (19.9%) of the Hotel-Motel excise taxes collected pursuant to City Ordinances §74-32 *et.* Said funds shall be paid monthly to the DSDA and within thirty (30) days from the receipt of said tax revenue by the City.

3.

The term of this agreement shall be for one (1) year, to commence on the 1st day of July, 2020, and shall end at midnight on June 30, 2021 unless sooner terminated upon thirty (30) days written notice by either party.

4.

The DSDA Director shall furnish the City with a copy of the DSDA's proposed Budget for each fiscal year (including the program of work to be accomplished by this funding for the next fiscal year, and any multi-year programming) at least three (3) weeks before its scheduled adoption date by the DSDA Board. The City Manager shall provide the DSDA Board and the Mayor and City Council comments on the Budget at least seven (7) days before the scheduled adoption date. This same procedure is agreed to for any subsequent amendments to the Budget during any fiscal year.

5.

The DSDA shall keep or cause to be kept full and accurate records and accounts showing the receipts and disbursements of all amounts received from the City pursuant to this contract. The DSDA shall furnish an annual report to the City containing a complete financial statement and summary of the work performed by the DSDA pursuant to the terms of the contract. Said report shall be furnished to the City on or before the 1st day of September for each year. The City or any person authorized by the City may examine and audit the books and records of the DSDA at any time during regular business hours. The DSDA shall provide the City a copy of its annual audit, performed by an outside certified public accountant, within five (5) days of receipt of the audit, or December 31st, whichever is earlier. The DSDA director shall furnish the City with minutes of any meeting of the Board and any committees within two weeks of said meeting.

6.

The DSDA shall have the authority to enter into subcontracts or other agreements for administrative, accounting, and other services necessary to carry out the terms of this agreement.

7.

The parties hereto agree to execute any and all documents necessary to carry out the intentions expressed in the agreement, and agree to join in any and all proceedings of any nature, legal or otherwise, should the same be necessary to carry out the intentions expressed herein.

8.

During FY 2021 the DSDA agrees to work cooperatively with the Main Street Program, Statesboro Convention and Visitors Bureau and the Statesboro Arts Council, Inc. to develop a joint marketing program to better coordinate the limited resources available for marketing the Statesboro area, particularly the Averitt Center and other downtown attractions. A report outlining the program shall be forwarded to the City upon approval by all three entities.

9.

This agreement is being delivered and is intended to be performed in the State of Georgia and shall be construed and enforced in accordance with the laws of the State of Georgia.

10.

All notices to the City shall be sent by registered or certified mail addressed to the City Manager, P.O. Box 348, Statesboro, Georgia 30459, or at such other address as the City shall designate in writing. All notices to the DSDA shall be sent by registered or certified mail to the Executive Director of the DSDA at 10 Siebald, Statesboro, Georgia 30458, or at such address as the DSDA shall designate in writing. Notwithstanding any provision in this agreement to the contrary concerning modifications, a change in address may be effected by a registered or certified letter sent by either part to the other.

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13.

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14.

The DSDA shall comply with all applicable state laws regarding open meetings and open records as codified in the Georgia Open Meetings Act found at O.C.G.A. Section 50-14-1 et. seq. and in the Georgia Open Records Act found at O.C.G.A. Section 50-18-70 et. seq.

In addition, the DSDA shall post on its website the agenda for its Board meeting at least 48 hours in advance of each meeting and make the agenda available to the City of Statesboro City

Clerk via email at the same time. Also posted on the DSDA website shall be a list of all upcoming Board meeting dates and times making this information available to the public.

MAYOR AND CITY COUNCIL OF STATESBORO

By: _____
Mayor

Attest: _____
City Clerk

DOWNTOWN STATESBORO DEVELOPMENT AUTHORITY

By: _____
President

Attest: _____
Secretary

CONTRACT FOR SERVICES

This agreement made and entered into on June 16th 2019, between the MAYOR AND CITY COUNCIL OF STATESBORO, a political subdivision of the State of Georgia, hereinafter referred to as “the City,” and the STATESBORO CONVENTION AND VISITORS BUREAU, INC., a nonprofit corporation organized and existing under the laws of the State of Georgia, hereinafter sometimes referred to as “SCVB”.

WITNESSETH:

WHEREAS, pursuant to City Ordinances §74-32 *et seq.* the City of Statesboro levies a 6% excise tax on rooms, lodging and accommodations pursuant to subsection (b) of O.C.G.A. § 48-13-51 *et seq.*;

WHEREAS, the Statesboro Convention & Visitors Bureau, Inc. is a private sector nonprofit organization which engages in the promotion of tourism, conventions, and trade shows in the City of Statesboro and Bulloch County;

WHEREAS, the City desires to retain the services of the Statesboro Convention & Visitors Bureau, Inc. to promote, attract, stimulate and develop conventions and tourism in the City of Statesboro and Bulloch County;

NOW THEREFORE, in consideration of the sum of ten dollars (\$10.00) paid by the City to the Statesboro Convention & Visitors Bureau, Inc., the receipt and sufficiency of which is hereby acknowledged, and in the consideration of the mutual promises, covenants, and conditions contained herein, the parties agree as follows:

1.

The SCVB shall on behalf of the City of Statesboro promote, attract, stimulate and develop conventions and tourism in the City of Statesboro and Bulloch County, providing such consulting, advertising, marketing, and administrative services as may be necessary or appropriate to accomplish the foregoing purposes.

2.

As compensation for said services, the City shall pay to the SCVB FIFTY PERCENT (50.0%) of the amount the Hotel-Motel excise taxes collected pursuant to City Ordinances §74-32 *et seq.* Said funds shall be paid monthly to the SCVB and within thirty (30) days from the receipt of said tax revenue by the City.

3.

The term of this agreement shall be for one (1) year, to commence on the 1st day of July, 2020, and shall end at midnight on June 30, 2021 unless sooner terminated upon thirty (30) days written notice by either party.

4.

The SCVB Director shall furnish the City with a copy of the SCVB's proposed Budget for each fiscal year (including the program of work to be accomplished by this funding for the next fiscal year, and any multi-year programming) at least three (3) weeks before its scheduled adoption date by the SCVB Board. The City Manager shall provide the SCVB Board and the Mayor and City Council comments on the Budget at least seven (7) days before the scheduled adoption date. This same procedure is agreed to for any subsequent amendments to the Budget during any fiscal year.

5.

The SCVB shall keep or cause to be kept full and accurate records and accounts showing the receipts and disbursements of all amounts received from the City pursuant to this contract. The SCVB shall furnish an annual report to the City containing a complete financial statement and summary of the work performed by the SCVB pursuant to the terms of the contract. Said report shall be furnished to the City on or before the 1st day of September for each year. The City or any person authorized by the City may examine and audit the books and records of the SCVB at any time during regular business hours. The SCVB shall provide the City a copy of its annual audit, performed by an outside certified public accountant, within five (5) days of receipt of the audit, or December 31st, whichever is earlier. The SCVB director shall furnish the City with minutes of any meeting of the Board and any committees within two weeks of said meeting.

6.

The SCVB shall have the authority to enter into subcontracts or other agreements for administrative, accounting, and other services necessary to carry out the terms of this agreement.

7.

The parties hereto agree to execute any and all documents necessary to carry out the intentions expressed in the agreement, and agree to join in any and all proceedings of any nature, legal or otherwise, should the same be necessary to carry out the intentions expressed herein.

8.

During FY 2021 the Statesboro Convention and Visitors Bureau agrees to work cooperatively with the Main Street Program, Downtown Statesboro Development Authority and the Statesboro Arts Council, Inc. to develop a joint marketing program to better coordinate the

limited resources available for marketing the Statesboro area, particularly the Averitt Center and other downtown attractions. A report outlining the program shall be forwarded to the City upon approval by all three entities.

9.

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10.

All notices to the City shall be sent by registered or certified mail addressed to the City Manager, P.O. Box 348, Statesboro, Georgia 30459, or at such other address as the City shall designate in writing. All notices to the SCVB shall be sent by registered or certified mail to the Executive Director of the SCVB at P.O. Box 1516, Statesboro, Georgia 30459, or at such address as the SCVB shall designate in writing. Notwithstanding any provision in this agreement to the contrary concerning modifications, a change in address may be effected by a registered or certified letter sent by either part to the other.

11.

If any term or provision of this agreement or the application thereof to any person or circumstances shall, to any extent, be declared invalid or unenforceable by a court of competent jurisdiction, the remainder of this agreement, or the application of such term or provision to persons whose circumstances are other than those as to which it is held invalid or unenforceable, shall not be affected thereby.

12.

This contract constitutes the sole and entire agreement between the parties. No modifications hereof shall be binding unless attached hereto and signed by each party, and no representations, promises, or inducements shall be binding upon either party except as herein stated.

13.

The parties hereby warrant and represent that each has the right, power, and authority to enter into this agreement and by entering into this agreement, such party will not be violating any other contract, agreement, order, judgment, decree, or document, written or oral, to which it is a party or by which it is bound.

14.

The SCVB shall comply with all applicable state laws regarding open meetings and open records as codified in the Georgia Open Meetings Act found at O.C.G.A. Section 50-14-1 et. seq. and in the Georgia Open Records Act found at O.C.G.A. Section 50-18-70 et. seq.

In addition, the SCVB shall post on its website the agenda for its Board meeting at least 48 hours in advance of each meeting and make the agenda available to the City of Statesboro City Clerk via email at the same time. Also posted on the SCVB website shall be a list of all upcoming Board meeting dates and times making this information available to the public.

MAYOR AND CITY COUNCIL OF STATESBORO

By: _____
Mayor

Attest: _____
City Clerk

STATESBORO CONVENTION & VISITORS BUREAU, INC.

By: _____
President

Attest: _____
Secretary

CITY OF STATESBORO

COUNCIL

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



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

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

To: City Manager Charles Penny

From: Leah Harden, City Clerk

Date: 06-08-2020

RE: Resolution exempting certain vehicles from marking requirements for one year.

Policy Issue: exempt certain vehicles from markings

Recommendation: Approval

Background: 2001 Session of the General Assembly amended OCGA 36-80-20 to limit the duration of such an exemption to one year, requiring an annual exemption instead of doing it one time as under the previous statute

Budget Impact: None

Council Person and District: N/A

Attachments: Resolution 2020-17

RESOLUTION 2020-17: A RESOLUTION EXEMPTING CERTAIN VEHICLES FROM MARKING REQUIREMENTS
FOR ONE YEAR

THAT WHEREAS, OCGA 36-80-20 requires that all publicly owned vehicles except those in law enforcement or vehicles owned by individuals that are paid with City funds must have a decal on the front side panels; and

WHEREAS, OCGA 36-80-20 allows the City Council to exempt vehicles from these provisions following a public hearing; and

WHEREAS, some employees receive car allowances in lieu of a City vehicle, and desire that these vehicles continue to be exempt from the requirements to have decals; and

WHEREAS, the 2001 Session of the General Assembly amended OCGA 36-80-20 to limit the duration of such an exemption to one year, requiring an annual exemption instead of doing it one time as under the previous statute; and

WHEREAS, the required Public Hearing on this matter was held on June 16, 2020;

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

Section 1. That the following employees' vehicles paid for from car allowances provided as part of their compensation are hereby exempted for a period of one year from the requirement to have decals on the side panels, as authorized by OCGA 36-80-20:

City Manager
Assistant City Manager
Director of Planning and Development
Director of Public Utilities
Director of Human Resources
Public Information Officer
Director of Finance
Director of Central Services

Section 3. That this Resolution shall be and remain effective from and after its date of adoption

Adopted this 16th day of June, 2020

CITY OF STATESBORO, GEORGIA

By: Jonathan McCollar, Mayor

Attest: Leah Harden, City Clerk

CITY OF STATESBORO

COUNCIL

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



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

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

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

From: Owen Dundee, City Planner II

Date: June 5, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Map Amendment*

Recommendation: Staff recommends approval of the zoning map amendment requested by application RZ 20-05-01 with conditions.

Background: Landrum Hodges requests a zoning map amendment of 2.24 acres of property located at 814 South Main Street from R-4 (High Density Residential) to the CR (Commercial Retail) zoning district in order to utilize the property for a commercial land use (Tax Parcel MS52 000027 000).

Budget Impact: None

Council Person and District: Mack (District 3)

Attachments: Development Services Report RZ 20-05-01



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

P.O. Box 348
Statesboro, Georgia 30458

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

RZ 20-05-01 ZONING MAP AMENDMENT REQUEST 814 SOUTH MAIN STREET	
LOCATION:	814 South Main Street
REQUEST:	Zoning map amendment from R4 (High Density Residential District) to the CR (Commercial Retail) zoning district.
APPLICANT:	Landrum Hodges
OWNER(S):	FFF Properties, LLC & S&F Enterprises
ACRES:	2.24 Acres
PARCEL TAX MAP #:	MS52 000027 000
COUNCIL DISTRICT:	District 3 (Mack)

Case # RZ 20-05-01
314 South Main St
Parcel: MS52000027 000

1 inch = 200 feet

City of Statesboro
Department of Planning and Development

PROPOSAL:

The applicant requests a zoning map amendment from the R-4 (High Density Residential) to the CR (Commercial Retail) zoning district in order to allow for a commercial land use, which is not an allowed use under the subject site's current zoning designation.

BACKGROUND:

This property contains a vacant, commercial building. In June 2017, the City received building and Land Disturbance Activity Permit (LDAP) applications for True Value Hardware, but the applications were withdrawn. On August 21, 2018, the Statesboro City Council approved RZ 18-07-01, a zoning map amendment to re-zone the subject property to R-4 in order to allow for the development of a multi-family cottage community. Now, the applicant is requesting that the parcel be re-zoned to CR (Commercial Retail), the subject property's previous zoning designation. Per the applicant, the parcel's existing zoning would not allow for enough density in order for a multi-family residential development to be financially feasible.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	CR (Commercial Retail), EXPT (Exempt)	Automotive Services Facility, Vacant Land
SOUTH:	R4 (High Density Residential District)	Apartment House/Group of Apartment Houses
EAST:	EXPT (Exempt)	Educational Facility
WEST:	HOC (Highway Oriented Commercial)	Automotive Services Facility

The subject property is located within the CR (Commercial Retail) district. Surrounding parcels include two businesses in the automotive repair industry, as well as vacant land and Georgia Southern University Property (See **Exhibit A** –Location Map, **Exhibit B**—Future Development Map & **Exhibit C**—Photos of Subject Site).

ATTACHMENTS: **Exhibit A** (Location Map), **Exhibit B** (Future Development Map), **Exhibit C** (Photos of Subject Site), **Exhibit D** (Survey of the Subject Property)

COMPREHENSIVE PLAN:

The *City of Statesboro 2019 – 2029 Comprehensive Master Plan's* Future Development Map includes the subject site in the following character area:

<u>“Activity Centers/ Regional Centers”</u>	
<i>Vision:</i>	Currently dominated by auto-oriented design and large surface parking lots, the <i>Activity Centers/Regional Centers</i> will evolve into pedestrian-oriented shopping, office, and entertainment places that may also accommodate high-density residential development. Where excess parking is located, infill development can break up large surface lots. Tree plantings and landscaping will be generous to soften the development intensity in these areas. Access to these activity centers will be easily achieved for pedestrians, cyclists, and drivers alike.
<i>Suggested Development & Implementation Strategies:</i>	<ul style="list-style-type: none">• Infill and redevelopment in these areas should occur according to a master plan that allows for mixed uses, transportation choices and urban design that mitigates the appearance of auto-dependence.• Encourage infill, new, and redevelopment to build close to the street.• Evaluate parking ordinances for appropriate standards, including maximum standards and shared parking provisions.• Focus on redevelopment in areas of disinvestment (such as those that have become or are in danger of becoming greyfields). Development strategy should encourage uses and activities that are suitable for the immediately surrounding character areas.• Require shade trees to be planted in parking lots and along highway corridors. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda pages 92-93.</i></p>

The subject area also is located between “Commercial Redevelopment Area #2” and the “University District” character areas.

<u>“Commercial Redevelopment Area”</u>	<u>“University District Area”</u>
<i>Vision:</i> These areas are intended for a varied scale of commercial, retail, and office uses. At the intersection of major thoroughfares, development of large-scaled commercial uses to serve surrounding areas of the City and unincorporated portions of Bulloch County is appropriate. In other areas, smaller scale development containing more local community services is desired. Lastly, this character area incorporates on-site access management features, and uniform building, site, landscaping and sign standards in order to improve function and aesthetics.	<i>Vision:</i> Development within this area, whether on campus or nearby, should focus heavily on pedestrian and bike accessibility, as well as transit. Transitioning the area along the northern side of campus into more active uses, such as residences, educational buildings, activity centers, etc. could significantly bridge the physical gap between downtown and university. This district is anchored by Georgia Southern University. Academic and administrative buildings, residence halls and dorms, student activity centers, cafeterias, performing arts venue, and ancillary buildings are found in the campus core.

In addition, the *2019 – 2029 Statesboro Comprehensive Plan and “Community Goals”* has the following supporting policies:

- “Obtain a greater number and variety of retail establishments to locate within the municipal limits.”
- “Focus retail recruitment efforts to character areas along major thoroughfares as identified in the future development map.”

Statesboro Comprehensive Master Plan, Community Agenda, page 18.

ANALYSIS

COMMUNITY FACILITIES AND TRANSPORTATION:

The subject property falls under the jurisdiction of city utilities, sanitation, and public safety, although the existing commercial building is not currently in use. No significant impact is expected on community facilities or services as a result of this request.

ENVIRONMENTAL:

An additional study may be required to determine the presence of wetlands on the subject property.

ZONING CONSIDERATIONS:

Whether or not to grant a zoning map amendment from the R4 (High Density Residential) zoning district to the CR (Commercial Retail) zoning district.

The request should be considered in light of:

- the standards for determination of zoning map amendments given in Article XX, Section 2007 of the *Statesboro Zoning Ordinance*
- the vision and community policies articulated within the *Statesboro Comprehensive Plan*
- the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*
- the potential for the property to develop and be utilized in conformance with the requirements of the proposed CR (Commercial Retail) district as set forth in the *Statesboro Zoning Ordinance*.

Current Zoning The R-4 (High Density Residential) district allows for any use specifically permitted in the R-3 district as well as apartments and single-family attached dwelling units. However, commercial retail uses are not listed as permissible uses allowed by right in the R-4 district. Those uses are permitted in the CR district.	Requested Zoning The CR (Commercial Retail) district allows for commercial land use, which is the applicant's intended use for the subject property.
---	--

STANDARDS: ZONING MAP AMENDMENT

Article XX, Section 2007 of the *Statesboro Zoning Ordinance* provides **eight (8) standards** for the Mayor and City Council to consider "in making its determination" regarding a zoning map amendment, in "**balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.**" Those standards are as follows:

(1) Existing uses and zoning or (of) property nearby

- a. Existing uses and zoning of property nearby varies. **The surrounding lots are zoned CR (Commercial Retail), R4 (High Density Residential), and EXPT (Exempt)**, and are occupied by automotive repair businesses, high-density multi-family uses, vacant land, and Georgia Southern University.

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

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

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

- a. This request will potentially bring investment into an area where new commercial retail development is needed.

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

- a. The subject site is currently zoned R-4 (High Density Residential). Per Article VII, Section 701, this parcel can currently accommodate a variety of residential uses, similar to some of the surrounding properties. However, commercial retail developments are specifically restricted to CR zoned properties. Under the proposed zoning, the applicant would be able to develop a commercial retail land use.

(5) The suitability of the subject property for the zoned purposes.

- a. There is no indication that the subject property is not suitable for the requesting zoning.

(6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.

- a. Per the applicant, this property has been vacant for approximately five years.

(7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas; and

- a. Impacts on local traffic should be considered.
- b. Positive impact on the existing and future land use patterns as the proposed use is compatible with the surrounding area as well as consistent with the *2019 – 2029 Future Development Map and the Statesboro Comprehensive Plan*.

(8) Consistency with other governmental land use, transportation, and development plans for the community.

- a. The *Statesboro Comprehensive Plan* supports appropriate commercial retail uses within the University District character area. However, any future development plans for the subject property should encourage uses and activities that are suitable for the immediately surrounding character areas.

RECOMMENDATION:

Staff recommends approval of the zoning map amendment requested by application **RZ 20-05-01** with the following conditions.

At the regularly scheduled meeting held on June 2, 2020 at 5:00 PM, the Planning Commission voted 6-0 to recommend approval of the zoning map amendment requested by application **RZ 20-05-01** with the following staff condition(s):

1. Approval of this zoning map amendment does not grant site and/or building plan approval as submitted. Project(s) will be required to meet all City Ordinances and applicable building codes.

EXHIBIT A: LOCATION MAP

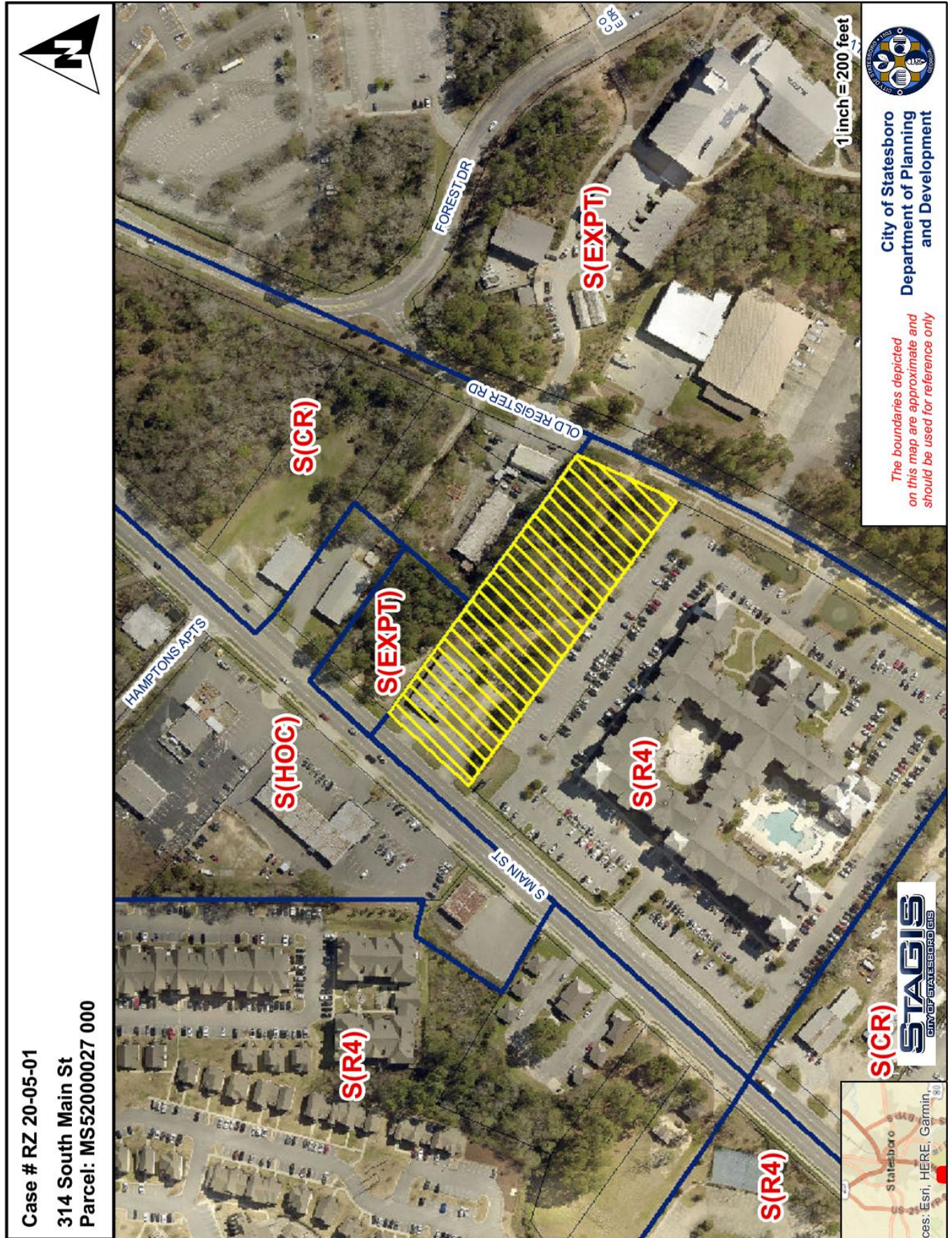


EXHIBIT B: FUTURE DEVELOPMENT MAP

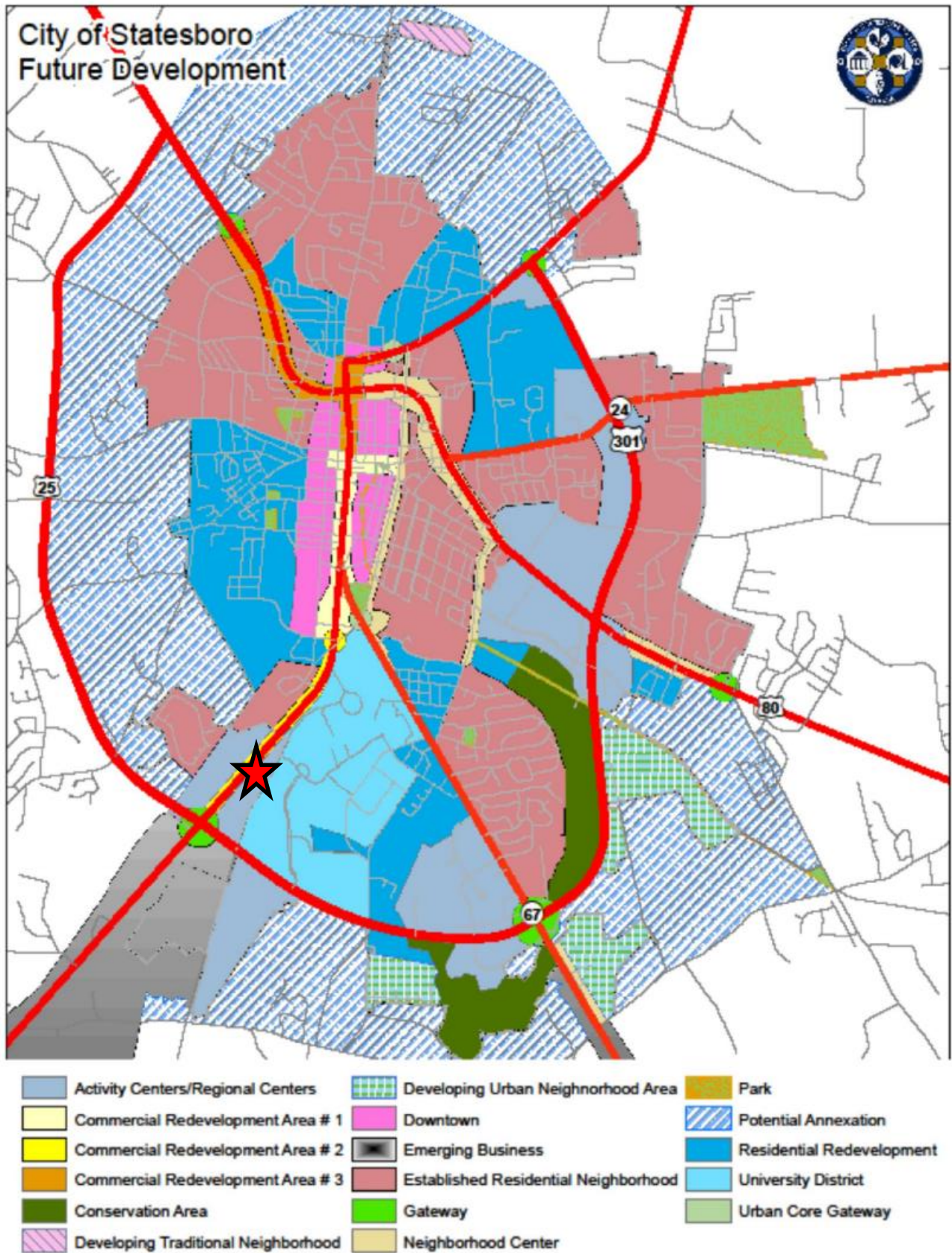


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: Rear view of subject site, looking west from Old Register Road



Picture 2: Looking north, a portion of the subject site's rear view & adjacent property to the north, currently an automotive repair business



Picture 3: Front view of subject site, looking west from South Main Street



Picture 4: Front view of subject site, looking north along South Main Street



Picture 5: Looking West from the subject site, currently an automotive repair business (D&R Car Care II)



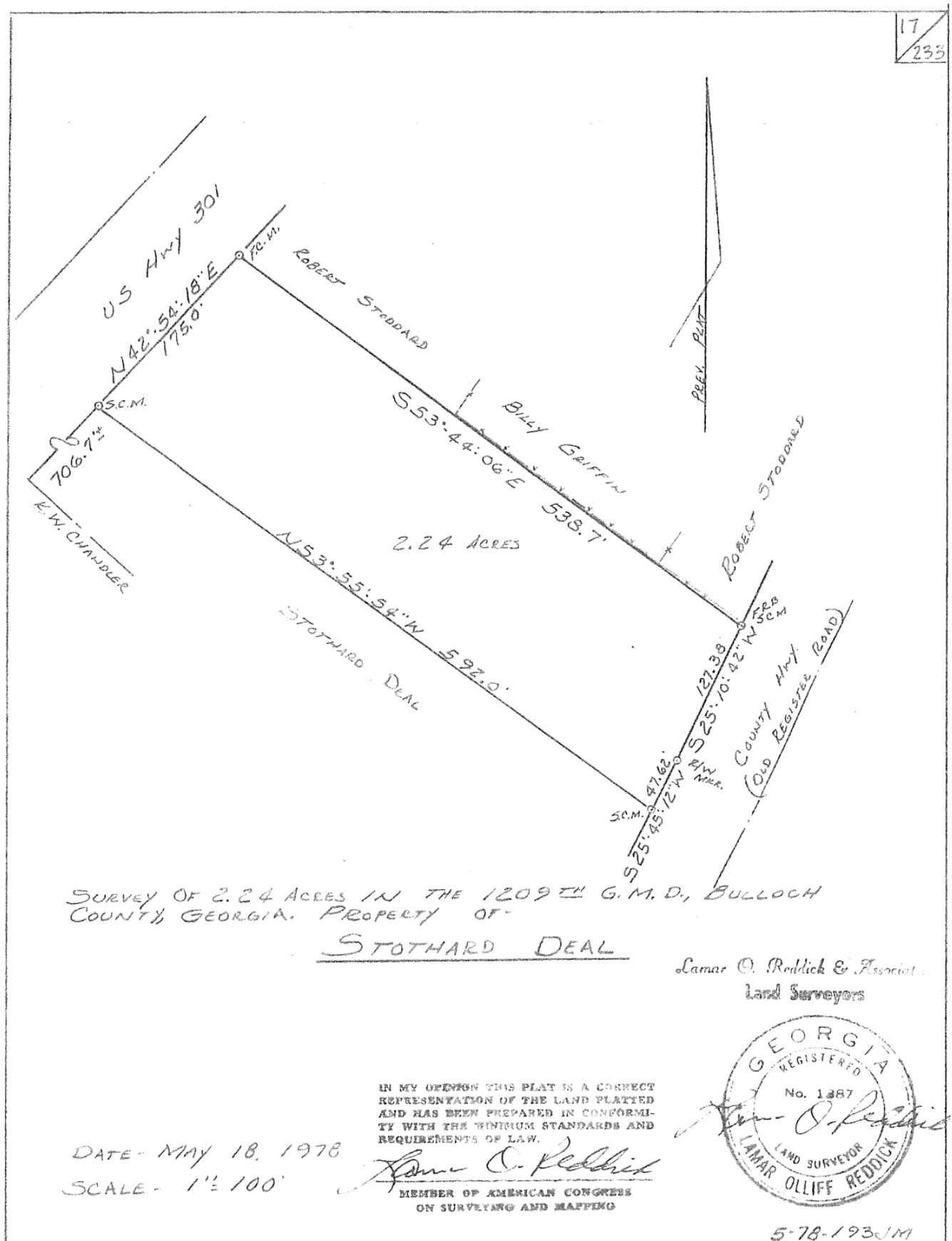
Picture 6: Looking East from the subject site, currently Georgia Southern University property



Picture 7: Looking South from the subject site, currently an apartment community use



EXHIBIT D: Survey of the Subject Property (dated May 18, 1978)



CITY OF STATESBORO

COUNCIL

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



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

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

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

From: Owen Dundee, City Planner II

Date: June 5, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance*

Recommendation: Staff recommends approval of the zoning variance requested by application V 20-05-02.

Background: West District Development, LLC requests a variance from Article XIV, Section 1402 to reduce the minimum lot size requirements for property to be considered for the PUD (Planned Unit Development) zoning district in order to construct a mixed-use development on 5.362 for a combination of parcels addressed South College Street, West Cherry Street and 40 West Cherry Street (Tax Parcel(s) S19 000001 000, S19 000001 A000, S18 000170 000).

Budget Impact: None

Council Person and District: Chavers (District 2)

Attachments: Development Services Report V 20-05-02 & RZ 20-05-03

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
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To: Charles W. Penny, City Manager and Leah Harden, City Clerk

From: Owen Dundee, City Planner II

Date: June 5, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Map Amendment*

Recommendation: Staff recommends approval of the zoning map amendment requested by application RZ 20-05-03 with conditions.

Background: West District Development, LLC requests a zoning map amendment of 5.362 acres located along South College Street from the CBD (Central Business District) to the PUD (Planned Unit Development) zoning district in order to construct a mixed-use development for a combination of parcels addressed South College Street, West Cherry Street and 40 West Cherry Street (Tax Parcel(s) S19 000001 000, S19 000001 A000, S18 000170 000).

Budget Impact: None

Council Person and District: Chavers (District 2)

Attachments: Development Services Report V 20-05-02 & RZ 20-05-03



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

V 20-05-02 & RZ 20-05-03

VARIANCE & ZONING MAP AMENDMENT REQUESTS West District Development – South College Street

LOCATION:	West District Development/South College Street	
REQUESTS:	Zoning Map Amendment from CBD (Central Business District) to PUD (Planned Unit Development) and Variance from Article XIV Section 1402 regarding lot regulations.	
APPLICANT:	West District Development, LLC	
OWNER(S):	West District Development, LLC	
ACRES:	5.362 acres (combined)	
PARCEL TAX MAP #:	S19 000001 000 (3.313 acres) S19 000001 A000 (0.498 acres) S18 000170 000 (1.551 acres)	
COUNCIL DISTRICT:	District 2 (Chavers)	

PROPOSAL & BACKGROUND:

The applicant is in the process of creating a mixed-use development with offices, retail/commercial space, light industrial uses, and residential lofts. Therefore, the applicant requests a variance from Article XIV Section 1402 regarding lot regulations, which requires a minimum lot size of ten (10) acres to be considered for the PUD (Planned Unit Development) zoning district. The applicant is proposing a minimum lot size of 5.362 acres. In addition, the applicant is requesting a zoning map amendment from the CBD (Central Business District) to the PUD (Planned Unit Development) zoning district in order to develop the property as proposed without the extensive administrative processes and expenses required under the current CBD (Central Business District) zoning regulations. On July 26, 2019, City Council voted to approve the site plan and subdivision plat under **CBD 19-06-08**. On November 19, 2019, the developer received CBD architectural plan approval from City Council for an events venue and a commercial building with exterior metal building features under **CBD 19-10-05, CBD 19-10-06, V 19-10-09 & V 19-10-10** (see **Exhibit D—CBD Approved Site Plan, Exhibit E – Parcel #2 and #6 – CBD Approved Architectural Renderings, Exhibit F – Proposed West District PUD Re-Zoning Development Plans**).

Specifically of note in **Exhibit(s) D, E and F:**

- The proposed subject site is less than ten acres in size as required for the Planned Unit Development (PUD) zoning district.
- This development site is currently subject to the Central Business District (CBD) zoning regulations, which requires City Council to approve all new site plans and architectural drawings in order to provide for the orderly development of a major business and commerce area.
- The developer has submitted a proposed rezoning development plan package for consideration under this request. Per Article XIV, Section 1401 of the *Statesboro Zoning Ordinance*, the developer is required to file with the Planning Commission a proposed site plan and detailed description of the structures to be erected, the other facilities of the project and the land uses involved.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CBD (Central Business District)	West District Phase I & II Development Site and US Post Office
SOUTH:	R-8 (Single Family Residential) & R-4 (High Density Residential)	Single-Family Homes
EAST:	HOC (Highway Oriented Commercial)	Religious Facilities (First United Methodist Church)
WEST	LI (Light Industrial) & CBD (Central Business District)	Whitfield Signs Office/Warehouse Building, Open Hearts Community Mission, and West District Phase II Development Site
The subject property is located within the CBD (Central Business District) zoning district. Surrounding properties include the Whitfield Signs Building, the Open Hearts Community Mission, single-family homes, the US Post Office, and a recreational area for a nearby religious facility. (See Exhibit A –Location Map, Exhibit C —Photos of Subject Site).		

ATTACHMENTS: **Exhibit A** (Location Map), **Exhibit B** (Future Development Map) **Exhibit C** (Photos of Subject Site), **Exhibit D** (CBD Approved Site Plan & Current Zoning Exhibit for the West District Development), **Exhibit E** (CBD Approved Architectural Renderings), **Exhibit F** (West District PUD Re-Zoning Development Plans)

COMPREHENSIVE PLAN:

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

"Urban Core/Downtown District"

Vision	The Statesboro Downtown character area includes the central historic portion of Statesboro in the intersecting area of Main Street. The area is intended to be redeveloped to create a central business district including many of the characteristics of a traditional downtown by promoting building, site and street-scape design features that encourage street-level pedestrian activity. The area should support a wide mixture of office and retail uses within structures with the potential for residential uses to be located on the upper floors. It can also include office-related government and institutional uses. Urban building form should be promoted except for properties that contain the City's few remaining historic homes, which should be redeveloped according to their more pastoral character.
Suggested Development & Implementation Strategies	<ul style="list-style-type: none"> • New development should respect historic context of building mass, height and setbacks. • New developments that contain a mix of residential, commercial and/or community facilities at small enough scale and proximity to encourage walking between destinations. • Ensure that future phases of streetscape enhancements are developed in harmony with previous efforts as well as economic development goals of the City and the Downtown Statesboro Development Authority (DSDA) / Main Street Program. • Redevelop warehouses for major employers and tenants to build critical mass downtown. • Develop architectural guidelines to guide new development and renovations of historic buildings. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda pages 84-85.</i></p>

In addition, the *Community Agenda Narrative* of the Comprehensive Plan states the following:

- “Focus redevelopment activity in the central portion of Statesboro to promote a more defined town center.”
- “Utilize the Downtown Statesboro Development Authority Design Standards and Central Business District zoning regulations to protect the design and character of historic structure while providing flexibility in their use”.

Statesboro Comprehensive Master Plan, Community Agenda page 19.

ANALYSIS

COMMUNITY FACILITIES AND TRANSPORTATION:

The subject site is currently served by city services including water, sewer, sanitation, and public safety. No significant impact is expected on community facilities or services as a result of this request.

ENVIRONMENTAL:

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

ZONING CONSIDERATIONS:

Whether or not to grant a zoning map amendment from the CBD (Central Business District) to the PUD (Planned Unit Development) zoning district.

The request should be considered in light of:

- the standards for determination of zoning map amendments given in Article XX, Section 2007 of the *Statesboro Zoning Ordinance*
- the vision and community policies articulated within the *Statesboro Comprehensive Plan*
- the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*
- the potential for the property to develop and be utilized in conformance with the requirements of the proposed PUD (Planned Unit Development) district as set forth in the *Statesboro Zoning Ordinance*.

Current Zoning

The central business district (CBD) can accommodate a variety of business types and some residential uses. These uses include, but are not limited to retail establishments, business offices, food service facilities, places of indoor amusement, hotel, churches, and upper floor apartments. However, new development within the CBD zoning district is required to have City Council approval prior to the issuance of a building permit, thus creating a lengthy administrative and expensive process for the developer.

Requested Zoning

The PUD (Planned Unit Development) district typically offers greater flexibility in development standards than the conventional zoning district. With this flexibility, there is also an opportunity to include housing diversity, mixed uses, and amenities. A PUD should be viewed as an alternative available for regulating development when existing land use regulations are not adequate for a particular development, such as the proposed West District Development, which is the applicant's intended use.

STANDARDS: ZONING MAP AMENDMENT

Article XX, Section 2007 of the *Statesboro Zoning Ordinance* provides **eight (8) standards** for the Mayor and City Council to consider “in making its determination” regarding a zoning map amendment, in “**balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.**” Those standards are as follows:

(1) Existing uses and zoning or (of) property nearby

- a. Existing uses and zoning of property nearby varies. The surrounding lots are zoned CBD (Central Business District), R-4 (High Density Residential), R-8 (Single-Family Residential) LI (Light Industrial) and HOC (Highway Oriented Commercial), and are occupied by single-family residential uses, the Whitfield Signs Building, Open Hearts Community Mission, the US Post Office, an existing warehouse building, and a religious facility's recreational area.

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

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

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

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

- a. This request would provide the applicant an opportunity to serve community members while contributing with a mixed-use development in the Downtown District as encouraged by the *Statesboro Comprehensive Plan*.

(5) The suitability of the subject property for the zoned purposes.

(6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.

(7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas; and

- a. Impacts on local traffic should be considered.
- b. Positive impact on the existing and future land use patterns as the proposed use is compatible with the surround area as well as consistent with the *2019 – 2029 Future Development Map* and *Statesboro Comprehensive Plan*.

(8) Consistency with other governmental land use, transportation, and development plans for the community.

- a. Use of the property as mixed-use development is consistent with the vision and guiding principles of the “Urban Core/Downtown” character area as articulated within the *Statesboro Comprehensive Plan*, which promotes mixed-use development.

VARIANCE ANALYSIS

I. Variance from Article XIV: Section 1402: Lot regulations. (V 20-05-02)

The applicant is requesting a variance from Article XIV: Section 1402, Lot Regulations, which states: “The provisions of this section may be applied upon application of the owner, to any lot exceeding ten acres in size. The owner shall file with the planning commission a proposed site plan and detailed description of the structures to be erected, the other facilities of the project and the land uses involved. In addition, he shall furnish such other information as the planning commission may reasonably require. In acting upon the application, the planning commission may alter setback requirements, height limits, building size limits, off street parking regulations, landscaping rules and density and intensity limits but only with approval from the zoning board of appeals”.

The variance in question is regarding the total portion of the subject site regulated by the CBD zoning district, which is proposed to be approximately 5.362 acres. The subject site is approximately 4.638 acres less than the minimum 10 (ten) acres required to be considered for the planned unit development (PUD) zoning district (see **Exhibit F – West District PUD Re-Zoning Development Plans**).

The *Statesboro Zoning Ordinance* provides for the award of variances by the City Council from the zoning regulations, stating, “approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done.”

Article XVIII, Section 1801 states that the Mayor and Council [should] consider if the following are true in its consideration of a variance request:

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

RECOMMENDATION:

Staff recommends overall approval of the PUD requested with conditions.

Staff recommends approval of the variance requested by **V 20-05-02**.

At the regularly scheduled meeting held on June 2, 2020 at 5:00 PM, the Planning Commission voted 6-0 to recommend approval of the zoning variance requested by application **V 20-05-02**.

Staff recommends approval of the zoning map amendment requested by **RZ 20-05-03** with conditions.

At the regularly scheduled meeting held on June 2, 2020 at 5:00 PM, the Planning Commission voted 6-0 to recommend approval of the zoning map amendment requested by application **V 20-05-03** with the following staff condition(s):

- (a) Staff approval of the PUD site plan dated July 16, 2019 and the corresponding development plan package included within this staff report under **Exhibit F – “West District PUD Re-Zoning Development Plans”**.
- (b) As applicable, the by-laws, restrictive covenants, and property owner’s association legal instruments shall be updated and recorded prior to the issuance of a certificate of occupancy for any new building and/or structure within the development.
- (c) Approval of this zoning map amendment is based on the development’s site plan under **Exhibit D**. Each parcel shall be required to submit building and/or site plans for review and approval. Project(s) will be required to meet all City Ordinances and applicable building codes.
- (d) Subdivision, design, and development of the property shall be in conformance with the requirements of the Statesboro Subdivision Regulations and all other development standards of the City of Statesboro.
- (e) Signage for this PUD zoning district and “Parcel #10” shall be limited to that of Sign District #3 regulations with the following exceptions:
 - a. If any future signage variances are required for the West District Development, then the signage requests shall proceed via the administrative variance process under Article XXIX of the *Statesboro Zoning Ordinance*.
 - b. All signage included within **Exhibit F – “West District PUD Re-Zoning Development Plans”** shall be approved under this PUD zoning district upon the review and approval of a sign permit application package.

- (f) Development site shall be required to meet all requirements of *Chapter 86, Article II – Urban Forest Beautification and Conservation of the Statesboro City Code*. No requests for a variance shall be permitted by the tree board for this zoning condition.
- (g) Prior to the issuance of any building permits within the West District development, the Director of Public Works and Engineering shall review and approve a sanitation plan, which shall adequately serve all of the West District Development uses per City standards.
- (h) This PUD zoning district shall be limited to the land uses allowed under *Article VIII, Section 801 of the Statesboro Zoning Ordinance*. Restaurant and loft-style apartment uses are preferred.
- (i) This PUD zoning district approval is conditioned on the proposed development providing “The Yard” section of the West District development and/or a similar community amenity as approved by the Zoning Administrator.

EXHIBIT A: LOCATION MAP



EXHIBIT B: City of Statesboro' 2019 – 2029 Comprehensive Plan Future Development Map

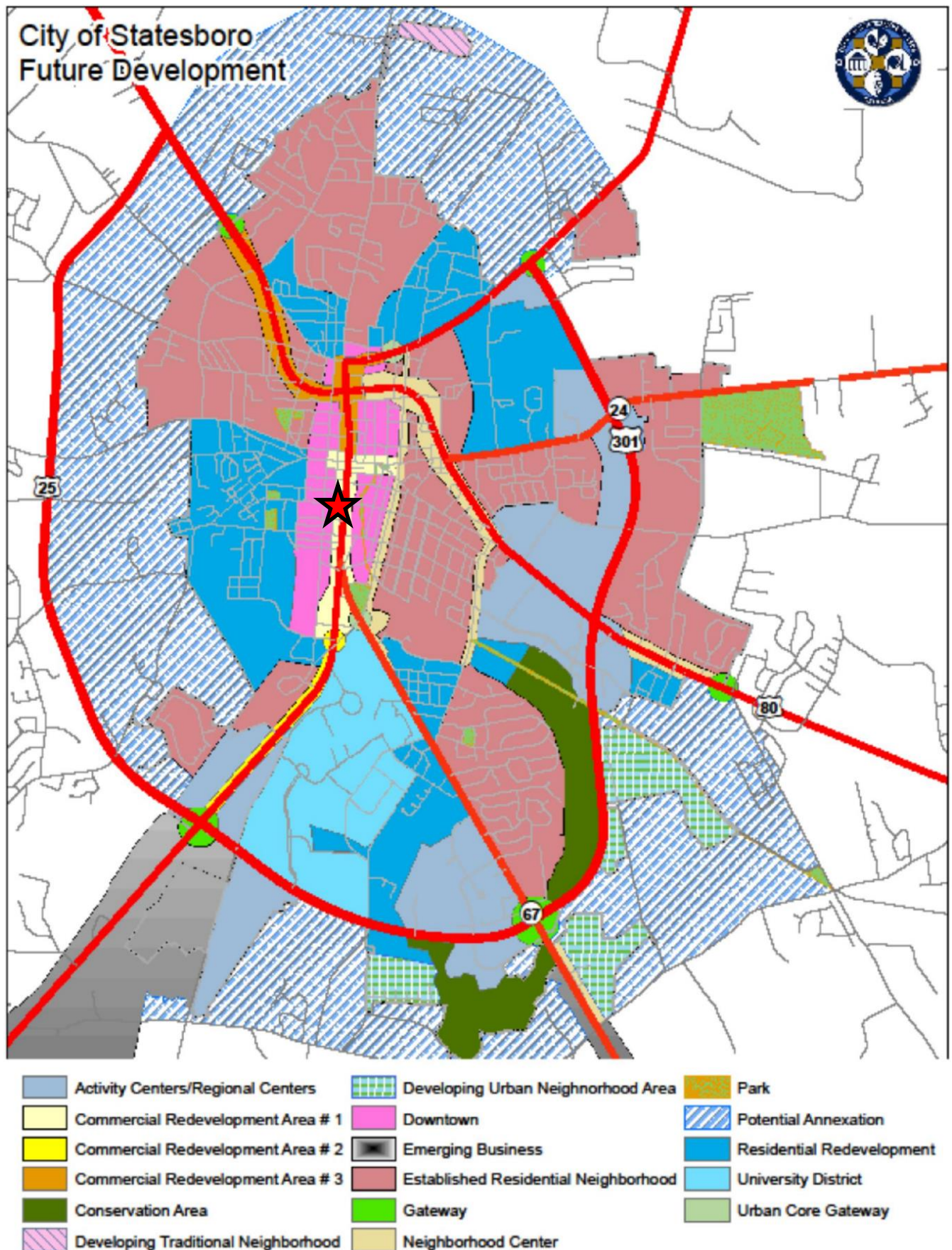


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: Views of the subject site, looking west from South College Street, Also, a view of the land areas being requested under **V 20-05-02 & RZ 20-05-03**.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (CONT'D)

Picture 2: Looking south from the subject site, Open Hearts Community Mission.



Picture 3: Looking North from the subject site, currently a US Post office.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (CONT'D)

Picture 4: Looking east from the subject site, First United Methodist Church's property and childcare facilities.



Picture 5: Looking south from the subject property, single-family residential uses. These parcels occupied by these single-family homes were recently re-zoned to R-4 (High Density Residential) under **RZ 19-09-09 & RZ 19-09-10** (110 & 116 Bulloch Street).



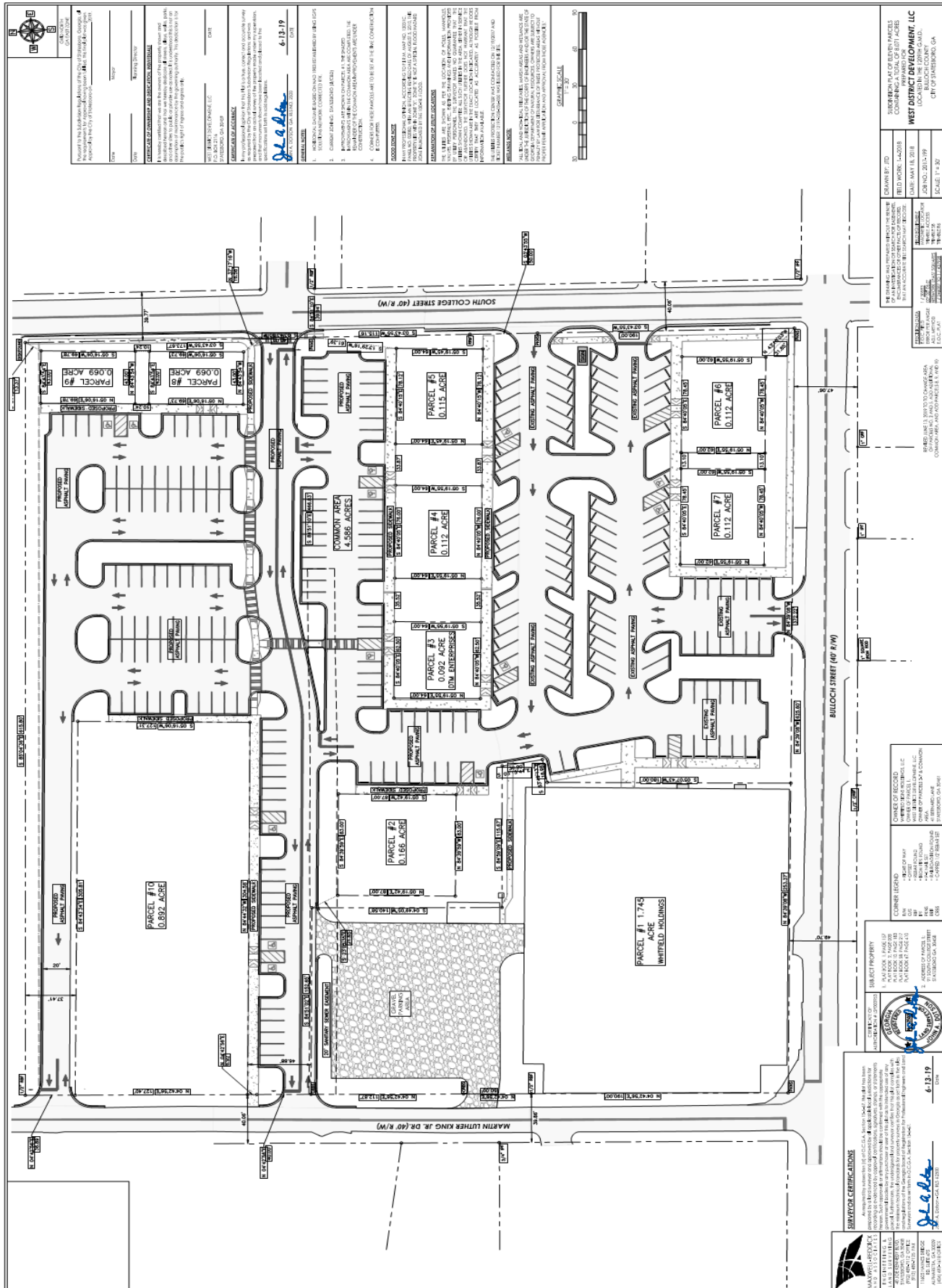
EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (CONT'D)

Picture 6: View of the surrounding properties, looking north on South College Street from the subject site.



Picture 7: View of the subject site's western property line boundary, looking north along Martin Luther King Jr. Drive and illustrating the area of a recently approved sidewalk variance under V 19-06-06.

EXHIBIT D: CBD Site Plan (City Council approved on July 16, 2019 under RZ 19-06-01)



Development Services Report
Case V 20-05-02 & RZ 20-05-03

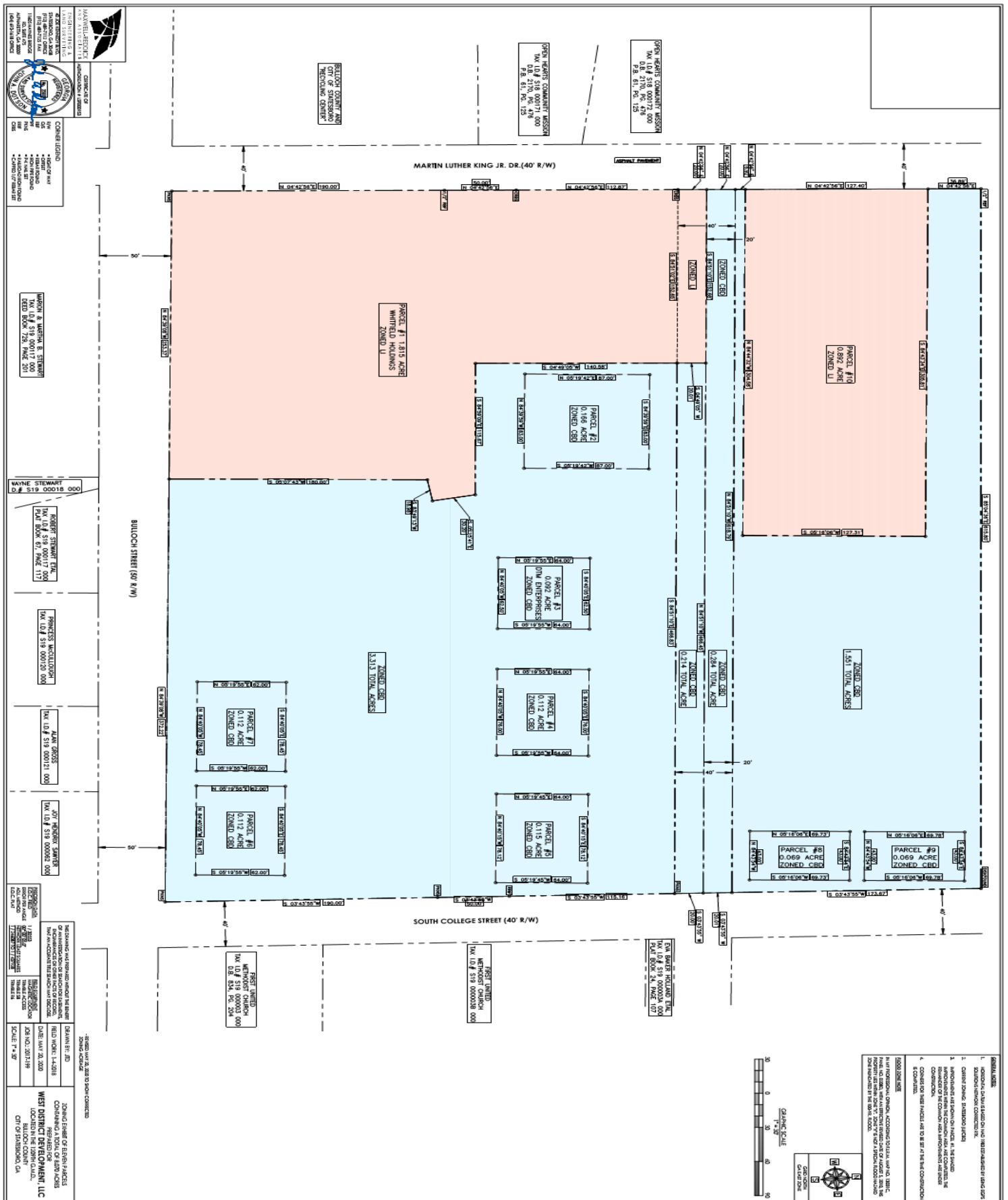


EXHIBIT E: CBD Architectural Renderings (approved by City Council on August 19, 2020)

Parcel #2 – Events Venue – “The Yardhouse”



YARDHOUSE- FRONT ELEVATION



YARDHOUSE- THE YARD SIDE ELEVATION

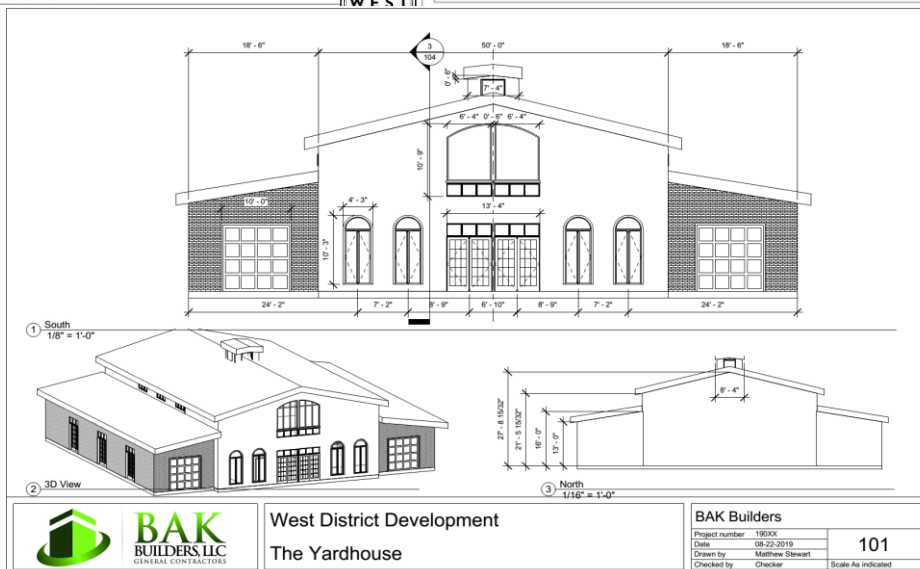
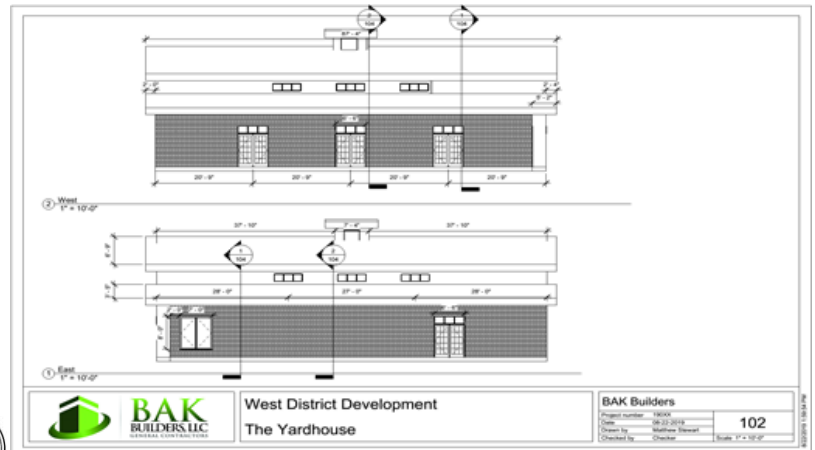


EXHIBIT E: CBD Architectural Renderings Cont'd (approved by City Council - August 19, 2020)

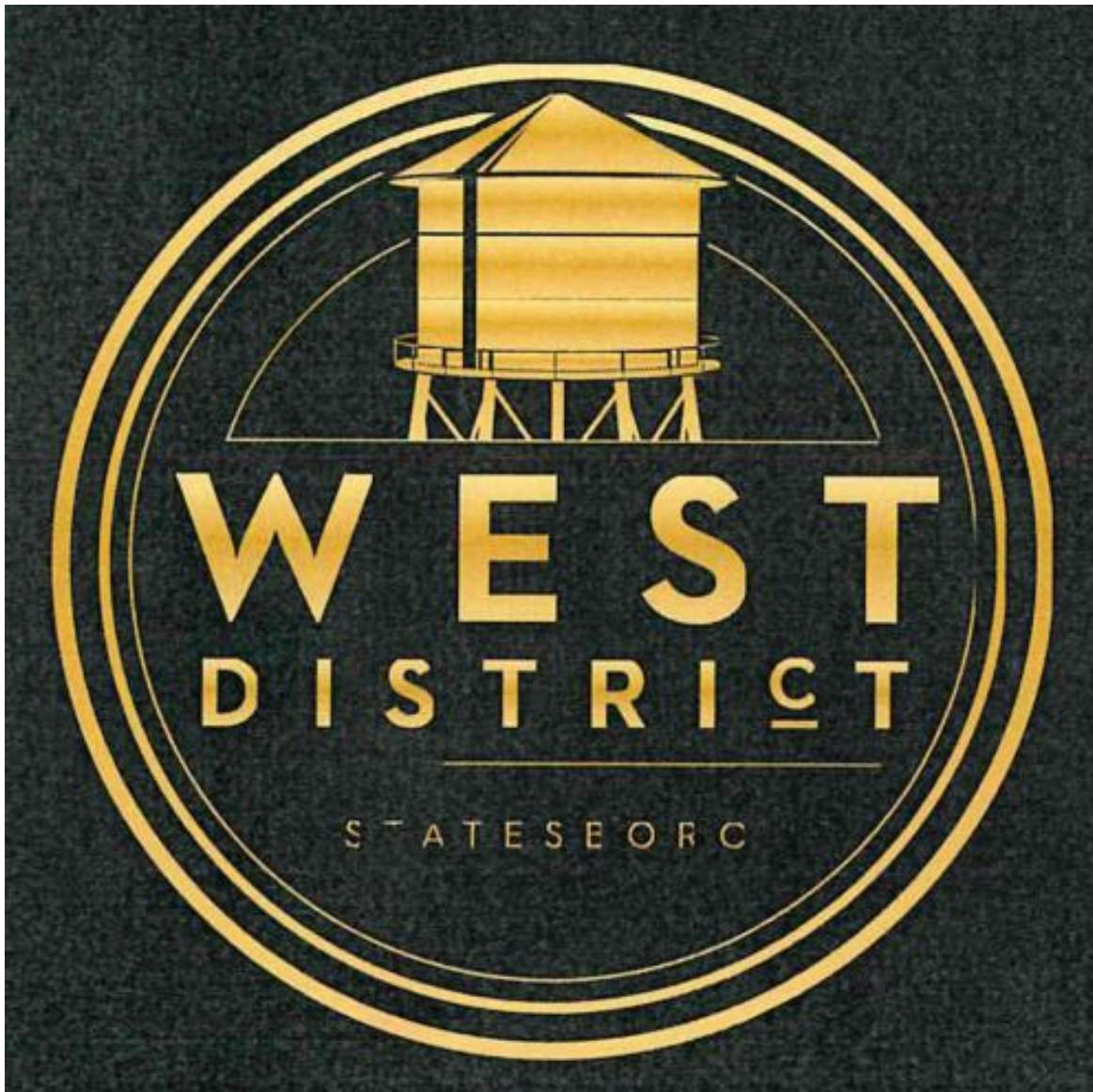
Parcel #6 – Office/Commercial Building

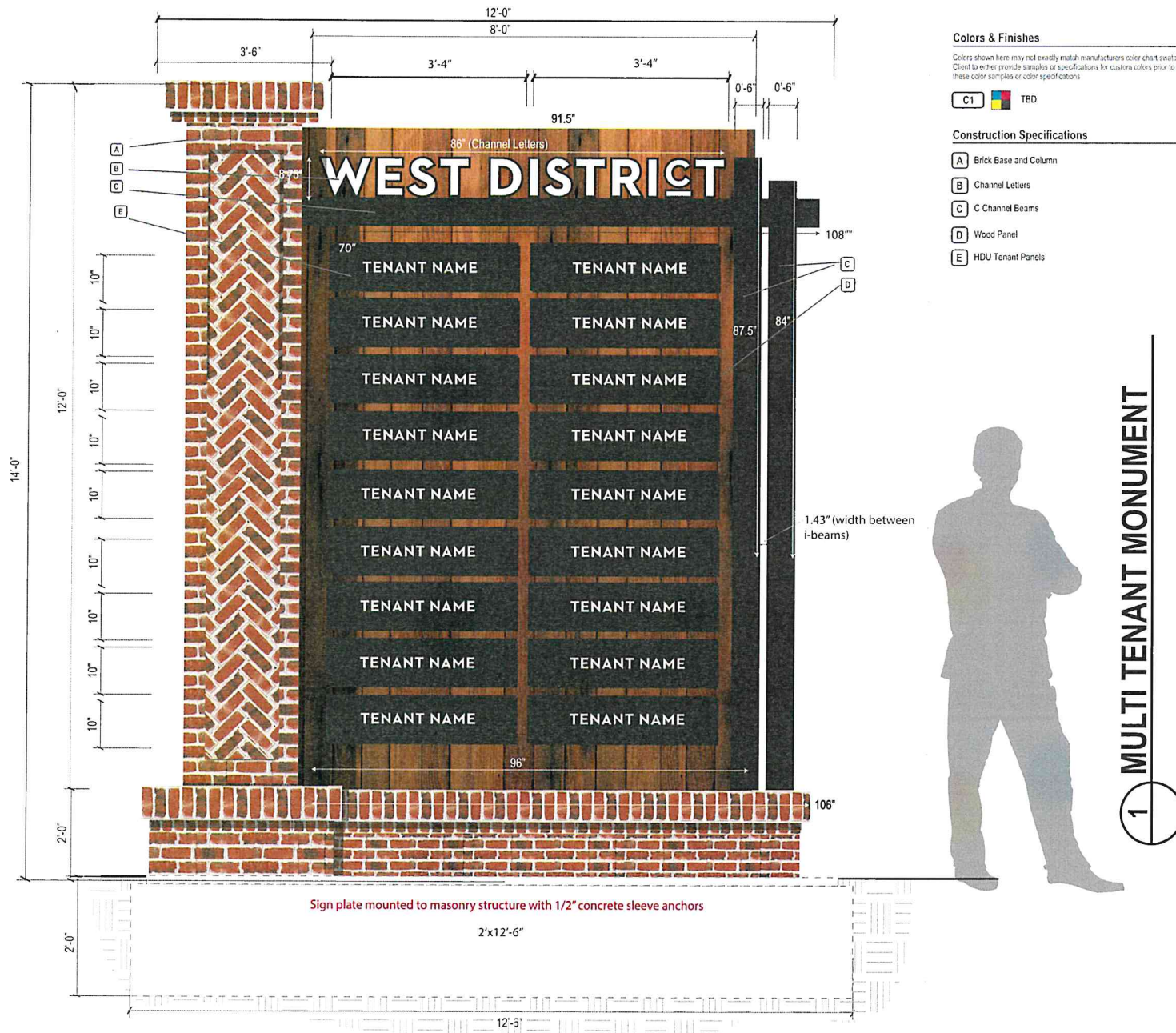


EXHIBIT F: West District PUD Re-Zoning Development Plans



REZONING DEVELOPMENT PLANS





Colors & Finishes

Colors shown here may not exactly match manufacturers color chart swatch or actual sample. Client to either provide samples or specifications for custom colors prior to production or approve these color samples or color specifications.

C1 TBD

Construction Specifications

- A Brick Base and Column
- B Channel Letters
- C Channel Beams
- D Wood Panel
- E HDU Tenant Panels



41 Bernard Lane
Statesboro, GA 30461
912.681.6338

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Project Name
West Monument

Project Contact
Josh Whitfield

Drawn By
ERJP

Date
9.19.18

Revisions
4.28.2020



Drawing Status

☐ NO EXCEPTIONS NOTED

☐ EXCEPTIONS NOTED

☐ REJECTED

☐ RESUBMIT

Approval Signature

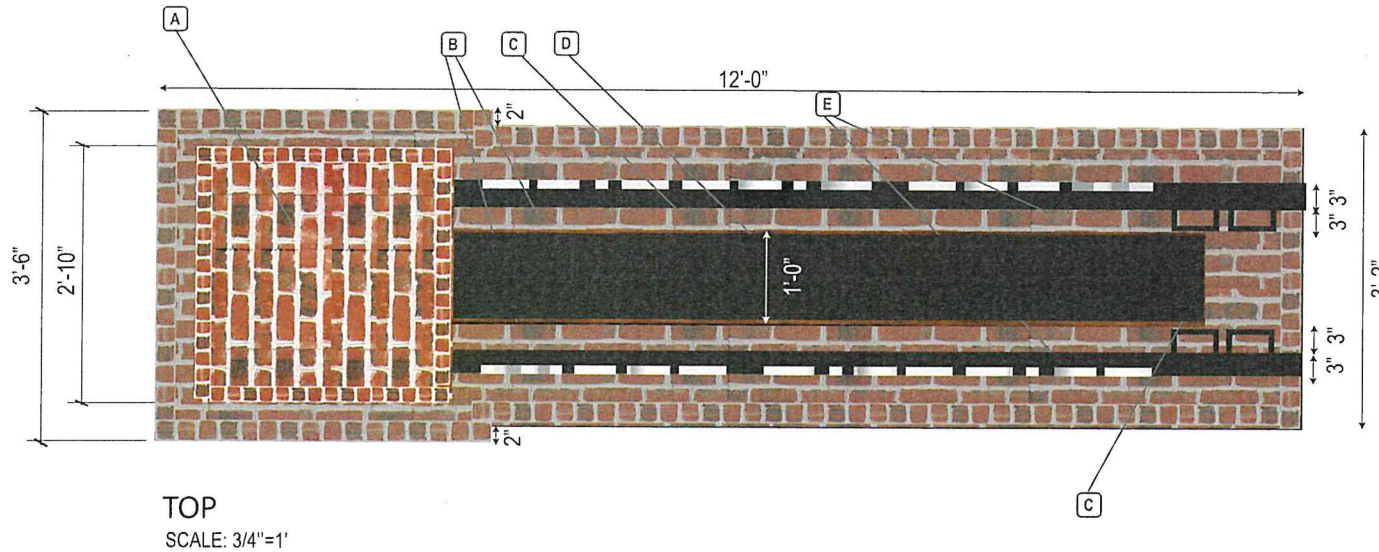
Approved By Date

Filename/Path
West Rezoning v1

Drawing Type

☒ Preliminary

☐ Production



Colors & Finishes

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C1 TBD

Construction Specifications

- A Brick Base
- B Channel Letters
- C Channel Beams
- D Wood Panel
- E HDU Tenant Panels



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☐ RESUBMIT

Approval Signature

Approved By _____ Date _____

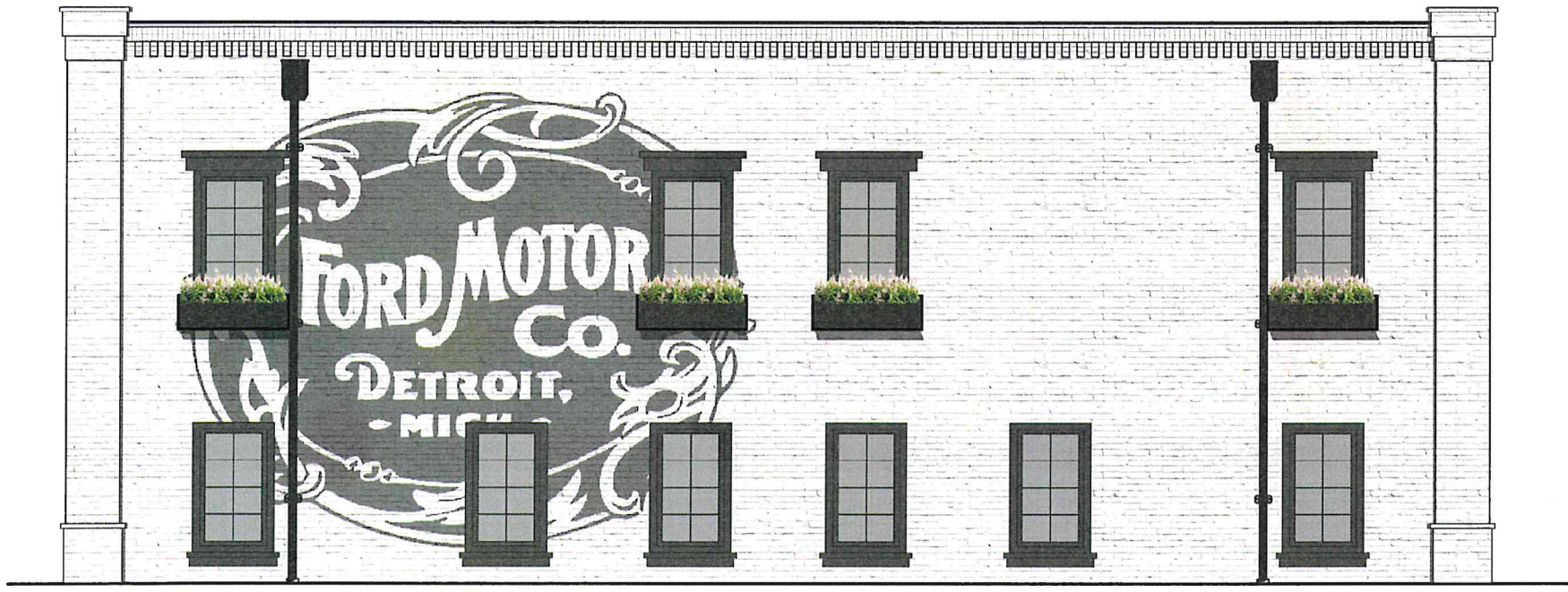
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West Rezoning v1

Drawing Type
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☐ Production

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C1 Digitally Printed Vinyl



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Drawing Status

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- ☐ EXCEPTIONS NOTED
- ☐ REJECTED
- ☐ RESUBMIT

Approval Signature

Approved By _____ Date _____

Filename/Path
West Rezoning v1

Drawing Type

- ☒ Preliminary
- ☐ Production



176.75"



41.875"

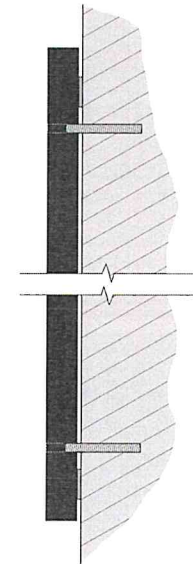
Colors & Finishes

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- C1 CMYK 7 11 13 0
- C2 Pantone 7735 CP
- C3 Pantone 5565 CP

Construction Specifications

- A Painted HDU
- B Inlayed Painted Acrylic
- C Mounting- secured with thru bolts/fasteners to brick, plugged to conceal fasteners with color matched HDU plugs; adhesive provisions could be required



2 Side View
Scale: NTS

HDU Panel- Main ID



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ERUP

Date
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Revisions
4.28.2020



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☐ REJECTED
☐ RESUBMIT

Approval Signature

Approved By _____ Date _____

Filename/Path
West Rezoning v1

Drawing Type
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☐ Production

5



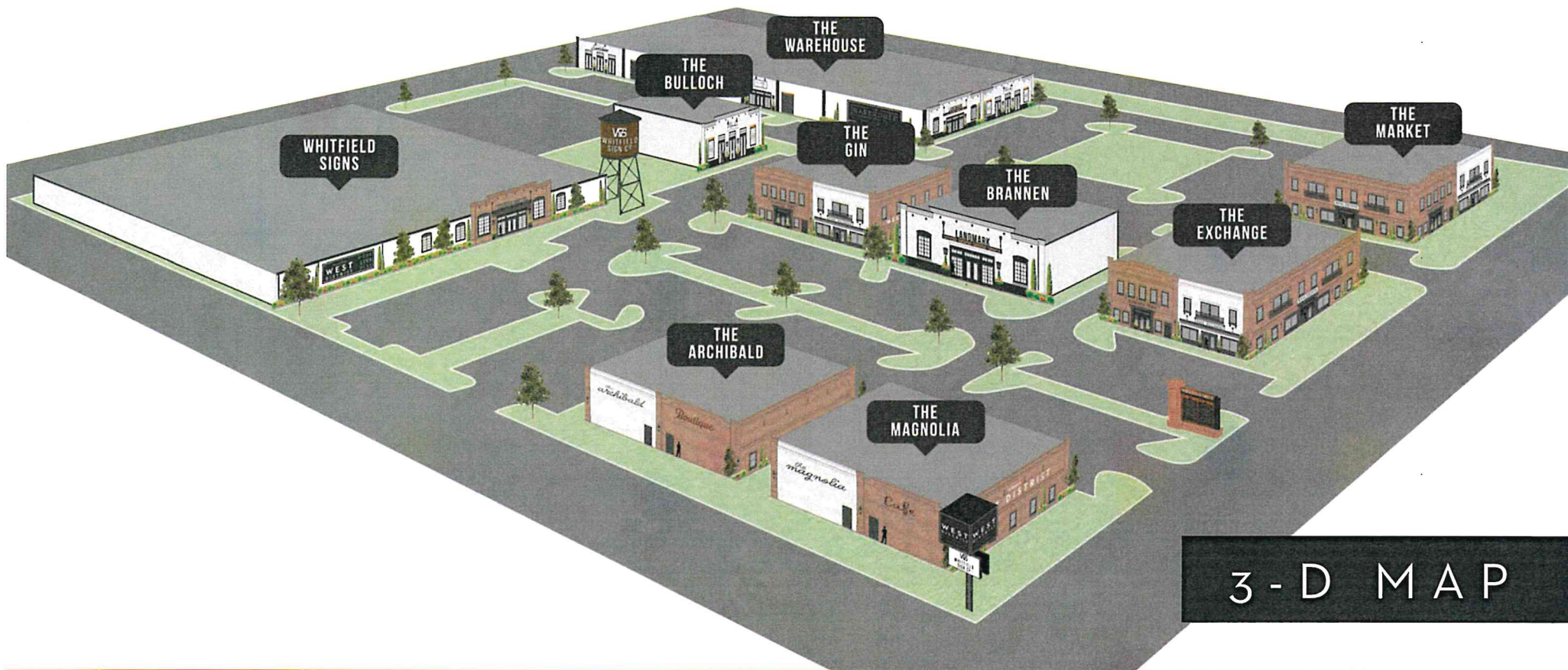
WEST DISTRICT

The West District is part of a rich history in Statesboro, Georgia. For decades, the site was home to a large tobacco warehouse before it was turned into The West Building Supply. Today, that history and architecture is being revived to become a state of the art work, live and play development. This site will offer professional office space downtown with parking and commercial sites to serve those businesses. The West District is offering ready to build pad sites, office space for lease and lofts for lease.

Location is everything and being at West will put you in walking distance to local boutiques, delectable dining, the galleries and stage of the Averitt Center of the Arts, the Statesboro Public Library, Georgia Southern University's City Campus, weekend farmers markets, festivals and so much more.

Downtown Statesboro is a blend of historic southern charm and a smart college town vibe. With the 2010 census, Statesboro was named the sixth fastest-growing city of our type in the nation. The city population now tops 29,000, while the Georgia Southern campus adds 20,000 students - all within minutes of the West District.

WORK • LIVE • PLAY



EXPERIENCE WEST

Everything is an experience when you come to West. We are inspired by the rich history this site has to offer. We plan to continue to make history by bringing the community together at West District. In doing so, we plan on having multiple events to create an exciting and contagious atmosphere. The unique architecture of the buildings and Water Tower create an exciting environment for your future work, live, play environment.



WORK • LIVE • PLAY



This site will offer modern office spaces with parking as well as commercial sites to serve those businesses. We have ready-to-build pad sites, office space for lease, and lofts for lease. Businesses locating to West District will experience more than a modern office environment surrounded by historic charm.

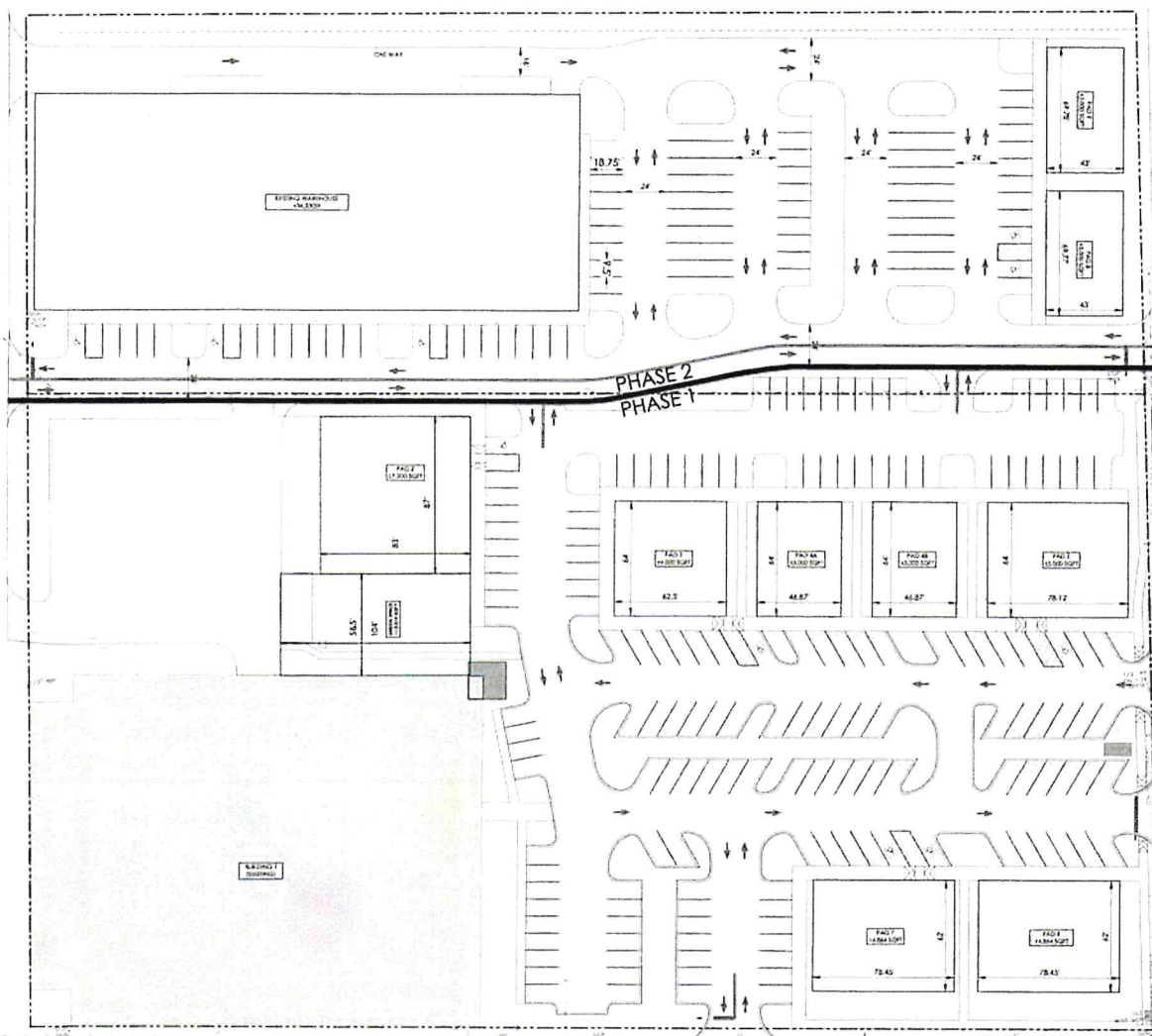


Living in The Lofts at West will put you in walking distance to local boutiques, dining, weekend farmer's markets, and activities. The Lofts at West will feature open floor plans with reclaimed wooden beams and brick walls with all of the modern amenities.



With restaurants, office space, The Lofts, The Yard, Food Truck Friday, parking, and other monthly activities, West District is primed to make downtown Statesboro the place you'll want to live, work and especially play.

SITE MAP



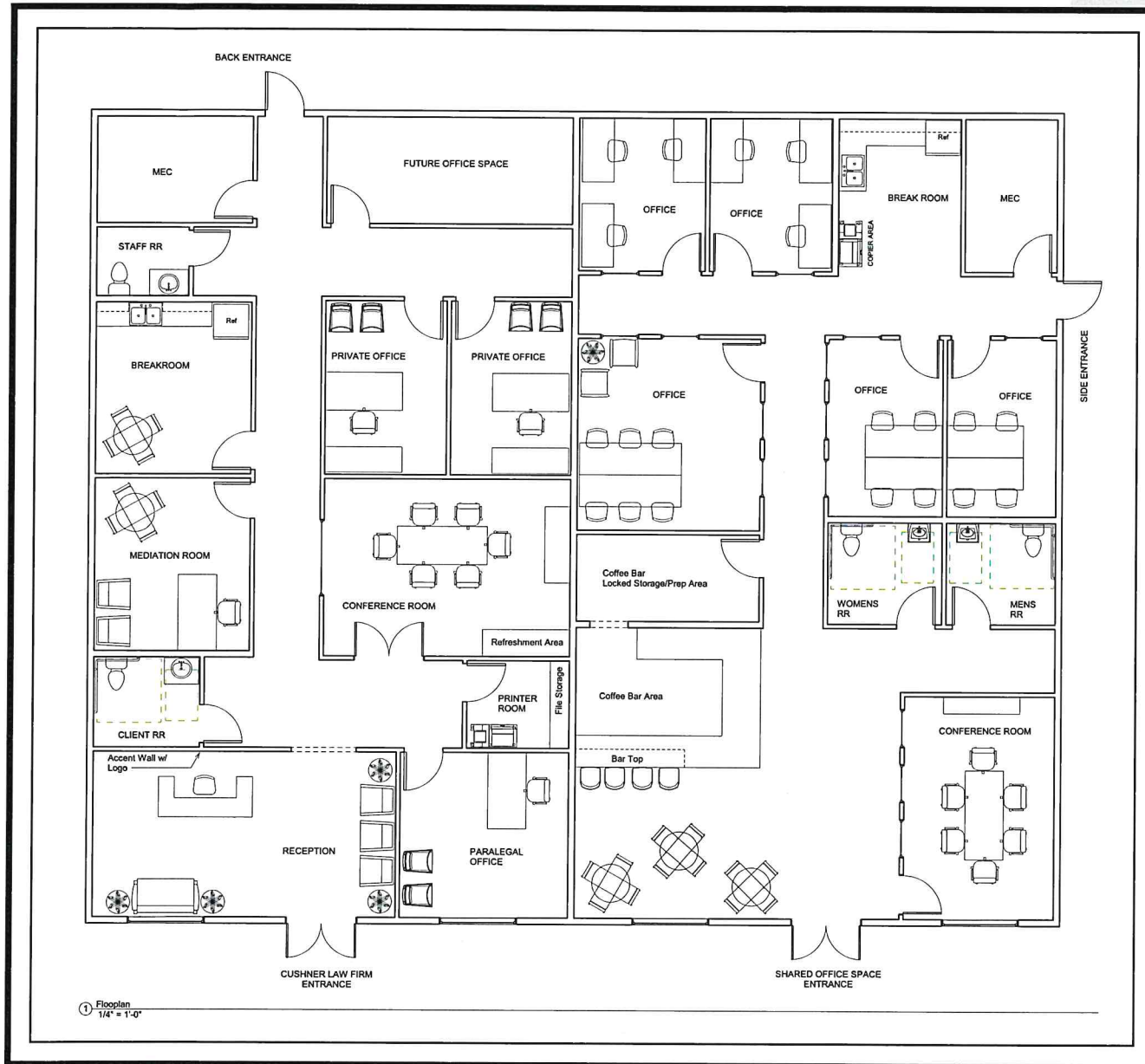
THE ARCHIBALD



EAST ELEVATION

WEST ELEVATION





THE ARCHIBALD



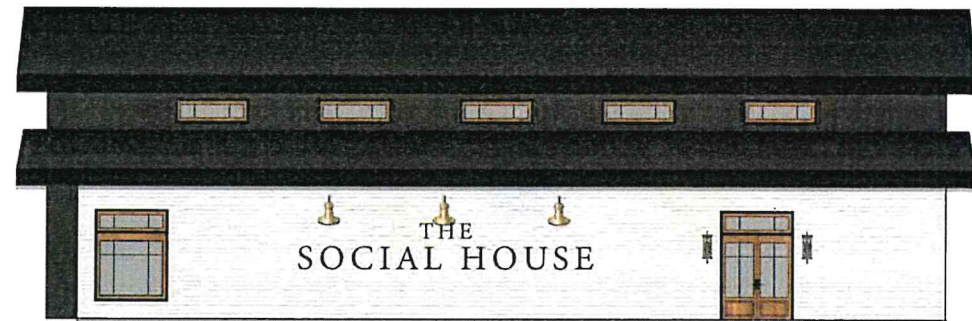
THE SOCIAL HOUSE

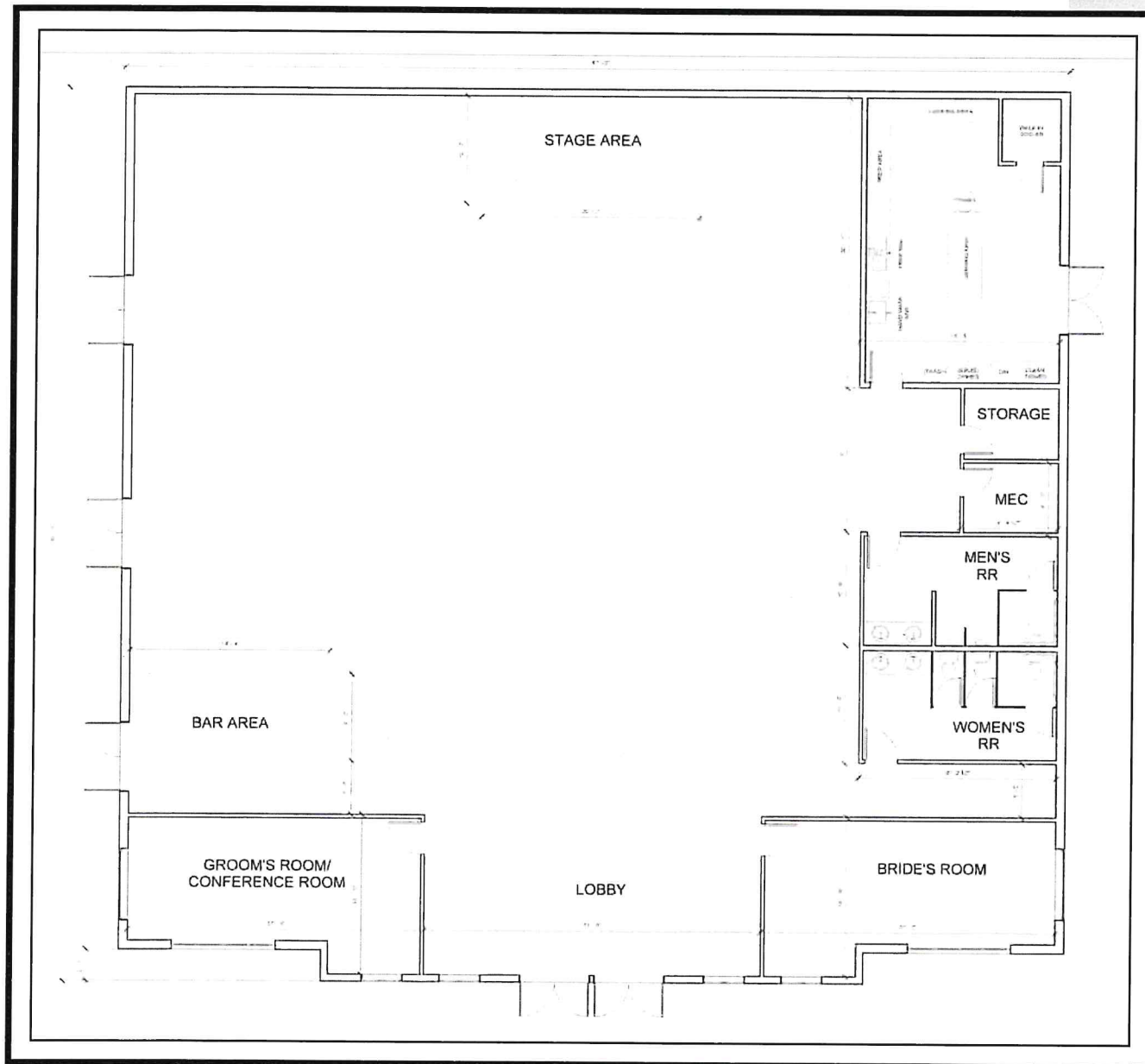


EAST ELEVATION



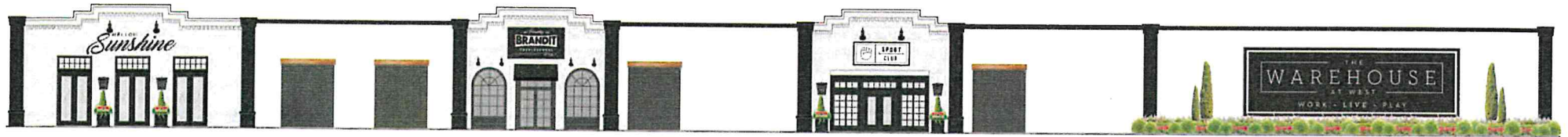
WEST ELEVATION



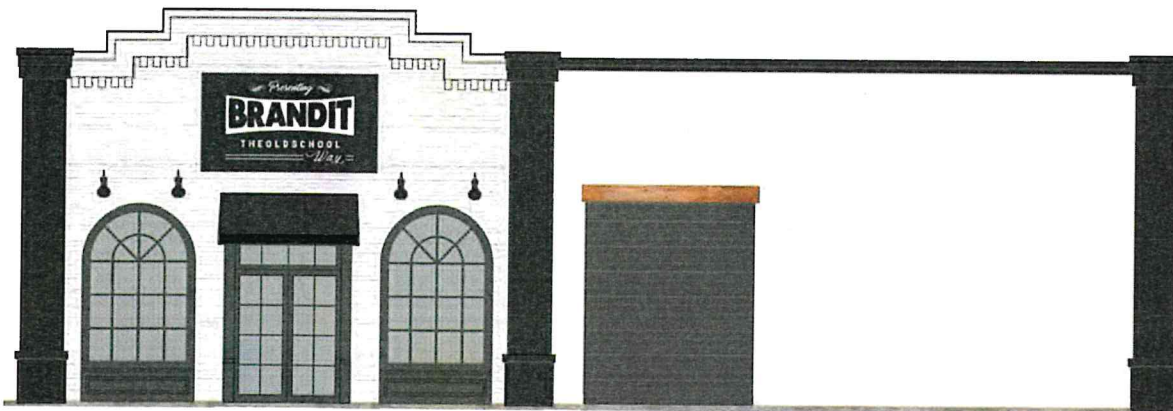


THE SOCIAL HOUSE

THE WAREHOUSE



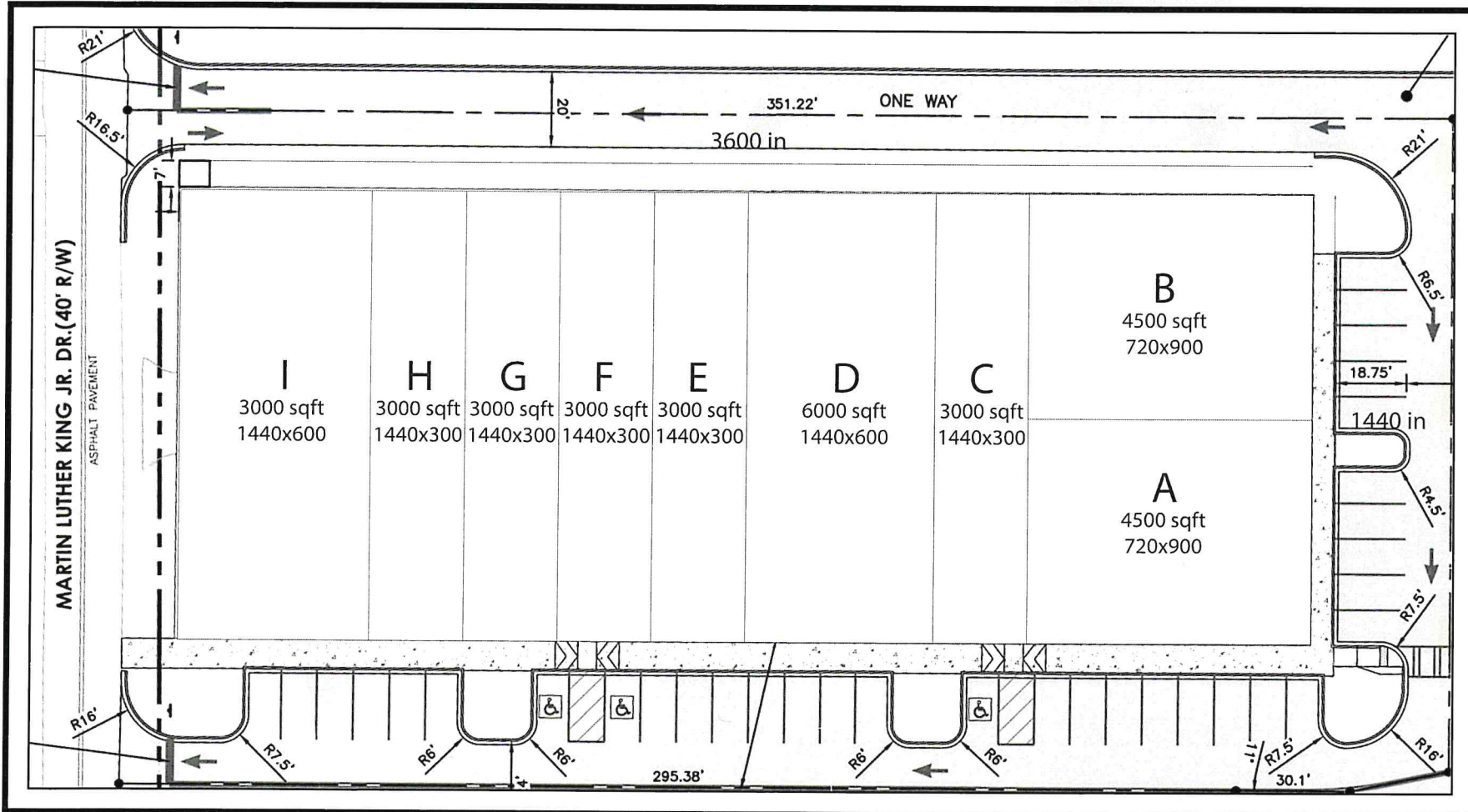
CHERRY STREET ELEVATION



CHERRY STREET

FRONT ELEVATION





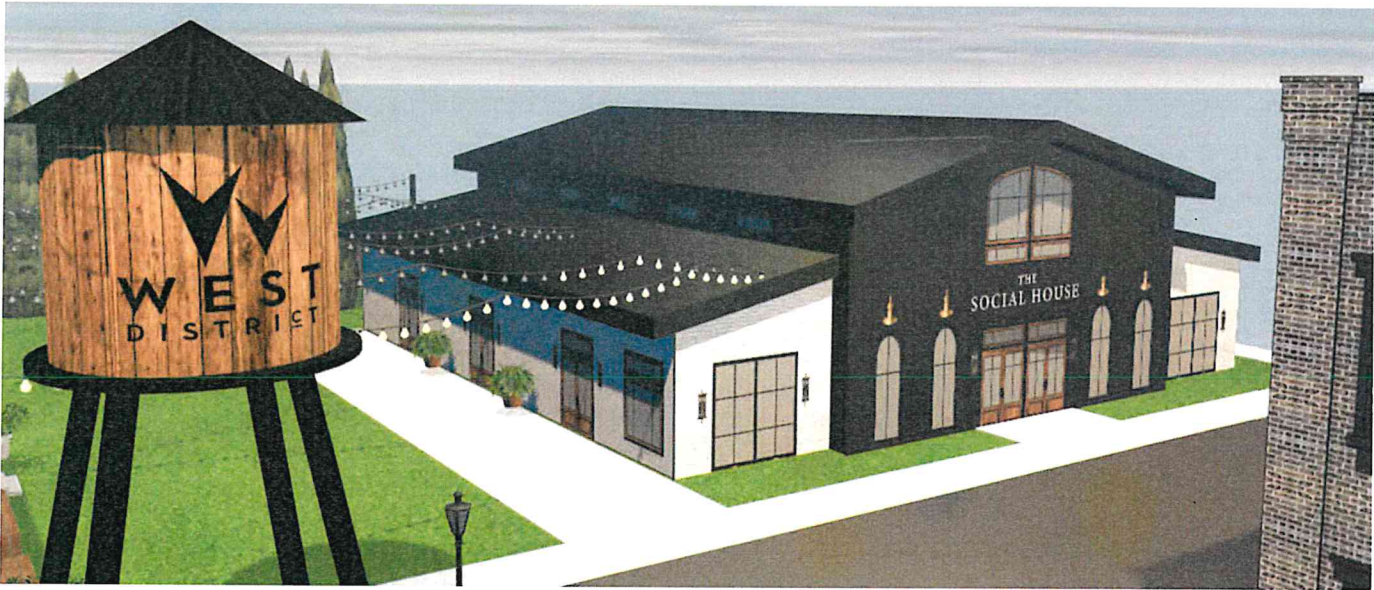
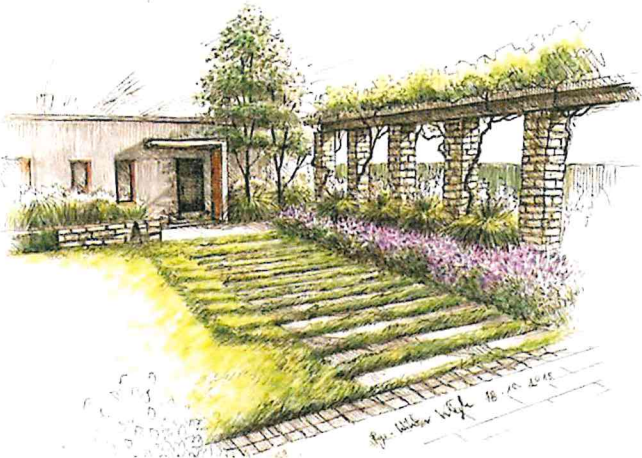
THE WAREHOUSE

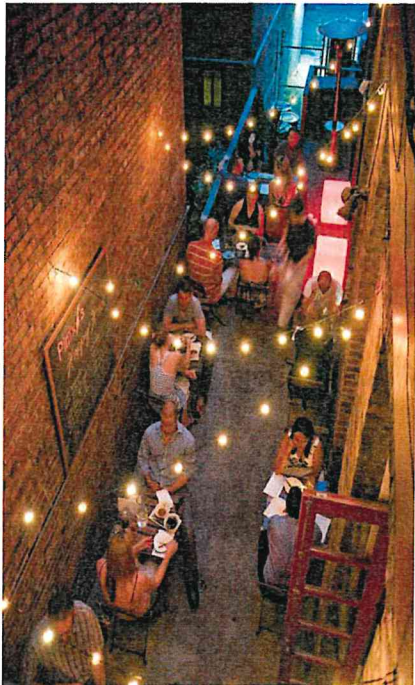
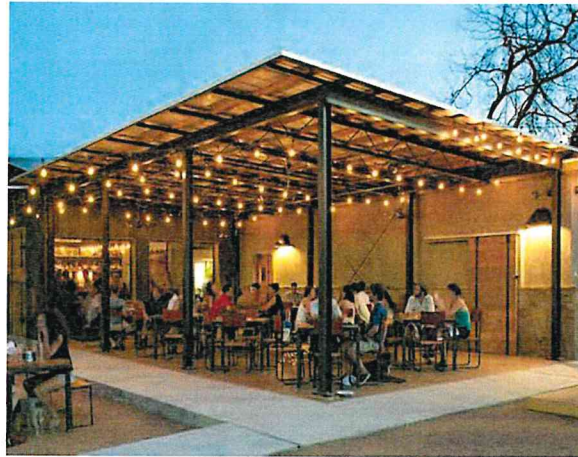
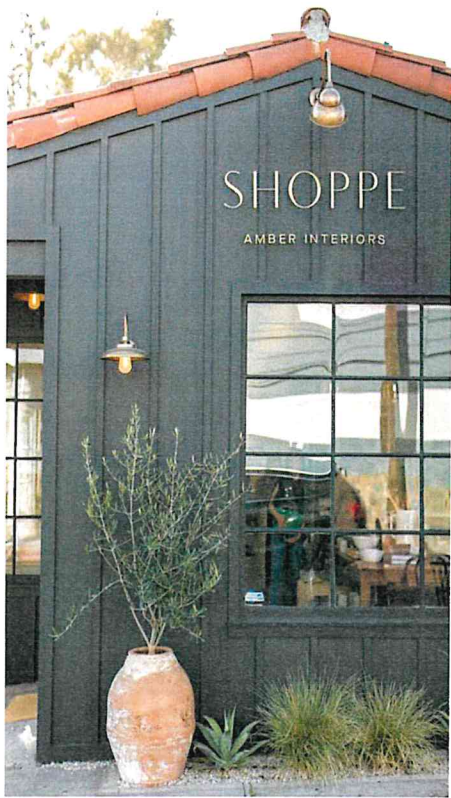
The Warehouse will be a multifunctional space for its tenants. These spaces will be ideal for professionals needing a showroom/office space combination along with a warehouse/storage space featuring a roll up door.



THE YARD

The Yard is a multi-function space that will host an array of events. There will be open mic nights, food truck Fridays, movies on the lawn and much more. When events aren't going on, this area will be available as an outdoor workspace or hangout. Located next to an event venue, The Social House, The Yard will allow for renters to have an outdoor cocktail hour giving the space indoor and outdoor capabilities.





RESTAURANT ROW

By bringing multiple restaurants to the development a hub will be created. This will steer consumers in the direction of the development no matter what they are craving. Restaurant Row will help create a sense of neighborhood within the development making it so the restaurants and development mutually benefit from one another.

FOOD TRUCKS

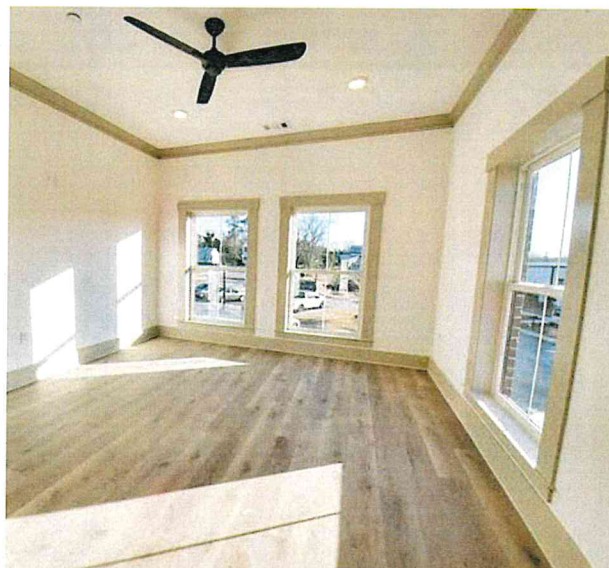
Food trucks will be a crucial part to events at West District. There will be designated spaces within The Yard and Phase 2 that will allow food trucks to easily hook up and park to help entertain visitors. Food trucks keep things changing up and encourage consumers to come back and try each new one.





THE LOFTS

The Lofts at West are unlike any other living experience in Downtown Statesboro. They boast high-end finishes with spaces made for entertaining. Step out on to your balcony to enjoy the open mic night going on at The Yard or host your friends for drinks before dinner at Restaurant Row. The possibilities are endless and the location will have all of your guests envious.





The Downtown Statesboro Development Authority Incentive Package
EXAMPLE COST SAVINGS

BUSINESS LICENSE	\$ 2 5 5	FREE
ALCOHOL LICENSE	\$ 4 , 2 7 5	FREE
BUILDING PERMIT FEES (BASED ON A \$750,000 PROJECT)	\$ 2 , 9 7 9	FREE
WATER TAP FEE	\$ 1 , 5 2 0	FREE
SEWER TAP FEE	\$ 6 0 0	FREE
GAS TAP	\$ 1 5 0	FREE
NATURAL GAS WATER HEATER	\$ 4 0 0	FREE
TOTAL SAVINGS	\$ 1 0 , 1 7 9	FREE

*Savings are based on the example of a newly constructed restaurant located in the Downtown Statesboro Incentives District that has 6 full time employees, is a 4,000 square foot building, and is receiving an alcohol license for beer, wine and liquor.



OPPORTUNITY ZONE

The designation of Opportunity Zones is designed to help spur the development of identified communities. In exchange for investing in Opportunity Zones, investors can access capital gains tax incentives available exclusively through Opportunity Zones. To access these tax benefits, investors must invest in Opportunity Zones specifically through Opportunity Funds. A qualified Opportunity Fund is a US partnership or corporation that intends to invest at least 90% of its holdings in one or more qualified Opportunity Zones.

Because Opportunity Zones are intended to stimulate positive growth within designated communities, there are restrictions on the types of investments in which an Opportunity Fund can invest. These investments are called "Qualified Opportunity Zone property." The construction of new buildings which are completed within 30 months of purchase qualifies as Qualified Opportunity Zone property.

In exchange for following the rules of investing in Qualified Opportunity Zones through Qualified Opportunity Funds, investors can receive substantial capital gain tax incentives immediately and over the long term. When an investor divests an appreciated asset, such as stocks or real estate, they realize a capital gain, which is a taxable event. With the introduction of Opportunity Zones, if an investor reinvests a qualifying capital gain into an Opportunity Fund, they can defer and reduce their tax liability on that gain. Those who invest realized capital gains into a Qualified Opportunity Fund can defer paying capital gains tax for those earnings until April 2027 for investments held through December 31, 2026. Gains must be invested in a Qualified Opportunity Fund within 180 days in order to qualify for any tax treatment available under Opportunity Funds. Those who hold their Opportunity Fund investments for at least five years prior to December 31, 2026, can also reduce their liability on the deferred capital gain principal invested in the Opportunity Fund by 10%.

Beyond that, investors can also potentially receive tax-free treatment for all future appreciation earned through the fund. Those who hold their Opportunity Fund investment for at least 10 years can expect to pay no capital gains taxes on any appreciation in their Opportunity Fund investment. That's because Opportunity Fund gains earned from Opportunity Zone investments can qualify for permanent exclusion from the capital gains tax if the investment is held for at least 10 years. With this combination of tax incentives, investors have the power not only to transform their community, but to substantially enhance the return on their investment.

CITY OF STATESBORO

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I. Cain Smith, City Attorney

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

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

From: Owen Dundee, City Planner II

Date: June 5, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Map Amendment*

Recommendation: Staff recommends approval of the zoning map amendment requested by application RZ 20-05-04 with conditions.

Background: S.D. Sauers Construction Company, LLC requests a zoning map amendment of approximately 1.30 acres of property located at 723 and 723 ½ South Main Street from a split-zoning of R-4 (High Density Residential), PUD (Planned Unit Development), and HOC (Highway Oriented Commercial) to the CR (Commercial Retail) zoning district in order to utilize the property for a mixed-use, residential and commercial retail development (Tax Parcel MS52 000007 000, MS52 000009 000).

Budget Impact: None

Council Person and District: Chavers (District 2)

Attachments: Development Services Report RZ 20-05-04



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

P.O. Box 348
Statesboro, Georgia 30458

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

RZ 20-05-04 ZONING MAP AMENDMENT REQUEST 723 & 723 ½ SOUTH MAIN STREET		
LOCATION:	723 & 723 ½ South Main Street	
REQUEST:	Zoning map amendment from PUD/R4/HOC to the CR (Commercial Retail) zoning district.	
APPLICANT:	S.D. Sauers Construction Company	
OWNER(S):	Minnie L. Rountree Testamentary Trust	
ACRES:	1.30 Acres (combined)	
PARCEL TAX MAP #:	MS52 000007 000 (0.58 acres) MS52 000009 000 (0.72 acres)	
COUNCIL DISTRICT:	District 2 (Chavers)	

PROPOSAL:

The applicant requests a zoning map amendment of two parcels, which have a split zoning of PUD (Planned Unit Development), R-4 (High Density Residential), and HOC (Highway Oriented Commercial). The applicant is proposing to rezone both parcels to the CR (Commercial Retail) zoning district in order to allow for a mixed-land use of residential lofts over commercial retail, which is not an allowed use under the subject site's current zoning designations.

BACKGROUND:

Currently, this property contains a vacant residential single-family dwelling and an occupied residential dwelling (located towards the rear of the property). Additionally, the property contains some accessory structures as it was historically used as a single-family dwelling with a nursery. There is no prior zoning case history on the subject property.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R-4 (High Density Residential)	Apartment Communities
SOUTH:	EXPT (Exempt)	Georgia Southern Educational Facilities
EAST:	PUD/CR (Planned Unit Development and Commercial Retail)	Commercial Shopping Center
WEST:	HOC (Highway Oriented Commercial)	Automotive Services Facility

The subject property is located within a split-zoning district. Surrounding parcels include a variety of uses, such as an automotive services facility, a commercial shopping center, and Georgia Southern University Educational Facilities (See **Exhibit A** –Location Map, **Exhibit B**—Future Development Map & **Exhibit C**—Photos of Subject Site).

ATTACHMENTS: Exhibit A (Location Map), Exhibit B (Future Development Map), Exhibit C (Photos of Subject Site), Exhibit D (Proposed Conceptual Plan of the Subject Property)

COMPREHENSIVE PLAN:

The *City of Statesboro 2019 – 2029 Comprehensive Master Plan's* Future Development Map includes the subject site in the following character area:

<u>“Activity Centers/ Regional Centers”</u>	
<i>Vision:</i>	Currently dominated by auto-oriented design and large surface parking lots, the <i>Activity Centers/Regional Centers</i> will evolve into pedestrian-oriented shopping, office, and entertainment places that may accommodate high-density residential development. Where excess parking is located, infill development can break up large surface lots. Tree plantings and landscaping will be generous to soften the development intensity in these areas. Access to these activity centers will be easily achieved for pedestrians, cyclists, and drivers alike.
<i>Suggested Development & Implementation Strategies:</i>	<ul style="list-style-type: none">• Infill and redevelopment in these areas should occur according to a master plan that allows for mixed uses, transportation choices and urban design that mitigates the appearance of auto-dependence.• Encourage infill, new, and redevelopment to build close to the street.• Evaluate parking ordinances for appropriate standards, including maximum standards and shared parking provisions.• Focus on redevelopment in areas of disinvestment (such as those that have become or are in danger of becoming greyfields). Development strategy should encourage uses and activities that are suitable for the immediately surrounding character areas.• Require shade trees to be planted in parking lots and along highway corridors.• Future developments and highway improvements within these areas should include pedestrian and bicycle access to surrounding neighborhoods.• Incorporate inter-parcel connectivity, especially along major thoroughfares.• Include community gathering places, such as squares, plazas, etc. into commercial and mixed-use developments.• New developments that contain a mix of residential, commercial uses and community facilities at small enough scale and proximity to encourage walking between destinations. <p><i>Statesboro Comprehensive Master Plan, Community Agenda pages 92-93.</i></p>

The subject area also is located between “Commercial Redevelopment Area #2” and the “University District” character areas.

<u>“Commercial Redevelopment Area”</u>	<u>“University District Area”</u>
<p><i>Vision:</i></p> <p>These areas are intended for a varied scale of commercial, retail, and office uses. At the intersection of major thoroughfares, development of large-scaled commercial uses to serve surrounding areas of the City and unincorporated portions of Bulloch County is appropriate. In other areas, smaller scale development containing more local community services is desired. Lastly, this character area incorporates on-site access management features, and uniform building, site, landscaping and sign standards in order to improve function and aesthetics.</p>	<p><i>Vision:</i></p> <p>Development within this area, whether on campus or nearby, should focus heavily on pedestrian and bike accessibility, as well as transit. Transitioning the area along the northern side of campus into more active uses, such as residences, educational buildings, activity centers, etc. could significantly bridge the physical gap between downtown and university. This district is anchored by Georgia Southern University. Academic and administrative buildings, residence halls and dorms, student activity centers, cafeterias, performing arts venue, and ancillary buildings are found in the campus core.</p>

In addition, the 2019 – 2029 *Statesboro Comprehensive Plan and “Community Goals”* has the following supporting policies:

- “Obtain a greater number and variety of retail establishments to locate within the municipal limits.”
- “Focus retail recruitment efforts to character areas along major thoroughfares as identified in the future development map.”
- “Promote higher-intensity development patterns in order to decrease the amount of new public facilities and utilities being added to the city’s street system.”
- “Develop multi-family housing options for residents who may not be able to purchase single-family homes.”
- “Reduce the amount of impervious surfaces in new development and increase tree planting/protection standards to reduce the amount of storm water runoff generated by the development site.”

Statesboro Comprehensive Master Plan, Community Agenda, pages 18-19.

ANALYSIS

COMMUNITY FACILITIES AND TRANSPORTATION:

The subject property falls under the jurisdiction of city utilities, sanitation, and public safety, although the existing commercial building is not currently in use. No significant impact is expected on community facilities or services as a result of this request.

ENVIRONMENTAL:

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

ZONING CONSIDERATIONS:

Whether or not to grant a zoning map amendment from the subject’s site split zoning consisting of the R4 (High Density Residential), the HOC (Highway Oriented Commercial) and the PUD (Planned Unit Development) zoning districts to the CR (Commercial Retail) zoning district.

The request should be considered in light of:

- the standards for determination of zoning map amendments given in Article XX, Section 2007 of the *Statesboro Zoning Ordinance*
- the vision and community policies articulated within the *Statesboro Comprehensive Plan*
- the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*
- the potential for the property to develop and be utilized in conformance with the requirements of the proposed CR (Commercial Retail) district as set forth in the *Statesboro Zoning Ordinance*.

Current Split- Zoning	Requested Zoning
The subject property’s split-zoning districts allow a variety of uses, such as highway oriented commercial, high density residential and planned unit development within their respective zoned areas. This creates a hardship for the property owner unless a zoning map amendment is approved to allow for the parcel to be regulated by only one zoning district.	The CR (Commercial Retail) district allows for a mixed residential and commercial land use, which is the applicant’s intended use for the subject property.

STANDARDS: ZONING MAP AMENDMENT

Article XX, Section 2007 of the *Statesboro Zoning Ordinance* provides **eight (8) standards** for the Mayor and City Council to consider “in making its determination” regarding a zoning map amendment, in **“balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.”** Those standards are as follows:

(1) Existing uses and zoning of (of) property nearby

- a. Existing uses and zoning of property nearby varies. The surrounding lots are zoned PUD/CR (Commercial Retail), R4 (High Density Residential), HOC (Highway Oriented Commercial), and EXPT (Exempt), and are occupied by an automotive services facility, a commercial shopping center, and Georgia Southern University educational facilities.

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

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

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

- a. This request will potentially bring investment into an area, where new mixed-use development is needed.

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

- a. The subject site is currently split-zoned into three different zoning districts, which all allow different uses. The property owner did cause and/or create the current zoning conditions. Unless by development design, any split-zoned property will not be suitable for new construction and development projects until a zoning map amendment has been approved by City Council.

(5) The suitability of the subject property for the zoned purposes.

- a. There is no indication that the subject property is not suitable for the requesting zoning.

(6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.

- a. Per the applicant, this property has been vacant for approximately five to ten years.

(7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas; and

- a. Impacts on local traffic should be considered.
- b. Positive impact on the existing and future land use patterns as the proposed use is compatible with the surrounding area as well as consistent with the *2019 – 2029 Future Development Map and the Statesboro Comprehensive Plan*.

(8) Consistency with other governmental land use, transportation, and development plans for the community.

- a. The *Statesboro Comprehensive Plan* supports appropriate commercial retail uses within the University District character area. However, any future development plans for the subject property should encourage uses and activities that are suitable for the immediately surrounding character areas.

RECOMMENDATION:

Staff recommends approval of the zoning map amendment requested by application **RZ 20-05-04** with the following conditions.

At the regularly scheduled meeting held of January 7, 2020 at 5:00 PM, the Planning Commission voted 6-0 to recommend approval of the zoning map amendment requested by application **RZ 20-05-04** with the following staff condition(s):

1. Approval of this zoning map amendment is based on the conceptual site plan submitted under **Exhibit D** of this staff report. Prior to construction commencement, City staff will still require review and approval of the civil engineering and/or building plans. Project(s) will be required to meet all City Ordinances and applicable building codes.
2. Prior to construction commencement, a combination plat of the two parcels shall be required to be submitted to City staff for review and approval.

EXHIBIT A: LOCATION MAP

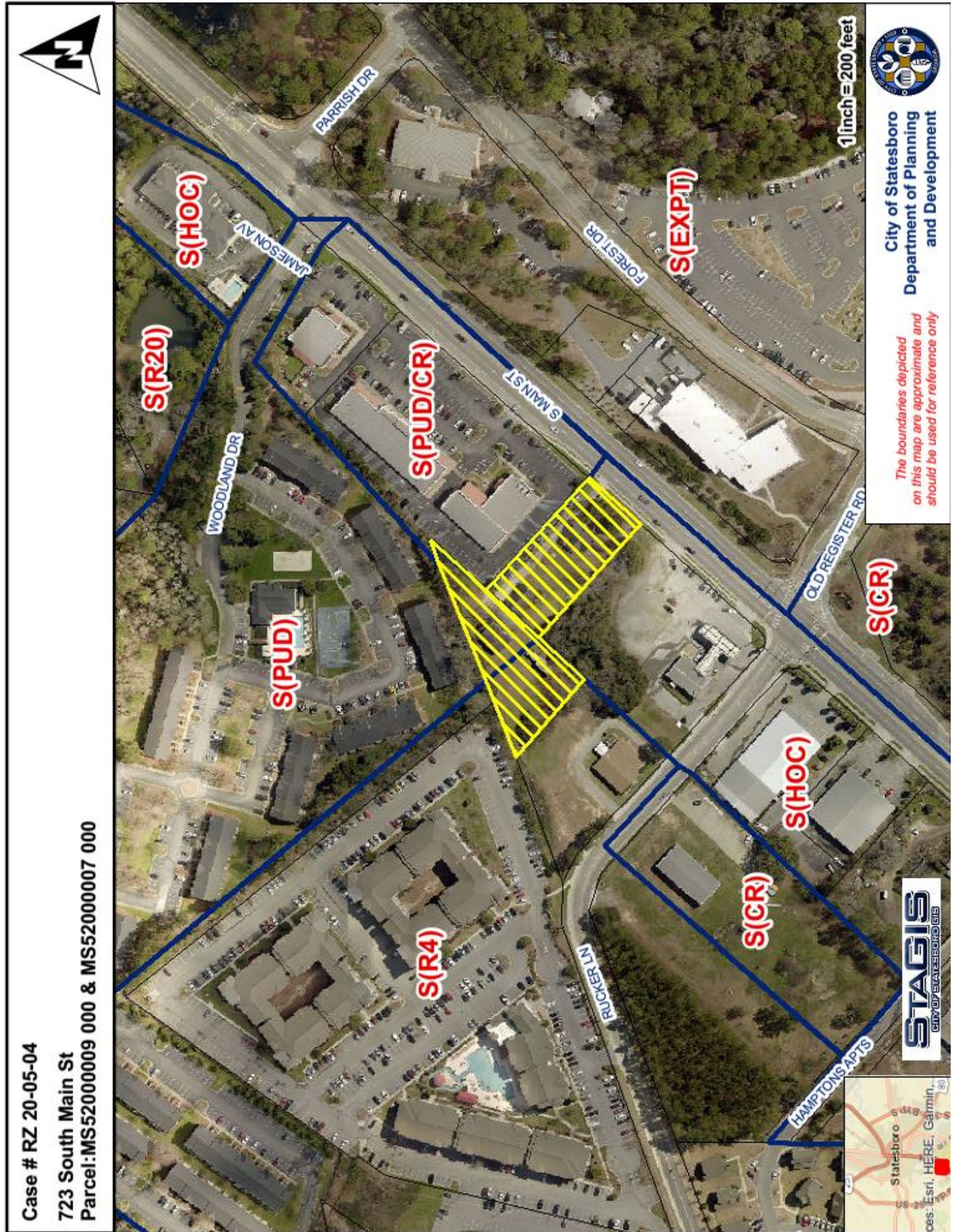


EXHIBIT B: FUTURE DEVELOPMENT MAP

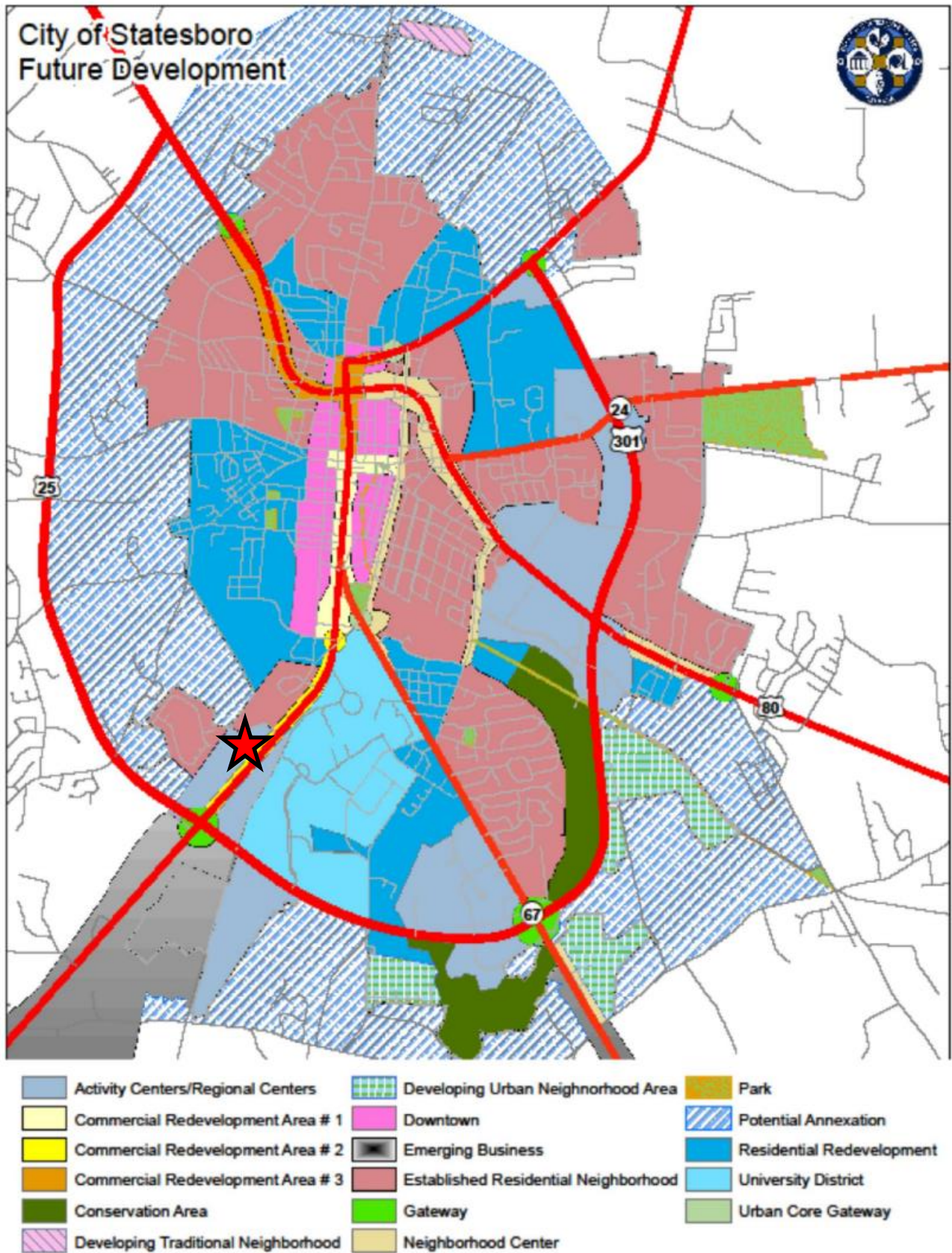


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: Views of the subject site, looking northwest from South Main Street. Also, a view of the zoning map amendment requested being made under **RZ 20-05-04**.



Picture 2: Looking northeast from the subject site, currently a commercial shopping center.



Picture 3: Looking south along South Main Street, an automotive services use.



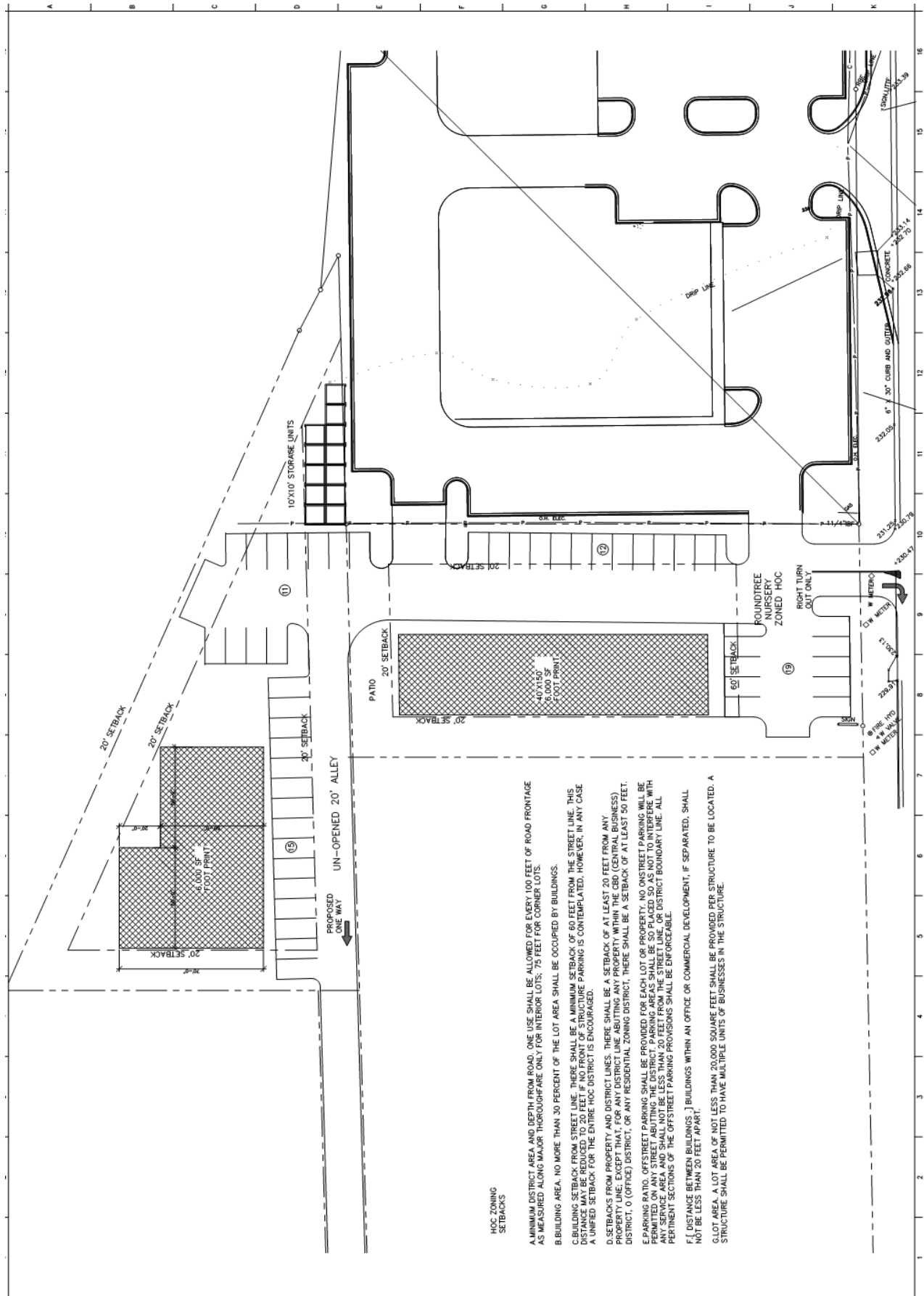
Picture 4: Looking south from the subject site, currently Georgia Southern University Facilities.



Picture 6: Looking north from the subject site, currently an apartment community.



EXHIBIT D: Proposed Conceptual Site Plan (dated May 20, 2020)



CITY OF STATESBORO

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Shari Barr, District 5



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Leah Harden, City Clerk
I. Cain Smith, City Attorney

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

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

From: Owen Dundee, City Planner II

Date: June 5, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance*

Recommendation: Staff recommends approval of the zoning variance requested by application V 20-05-05 with conditions.

Background: Drayton-Parker Companies, LLC requests a variance from Article XI, Section 1102(C) to reduce the required front yard setback in order to allow for the new construction of a automotive gasoline station on 1.41 acres of property for a combination of parcels addressed 205 North Main Street and 2331 Northside Drive West (Tax Parcel(s) S17 000022 000, S17 000023 000).

Budget Impact: None

Council Person and District: Chavers (District 2)

Attachments: Development Services Report V 20-05-05, V 20-05-06, V 20-05-07, V 20-05-08 & V 20-05-09

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

From: Owen Dundee, City Planner II

Date: June 5, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance*

Recommendation: Staff recommends approval of the zoning variance requested by application V 20-05-06 with conditions.

Background: Drayton-Parker Companies, LLC requests a variance from Article XI, Section 1102(D) to reduce the required rear yard setback in order to allow for the new construction of a automotive gasoline station on 1.41 acres of property for a combination of parcels addressed 205 North Main Street and 2331 Northside Drive West (Tax Parcel(s) S17 000022 000, S17 000023 000).

Budget Impact: None

Council Person and District: Chavers (District 2)

Attachments: Development Services Report V 20-05-05, V 20-05-06, V 20-05-07, V 20-05-08 & V 20-05-09

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

From: Owen Dundee, City Planner II

Date: June 5, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance*

Recommendation: Staff recommends approval of the zoning variance requested by application V 20-05-07 with conditions.

Background: Drayton-Parker Companies, LLC requests a variance from Article XI, Section 1104(F) regarding the location of all permanent points of vehicular access to and from public streets within close proximity to intersections in order to allow for the new construction of a automotive gasoline station on 1.41 acres of property for a combination of parcels addressed 205 North Main Street and 2331 Northside Drive West (Tax Parcel(s) S17 000022 000, S17 000023 000).

Budget Impact: None

Council Person and District: Chavers (District 2)

Attachments: Development Services Report V 20-05-05, V 20-05-06, V 20-05-07, V 20-05-08 & V 20-05-09

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

From: Owen Dundee, City Planner II

Date: June 5, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance*

Recommendation: Staff recommends **denial** of the zoning variance requested by application V 20-05-08.

Background: Drayton-Parker Companies, LLC requests a variance from Article XVI, Section 1601 regarding the minimum parking space size requirements in order to allow for the new construction of an automotive gasoline station on 1.41 acres of property for a combination of parcels addressed 205 North Main Street and 2331 Northside Drive West (Tax Parcel(s) S17 000022 000, S17 000023 000).

Budget Impact: None

Council Person and District: Chavers (District 2)

Attachments: Development Services Report V 20-05-05, V 20-05-06, V 20-05-07, V 20-05-08 & V 20-05-09

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

From: Owen Dundee, City Planner II

Date: June 5, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance*

Recommendation: Staff recommends **denial** of the zoning variance requested by application V 20-05-09.

Background: Drayton-Parker Companies, LLC requests a variance from Article XXX, Section 3014(B) regarding the maximum number of parking spaces allowed in front of a building within the Downtown District in order to allow for the new construction of an automotive gasoline station on 1.41 acres of property for a combination of parcels addressed 205 North Main Street and 2331 Northside Drive West (Tax Parcel(s) S17 000022 000, S17 000023 000).

Budget Impact: None

Council Person and District: Chavers (District 2)

Attachments: Development Services Report V 20-05-05, V 20-05-06, V 20-05-07, V 20-05-08 & V 20-05-09



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

P.O. Box 348
Statesboro, Georgia 30458

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

V 20-05-05, V 20-05-06, V 20-05-07, V 20-05-08 & V 20-05-09 ZONING VARIANCE REQUESTS: 2331 Northside Drive West & 205 North Main Street

LOCATION:	2331 Northside Drive West & 205 North Main Street
REQUEST:	(1) Variance from Article XI Section 1002(C) to reduce the required front yard setback; (2) Variance from Article XI, Section 1102(D) to reduce the required rear yard setback; (4) Variance from Article XI, Section 1104(F) regarding vehicular access to public streets; (5) Variance from Article XVI, Section 1601 regarding the minimum parking space size requirements; and (6) Variance from Article XXX, Section 3014(B) regarding the maximum number of parking spaces allowed in front of a building in the Downtown District.
APPLICANT:	Drayton-Parker Companies, LLC
OWNER(S):	Smets H. Blitch, Jr. & Statesboro Raco, LLC
ACRES:	1.41 acres (combined)
PARCEL TAX MAP #:	S17 000023 000 & S17 000022 000
COUNCIL DISTRICT:	District 2 (Chavers)



Case # V 20-05-05, V 20-05-06, V 20-05-07, V 20-05-08, V 20-05-09
2331 Northside Dr West & 205 North Main St
Parcel: S17 000022 000 & S17 000023 000

PROPOSAL & BACKGROUND:

The applicant is proposing the demolition of an existing commercial building; and new construction of a 4,920 sq. ft. Parker's Kitchen and Gas Station with associated site improvements. In order to allow for the new construction of the commercial building on the subject property and the gas canopy structure, the applicant is requesting a variance in order to reduce the front and rear yard setback requirements of the HOC (Highway Oriented Commercial) zoning district. Next, the applicant is requesting a variance regarding vehicular access to the subject property from the public rights-of-way in close proximity to major intersections. Additionally, the applicant has requested a variance from Article XVI: Off-Street Parking regulations in order to decrease the minimum parking space size requirements. Lastly, the applicant is requesting a variance regarding the maximum number of off-parking spaces allowed in front of a building within the Downtown District.

Therefore, the applicant requests the following:

- 1) Application **V 20-05-05**, a variance from Article XI: Section 1002(C) to reduce the **front yard setback from 60 feet to 35 feet**;
- 2) Application **V 20-05-06**, a variance from Article XI: Section 1002(D) to reduce the **rear yard setback from 20 feet to 8 feet**;
- 3) Application **V 20-05-07**, a variance from Article XI: Section 1104(F) to increase the **vehicular access way width from 25 feet to 40 feet**;
- 4) Application **V 20-05-08**, a variance from Article XVI, Section 1601 to reduce the **minimum parking space size requirements from 9 ½' x 18'-8" to 9' x 18'**;
- 5) Application **V 20-05-09**, a variance from Article XXX: Section 3014(B) to increase the **total percentage of off-street parking spaces allowed in the front of a building from 25% to 45% in the Downtown District**.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	HOC (Highway Oriented Commercial)	Enmarket Convenience Store and Gas Station
SOUTH:	CR (Commercial Retail) & O (Office and Business District)	Morris Bank & Business Offices
EAST:	HOC (Highway Oriented Commercial)	Chiropractor Clinic
WEST	HOC (Highway Oriented Commercial)	Vacant Land and Commercial Building

The subject property is located in an area that is surrounded by property with the HOC (Highway Oriented Commercial) and CR (Commercial Retail) zoning district designations. The surrounding land uses include vacant land/commercial building, Morris Bank, Gas Stations, a medical clinic, and other business office-related uses. (See **Exhibit A** –Location Map, **Exhibit B**—Future Development Map, & **Exhibit C**—Photos of Subject Site).

ATTACHMENTS: **Exhibit A** (Location Map), **Exhibit B** (Future Development Map) **Exhibit C** (Photos of Subject Site), **Exhibit D** (Proposed Concept Plan), **Exhibit E** (Subject Property ALTA Survey), **Exhibit F** (Proposed Signage Package)
COMPREHENSIVE PLAN:

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

<u>“Commercial Redevelopment Area #3”</u>	
<i>Vision</i>	<i>Suggested Development & Implementation Strategies</i>
<p>The Commercial Redevelopment #3 character area is intended for a varied scale of commercial, retail and office uses. At the intersection of major thoroughfares, development of large-scale commercial uses to serve surrounding areas of the City is appropriate. In other areas, smaller scale development containing more local community services is desired. This character area incorporates on-site access management features, uniform building, site, landscaping and sign standards in order to improve function and aesthetics.</p>	<ul style="list-style-type: none"> • Reuse of existing vacant or underutilized structures (e.g. commercial centers, office spaces, warehouses) to accommodate new community facilities. • Site plans, building design, and landscaping that are sensitive to natural features of the site, including topography and views. • Revitalization of existing neighborhood commercial centers to capture more market activity and serve as community focal points. • Use landscaped tree islands and medians to break up large expanses of paved parking. • Location of parking at rear or side of buildings to minimize visibility from the street. <p><i>Statesboro Comprehensive Plan, Community Agenda pages 90-91.</i></p>

In addition, the 2019 – 2029 *Statesboro Comprehensive Plan* and “*Community Goals*” has the following supporting policies:

- “Create greater interconnectivity between streets and developments to reduce dependency on existing major highways.”
- “Develop access management standards for major thoroughfares.”
- “Obtain a greater number and variety of retail establishments to locate within the municipal limits.”
- “Collaborate with regional economic development agencies to develop a diverse economy based on multiple industry sectors and employment opportunities in the city limits.”

ANALYSIS

- I. **Variance from Article XI: Section 1102(C): *Area Regulations*.** There shall be a minimum setback of 60 feet from the street line. This distance may be reduced to 20 feet if no front of structure parking is contemplated; however, in any case a unified setback for the entire HOC district is encouraged.

The applicant is requesting a variance from Article XI: Section 1002(C) to reduce the **minimum front yard setback from 60 feet to 35 feet**. This variance is specifically being requested in order to allow for the new construction of a Parker's Kitchen and Gas Station. A portion of the gas canopy structure will be located in the area where the normal 60-foot building setback would be regulated in the HOC (Highway Oriented Commercial) zoning district. It should be noted that the canopy structure encroaches 25 feet into the front building setback located off North Main Street. However, the gas canopy structure encroaches only 10 feet into the front building setback located off Northside Drive West.

- II. **Variance from Article XI: Section 1102(D): *Area Regulations*.** There shall be a setback of at least 20 feet from any property line; except that, for any district line abutting any property within the CBD (Central Business) District, O (Office) District, or any residential district, there shall be a setback of at least 50 feet.

The applicant is requesting a variance from Article XI: Section 1002(D) to reduce the **minimum rear yard setback from 20 feet to 8 feet**. This variance is specifically being requested in order to allow for the new construction of a Parker's Kitchen and Gas Station. A portion of the building will be located in the area where the normal 20 foot building setback would be regulated in the HOC (Highway Oriented Commercial) zoning district.

- III. **Variance from Article XI: Section 1104(F)(1): *Development Requirements – Width of Accessway*.** The width of any accessway leading to or from a street or highway shall not exceed 25 feet nor be less than 15 feet in width at the right-of-way. The alignment of accessways and curb dimensions shall be determined through architectural and site approval.

The applicant is requesting a variance from Article XI: Section 1004(F)(1) to increase the **maximum highway accessway width from 25 feet to 40 feet**. This variance is specifically being requested in order to allow for the new construction of a Parker's Kitchen and Gas Station. As the subject property fronts on two highways regulated by the Georgia Department of Transportation (GDOT), the developer will be required to receive approval for each point of ingress and egress to the development site prior to the issuance of a building permit.

- IV. **Variance from Article XVI: Section 1601: *Design requirements for multifamily, commercial, and industrial parking lots*.** The minimum parking lot design standards are based on the Parking Consultants Council and the National Parking Association's Recommended Guidelines for Parking Geometrics. These standards shall be observed in laying out off-street parking facilities.

The applicant is requesting a variance from Article XVI: Section 1601 to reduce the **minimum size requirements for commercial parking spaces from 9½' x 18'-8" to 9' x 18'**. This variance is specifically being requested in order to allow for the new construction of a Parker's Kitchen and Gas Station. Due to the development site size constraints, the developer has requested this parking space size reduction to allow for more parking.

- V. **Variance from Article XXX Section 3014(B): *Off Street Parking*.** For new development projects or if more than ten (10) spaces are provided in a renovation, then no more that 25% of off street parking may be provided in the front of the building. The remaining shall be to the side or rear of buildings.

The applicant is requesting a variance from Article XXX Section 3014(B) to increase the **total percentage of off-street parking spaces allowed in the front of a building from 25% to 45% in the Downtown District**. This variance is specifically being requested in order to allow for the construction of a new commercial gas station and convenience store. The proposed development does meet the minimum number of required parking spaces under Article XVI of the Statesboro Zoning Ordinance. However, the applicant's proposed concept plan shows greater than 25% off street parking in front of the building. **Per Exhibit D – Proposed Concept Plan**, the parking facilities are conceptually designed to provide 45% of the total parking spaces in the front of the building.

ZONING VARIANCE CONSIDERATIONS

The *Statesboro Zoning Ordinance* provides for the award of variances by the City Council from the zoning regulations, stating that “approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done. A variance may not be granted for the use of land that is not permitted by zoning regulations.”

Article XVIII, Section 1801 of the *Statesboro Zoning Ordinance* states that the Mayor and Council [should] consider if the following are true in its consideration of a variance request:

1. **There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;**

2. **The special conditions and circumstances do not result from the actions of the applicant;**

The applicant did not take action to result in this zoning classification.

3. **The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**

In staff's opinion, the application of the *Statesboro Zoning Ordinance* does not create any unnecessary hardships to this particular piece of property.

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**

It should be noted that this automotive services use is already similar to other uses located at this intersection, which is a gateway entrance into the Statesboro Downtown District; therefore, each variance should be given careful consideration. Additionally, development in the Downtown District should occur in line with the *Statesboro Downtown Master Plan*.

In the course of exercising any of the above powers, the zoning board of appeals may attach conditions to its approval.

RECOMMENDATION:

Staff recommends approval of the variances requested by applications **V 20-05-05** and **V 20-05-06** with the following conditions.

At the regularly scheduled meeting held of June 2, 2020 at the 5:00 PM, the Planning Commission voted 5-0 to recommend approval of the zoning variances requested by application **V 20-05-05** and **V 20-05-06** with the following staff condition(s):

(1) Approval of these variances is based upon the conceptual site plan under **Exhibit D** of this staff report. Prior to construction commencement, this development site will still be required to submit civil engineering and architectural plans for City Staff's review and approval. Project will be required to meet all City Ordinances and applicable building codes.

(2) Development shall adhere to all other design standards for the Downtown District, specifically the regulations of Article XXX of the *Statesboro Zoning Ordinance*.

(3) Developer shall be required to coordinate with the Downtown Statesboro Development Authority (DSDA) on the placement of Downtown District gateway signage and associated easement.

(4) Developer shall be required to establish a landscape buffer strip at least five feet wide along the rear boundary of the development site. This strip shall be a mixed combination of the existing fencing and landscape plantings. The landscape plan identifying this buffer strip shall be required prior to construction commencement.

Staff recommends approval of the variance requested by application **V 20-05-07** with conditions.

At the regularly scheduled meeting held on June 2, 2020 at 5:00 PM, the Planning Commission voted 6-0 to recommend approval of the zoning variance requested by application **V 20-05-07** with the following condition(s):

- (1) Approval of these variances does not grant site and/or building plan approval as submitted. Project will be required to meet all City Ordinances and applicable building codes.
- (2) Development shall adhere to all other design standards for the Downtown District, specifically the regulations of Article XXX of the Statesboro Zoning Ordinance.
- (3) Prior to construction commencement, the developer shall be required to secure permits from the Georgia Department of Transportation (GDOT) for all ingress and egress points to the development site.

Staff recommends denial of the zoning variance requested by application **V 20-05-08**.

At the regularly scheduled meeting held on June 2, 2020 at 5:00 PM, the Planning Commission voted 6-0 to recommend approval of the zoning variance requested by application **V 20-05-08** with the following condition(s):

1. Developer shall be required to have all off-street parking spaces meet all minimum size requirements as required Article XVI of the *Statesboro Zoning Ordinance*.
2. Approval of this zoning variance is based upon the revised "P-3" conceptual plan under **Exhibit D** of this staff report.

Staff recommends denial of the zoning variance by application **V 20-05-09**.

At the regularly scheduled meeting held on June 2, 2020 at 5:00 PM, the Planning Commission voted 5-1 to recommend approval of the zoning variance requested by application **V 20-05-09** with condition(s)

- (1) Approval of this zoning variance is based upon the revised "P-3" conceptual plan under **Exhibit D** of this staff report.

EXHIBIT A: LOCATION MAP

Case # V 20-05-05, V 20-05-06, V 20-05-07, V 20-05-08, V 20-05-09
 2331 Northside Dr West & 205 North Main St
 Parcel: S17 000022 000 & S17 000023 000

Development Services Report

Case V 20-05-05, V 20-05-06, V 20-05-07, V 20-05-08 & V 20-05-09



EXHIBIT B: FUTURE DEVELOPMENT MAP

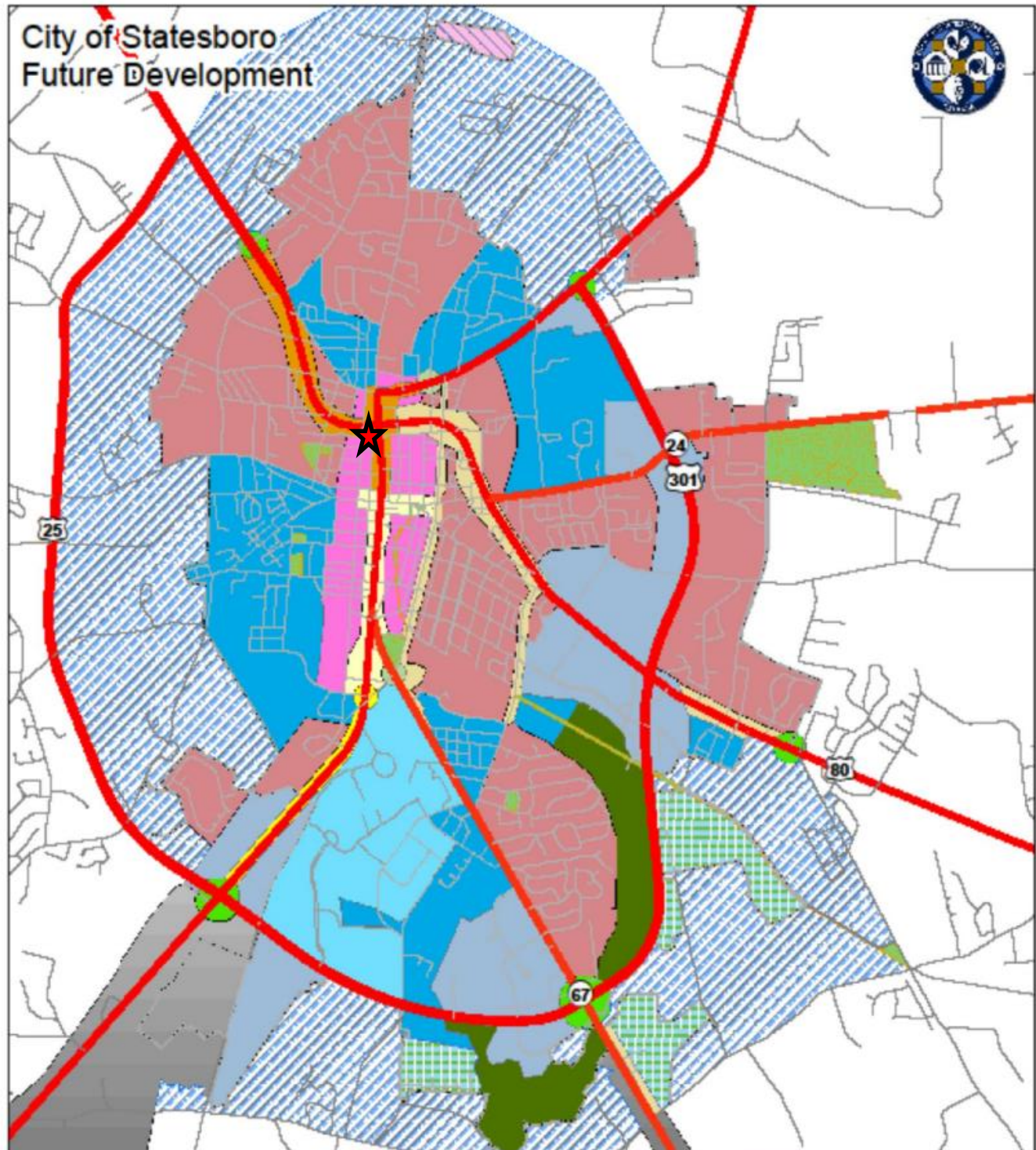


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject site looking south across Northside Drive West from the Enmarket Gas Station.



Picture 2: View of the subject property's rear property line, looking northwest from the sidewalk abutting North Main Street. Also a view of the area where **V 19-08-07** is being requested.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (CONT'D)

Picture 3: View of the surrounding properties to the north of the subject property, currently Enmarket Gas Station.



Picture 4: View of the adjacent property to the south of the subject site, Morris Bank.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (CONT'D)

Pictures 5 & 6: View of the surrounding properties to the east of the subject property, currently a vacant commercial building and land.



GENERAL NOTES:

1. SITE ZONING IS HOC - HIGHWAY ORIENTED COMMERCIAL.
2. SITE IS IN DOWNTOWN DISTRICT - ARTICLE XXX.
3. ALLOCATION DISTRICT.
4. BUILDING SETBACK LINES, FRONT = 60', SIDE = 20', REAR = 20'.
5. NO PARKING WITHIN 20' OF STREET R/W.
6. NO MORE THAN 30% OF LOT OCCUPIED BY BUILDING.
7. BUILDING LOCATED IN SIGN DISTRICT #2.
8. UNDER GROUND FUEL TANKS PERMITTED WITHIN BUILDING SETBACK LINE.
9. COMBINATION PLAT PRIOR TO BE ISSUED.
10. TOTAL 15% OF SITE TO BE GREENSPACE.

LEGEND FOR PROPOSED IMPROVEMENTS

PROPOSED SIDEWALK	PROPOSED SIDEWALK
PROPOSED SIDEWALK	PROPOSED SIDEWALK
PROPOSED SIDEWALK	PROPOSED SIDEWALK
PROPOSED SIDEWALK	PROPOSED SIDEWALK
PROPOSED SIDEWALK	PROPOSED SIDEWALK
PROPOSED SIDEWALK	PROPOSED SIDEWALK
PROPOSED SIDEWALK	PROPOSED SIDEWALK
PROPOSED SIDEWALK	PROPOSED SIDEWALK
PROPOSED SIDEWALK	PROPOSED SIDEWALK
PROPOSED SIDEWALK	PROPOSED SIDEWALK

CONCEPTUAL SITE PLAN

SCALE: 1" = 20'

10' 20' 30' 40' 50' 60'

NOT FOR CONSTRUCTION

PROPOSED:
Parker's Kitchen
STATESBORO, BULLOCH COUNTY, GA

FOR:
DRAYTON-PARKER COMPANIES, LLC
SAVANNAH, GA 31401

REVISION:
BY: _____
DATE: _____

DATE:
10/17/23

PROJECT:
Parker's Kitchen

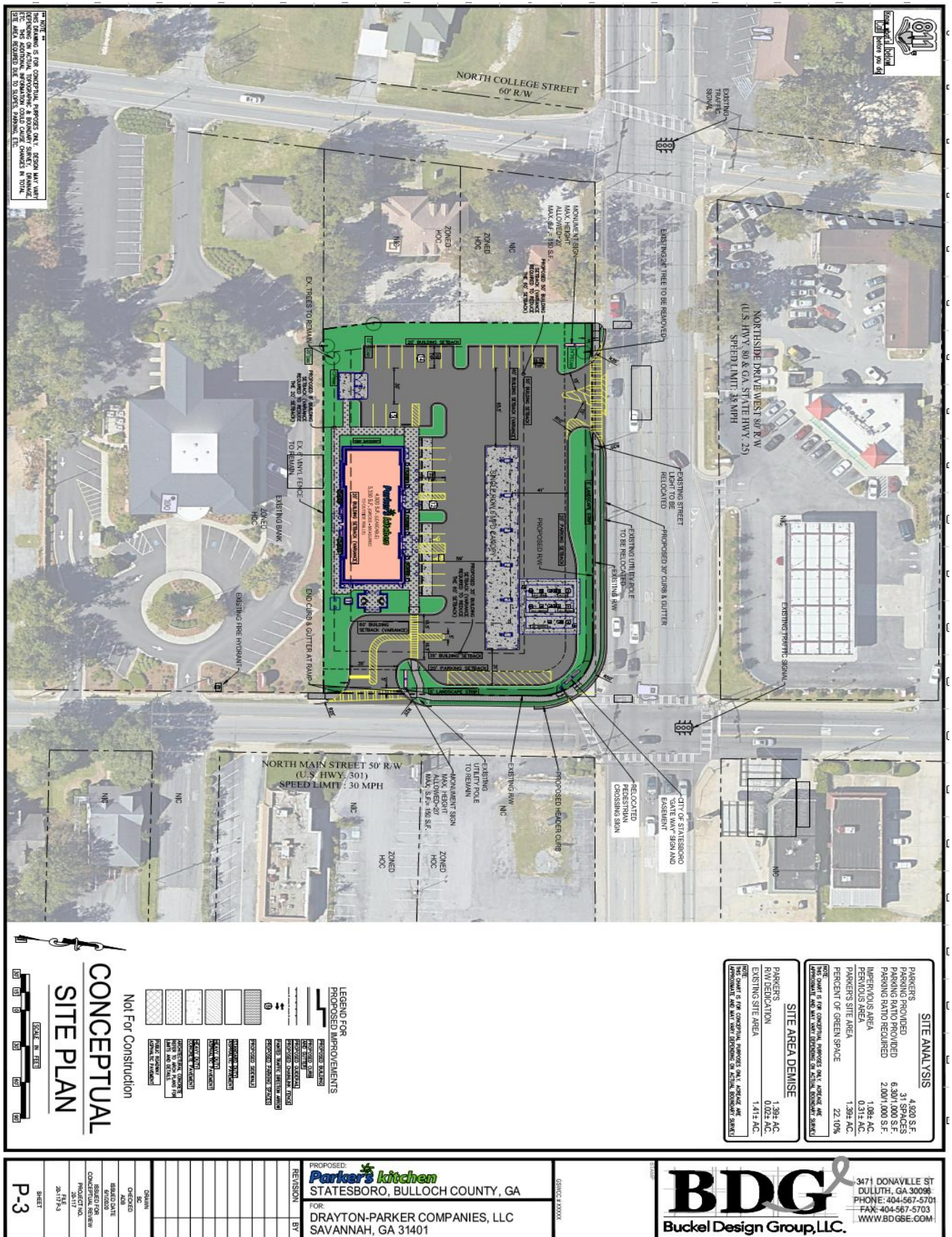
FILE:
20-117-3

SHEET:
P-3

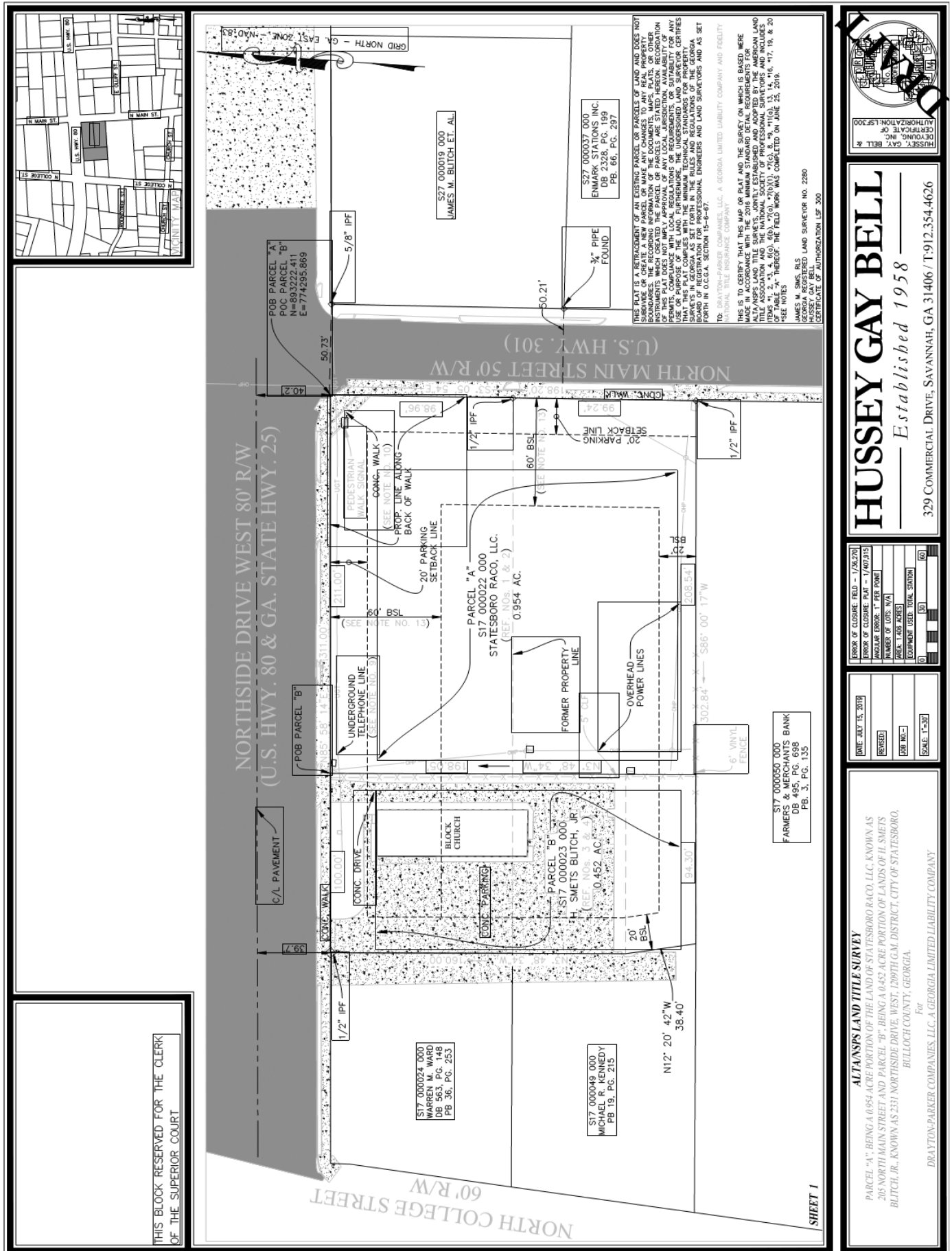
BDG
Buckel Design Group, LLC.

3471 DONAVILLE ST
DULUTH, GA 30096
PHONE: 404-567-5701
FAX: 404-567-5703
WWW.BDGS.COM

EXHIBIT D: PROPOSED “P-3” COLOR CONCEPT PLAN

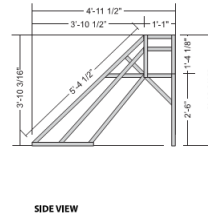


Development Services Report
Case V 20-05-05, V 20-05-06, V 20-05-07, V 20-05-08 & V 20-05-09



Parker's
Pooler, GA

48



SQFT: 55.2

Scale: $3/8"=1'-0"$

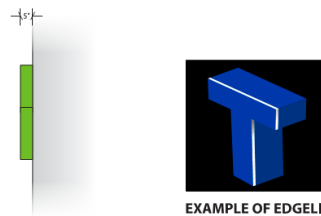


Scale: 1/8"=1'-0"



Parker's
Pooler, GA

48



SQFT: 31.9

Scale: 1/2"=1'-0"



EXHIBIT G: Proposed Architectural Renderings (Not for consideration under these requests)

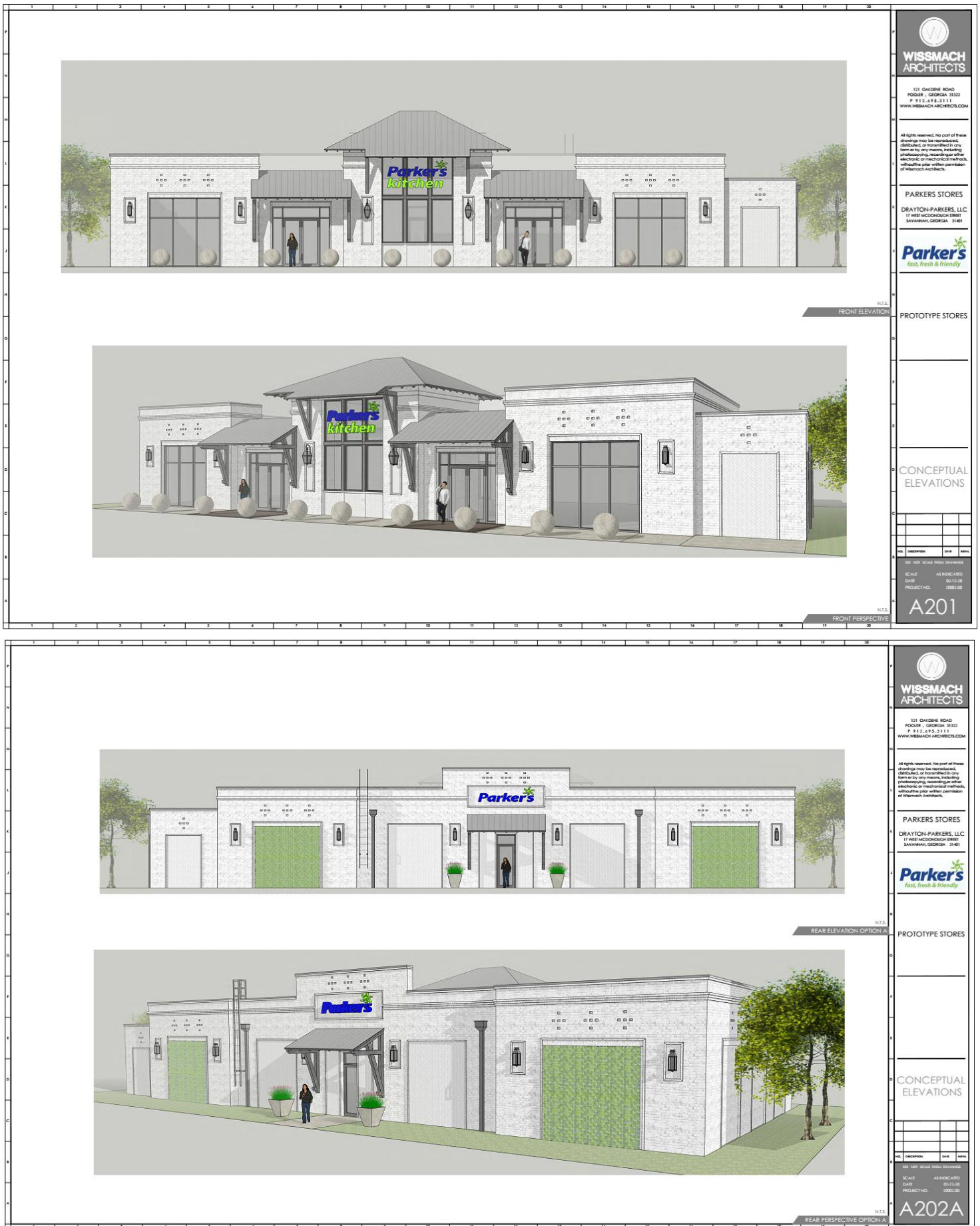


EXHIBIT G: Proposed Architectural Renderings CONT'D (Not for consideration under these requests)



EXHIBIT G: Proposed Architectural Renderings CONT'D (Not for consideration under these requests)

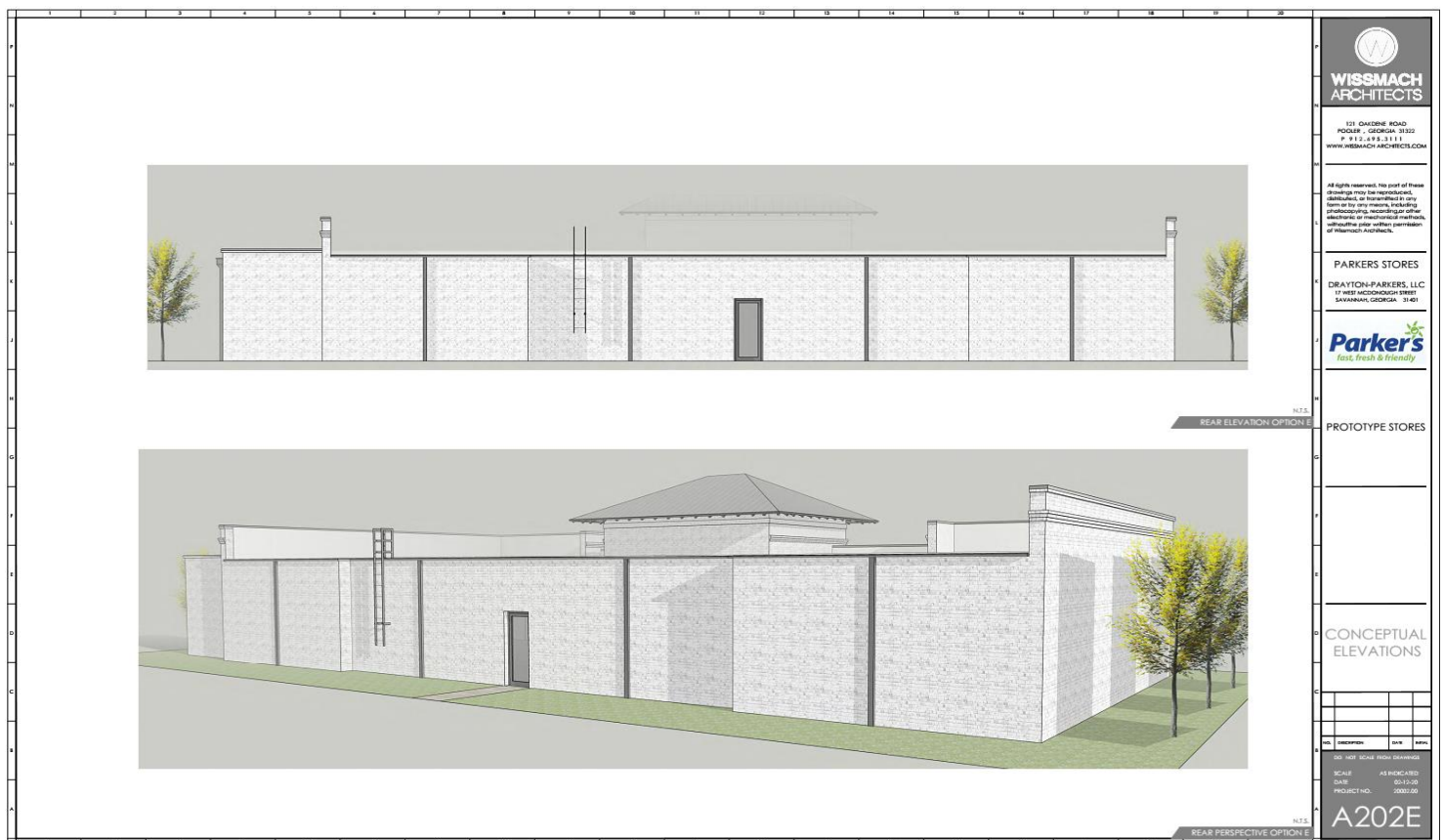


EXHIBIT G: Proposed Architectural Renderings CONT'D (Not for consideration under these requests)



CITY OF STATESBORO



COUNCIL

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

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

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

June 7, 2020

MEMO TO: Mr. Charles Penny, City Manager

FROM: Cindy S. West, Director of Finance

RE: Budget Amendment

Enclosed is the Third Budget Amendment for Fiscal Year 2020. The amendment is to appropriate the amounts shown in each fund as expenditures or expenses and revenue anticipations.

RESOLUTION 2020-18: A RESOLUTION TO ADOPT THE THIRD AMENDMENT TO THE FISCAL YEAR 2020 BUDGET FOR EACH FUND OF THE CITY OF STATESBORO, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES/EXPENSES, ADOPTING THE SEVERAL ITEMS OF REVENUE ANTICIPATIONS, AND PROHIBITING EXPENDITURES OR EXPENSES FROM EXCEEDING THE ACTUAL FUNDING APPROPRIATED

THAT WHEREAS, sound governmental operations require a Budget in order to plan the financing of services for the residents of the City of Statesboro; and

WHEREAS, Title 36, Chapter 81, Article 1 of the Official Code of Georgia Annotated (OCGA) requires a balanced Budget for the City's fiscal year, which runs from July 1st to June 30th of each year; and

WHEREAS, the Mayor and City Council have reviewed a proposed Third Amendment to the Budget from the City Manager that includes some revenues/financing sources and expenditures/expenses not anticipated in the original Budget, and carries forward funding and appropriations for some projects and equipment budgeted in the previous fiscal year, but not purchased by fiscal year-end; and

WHEREAS, each of these funds is a balanced budget, so that anticipated revenues and other financial resources for each fund equal the proposed expenditures or expenses and any transfers; and

WHEREAS, the Mayor and City Council wish to adopt this Third Budget Amendment for Fiscal Year 2020;

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

Section 1. That the proposed changes to the budget, attached hereto as Attachment #1 and incorporated herein as a part of this Resolution, are hereby adopted as the Third Budget Amendment for the City's Fiscal Year 2020 Budget.

Section 2. That the several items of revenues, other financial resources, and sources of cash shown in the budget amendment for each fund in the amounts shown anticipated are hereby adopted; and that the several amounts shown in the budget amendment for each fund as proposed expenditures or expenses, and uses of cash are hereby appropriated to the departments and agencies named in each fund, as amendments to the existing Budget previously adopted.

Section 3. That the "legal level of control" as defined in OCGA 36-81-2 is set at the departmental level, meaning that the City Manager in his capacity as Budget Officer is authorized to move appropriations from one line item to another within a department, but under no circumstances may expenditures or expenses exceed the amount

appropriated for a department without a further budget amendment approved by the Mayor and City Council.

Section 4. That all appropriations shall lapse at the end of the fiscal year.

Section 5. That this Resolution shall be and remain in full force and effect from and after its date of adoption.

Adopted this 16th day of June, 2020.

CITY OF STATESBORO, GEORGIA

By: Jonathan M. McCollar, Mayor

Attest: Leah Harden, City Clerk

ATTACHMENT #1

FY 2020 THIRD BUDGET AMENDMENT

100 General Fund:

- Increase in Governing Body Expenditures for Education and Training by \$6,600.
- Increase in Governing Body Cellular Phones and Devices by \$3,000.
- Increase in City Manager Expenditures for Regular Employees by \$29,000.
- Increase in City Manager Expenditures for Software by \$2,000.
- Increase in City Manager Expenditures for Miscellaneous by \$13,000.
- Increase in City Clerk Expenditures for Contract Labor Services by \$44,000.
- Increase in City Clerk Expenditures for Education and Training by \$2,100.
- Increase in Police Support Services Expenditures for Regular Employees by \$25,000.
- Increase in Police Support Services Expenditures for Overtime by \$18,000.
- Increase in Economic Development for Liability and Insurance by \$100.
- Increase in Debt Service for City Hall Interest by \$15.
- Increase in Debt Service for GMA Swap Payment by \$3945.
- Decrease in Finance Department for Regular Employees by \$3,960.
- Decrease in Engineering Department Expenditures for Regular Employees by \$99,800.
- Decrease in Police Patrol Bureau Expenditures for Regular Employees by \$43,000.

Net effect on Fund is: None.

210 Confiscated Assets Fund:

- No Changes.

Net effect on Fund is: None.

221 CDBG Fund:

- No Changes.

Net effect on Fund is: None.

224 US Department of Justice Grant:

- Increase in Police Expenditures for Small Tools and Equipment by \$48,500.

Net effect on Fund is: Decrease in Fund Balance by \$48,500.

250 Multiple Grants Fund:

- No Changes.

Net effect on Fund is: None.

270 Statesboro Fire Service Fund:

- No Changes.

Net effect on Fund is: None.

272 Old Register Tax Allocation District:

- Increase in Revenues for Investment Income by \$27,000.
- Increase in Revenues for 2019 TAD Revenue Bond by \$4,750,000.
- Increase in Expenditures for Old Register Improvements by \$3,700,000.
- Increase in Expenditures for Bank Charges by \$250.
- Increase in Expenditures for Interest Expense by \$54,615.
- Increase in Expenditures for Issuance Costs by \$74,590.

Net effect on Fund is: Increase in Fund Balance by \$947,545.

275 Hotel/Motel Fund:

- No Changes.

Net effect on Fund is: None.

286 Technology Fee Fund:

- No Changes.

Net effect on Fund is: None.

323 2013 SPLOST Fund:

- No Changes.

Net effect on Fund is: None.

324 2018 TSPLOST Fund:

- Increase in Revenues for GDOT Traffic Grant by \$328,995.
- Increase in Revenue for Investment Income by \$270.
- Increase in Expenditures for Bank Charges by \$1,200.

Net effect on Fund is: Increase in Fund Balance by \$328,065.

325 2019 SPLOST Fund:

- Increase in Expenditures for Bank Charges by \$100.

Net effect on Fund is: Decrease in Fund Balance by \$100.

343 CDBG Fund:

- Increase in Revenues for Proceeds from DCA – CDBG by \$50,000.
- Increase in Expenditures for Engineering fees by \$35,000
- Increase in Expenditures for General Administration Fees by \$15,000/

Net effect on Fund is: None.

350 Capital Improvements Program Fund:

- Increase in Expenditures for Police Department Air Conditioning System by \$109,200.
- Increase in Expenditures for Police Department Patrol Vehicles by \$19,100.

Net effect on Fund is: Decrease in Fund Balance by \$128,300.

505 Water and Sewer Fund:

- No Changes.

Net effect on Fund is: None.

507 StormWater Fund:

- No Changes.

Net effect on Fund is: None.

515 Natural Gas Fund:

- No Changes.

Net effect on Fund is: None.

541 Solid Waste Collection Fund:

Commercial Division

- No Changes.

Residential Division

- Decrease in Expenditures for Regular Employees by \$1,000.
- Decrease in Expenditures for Overtime by \$8,700.
-

Rolloff Division

- Increase in Expenditures for Regular Employees by \$1,000.
- Increase in Expenditures for Overtime by \$8,700.

Yardwaste Division

- No Changes.

Net effect on Fund is: None.

542 Solid Waste Disposal Fund:

- No Changes.

Net effect on Fund is: None.

601 Health Insurance Fund:

- No Changes.

Net effect on Fund is: None.

602 Fleet Management Fund:

- Increase in Expenditures for Regular Employees by \$6,000.
- Increase in Expenditures for Sublet by \$50,000.

Net effect on Fund is: Decrease in Cash by \$56,000.

604 Wellness Fund:

- No Changes.

Net effect on Fund is: None.

605 Central Service Fund:

- No Changes.

Net effect on Fund is: None.

CITY OF STATESBORO

COUNCIL

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



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

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

To: Mr. Charles Penny, City Manager

From: Cindy S. West, Finance Director

Date: June 10, 2020

RE: Adoption of FY2021 Budget

Background: State law requires the City of Statesboro to adopt a balance budget every fiscal year. The City of Statesboro fiscal year runs from July 1st to June 30th of each year. The Mayor and City Council were presented the capital budget at the March 14th Council Retreat and the operating budget at the May 20th and May 21st budget work sessions.

Budget Impact: \$69,279,622 (including transfers)

Council Person and District: All

Attachments: N/A

RESOLUTION 2020-19: A RESOLUTION TO ADOPT THE FISCAL YEAR 2021 BUDGET FOR EACH FUND OF THE CITY OF STATESBORO, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES/EXPENSES, ADOPTING SEVERAL ITEMS OF REVENUE ANTICIPATIONS, AND PROHIBITING EXPENDITURES OR EXPENSES FROM EXCEEDING THE ACTUAL FUNDING AVAILABLE FOR APPROPRIATION

WHEREAS, sound governmental operations require a budget in order to plan the financing of services for the residents of the City of Statesboro; and

WHEREAS, Title 36, Chapter 81, Article 1 of the Official Code of Georgia Annotated (OCGA) requires a balanced budget for the City's fiscal year, which runs from July 1st to June 30th of each year; and

WHEREAS, the Mayor and City Council have reviewed the proposed FY 2021 Budget as presented by the City Manager and Director of Finance; and

WHEREAS, each of these funds is a balanced budget, so that anticipated revenues and other financial resources for each fund equal the proposed expenditures or expenses; and

WHEREAS, the Mayor and City Council wish to adopt this proposal as the Fiscal Year 2021 Annual Budget;

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

Section 1. The proposed Fiscal Year 2021 budget, attached hereto and incorporated herein as a part of this Resolution, is hereby adopted as the budget for the City of Statesboro, Georgia for Fiscal Year 2021, which begins July 1, 2020 and ends June 30, 2021.

Section 2. The several items of revenues, other financial resources, and sources of cash shown in the budget for each fund in the amounts shown anticipated are hereby adopted, and that the several amounts shown in the budget for each fund as proposed expenditures or expenses, and uses of cash are hereby appropriated to the departments named in each fund.

Section 3. The "legal level of control" as defined in OCGA 36-81-2 is set at the departmental level, meaning that the City Manager in his capacity as Budget Officer is authorized to move appropriations from one line item to another within a department, but under no circumstances may expenditures or expenses exceed the amount appropriated for a department without a further budget amendment approved by the Mayor and City Council.

Section 4. All appropriations shall lapse at the end of the fiscal year.

Section 5. The Authorized Personnel by department and division shown in this budget are hereby formally adopted as the number of authorized positions within each department and division, until and unless amended by resolution of the Mayor and City Council.

Section 6. The Proposed Pay Plan for FY 2021 shown in this budget, as amended, is hereby formally adopted as the City's Pay Plan effective on July 1, 2020, unless further amended by resolution of the Mayor and City Council. The 2019 Condrey Pay Plan final phase will be implemented during the first full pay period in July of 2020. The first phase brought to minimum employees that were paid less than the new minimum. The second phase was half of an employees' equity increase and was implemented the first full pay period in January 2020. The final phase will be the other half of an employees' equity increase. Equity increases to employees are calculated using the number of years an employee has worked for the City from the latest hire date.

Section 7. The proposed Capital Improvements Program presented is hereby adopted as the City of Statesboro's Capital Improvements Program for FY 2021 - FY 2026. This Program is hereby adopted as the City's long-term financial plan unless further amended by resolution of the Mayor and City Council.

Section 8. This Resolution shall be and remain in full force and effect from and after its date of adoption.

Adopted this 16th day of June, 2020.

CITY OF STATESBORO, GEORGIA

By: Jonathan M. McCollar, Mayor

Attest: Leah Harden, City Clerk

CITY OF STATESBORO

COUNCIL

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



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

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

To: Mr. Charles Penny, City Manager

From: Cindy S. West, Finance Director

Date: June 10, 2020

RE: Adoption of FY2021 Schedule of Rates, Fees and Fines

Background: In June 2015, the City of Statesboro adopted its first comprehensive Schedule of Rates, Fees and Fines. This document is updated and adopted every year based on any changes of rates, fees and fines and is effective July 1. The document may also be amended during the fiscal year if the need arises.

Budget Impact: N/A

Council Person and District: All

Attachments: N/A

RESOLUTION 2020-20: A RESOLUTION ADOPTING THE STATESBORO
SCHEDULE OF RATES, FEES AND FINES

THAT WHEREAS, the City Council viewed and approved the City of Statesboro Schedule of Rates, Fees and Fines that incorporates all departments inclusive.

WHEREAS, it is required by the departments to uphold the policy and pricing as laid out within the document as the standard.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Statesboro, Georgia this 16th day of June, 2020 as follows:

Section 1. That the document entitled “City of Statesboro Schedule of Fees, Rates and Fines for FY2021”, attached hereto and incorporated into this Resolution by reference, is hereby adopted and approved as the fees, rates and fines authorized to be charged by each department.

Section 2. That any provision of any ordinance or resolution, or administrative policy in conflict with this schedule is hereby repealed to the extent of any such conflict; and the provision of this Resolution shall take precedence in determining the fees, rates and fines to which they apply.

Section 3. That this Resolution shall be effective July 1, 2020.

Adopted this 16th day of June, 2020.

City of Statesboro, Georgia

Jonathan McCollar, Mayor

Leah Harden, City Clerk

RESOLUTION 2020-21

RESOLUTION REGARDING JUNETEENTH INDEPENDENCE DAY

Resolution of the Mayor and Council of the City of Statesboro designating June 19 as “Juneteenth Independence Day” in honor of June 19, 1865, the date on which news of the end of slavery reached the slaves in the Southwestern States.

Whereas news of the end of slavery did not reach the frontier areas of the United States, in particular the State of Texas and the other Southwestern States, until months after the conclusion of the Civil War, more than 2 1/2 years after President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863;

Whereas, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended and the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as “Juneteenth Independence Day”, as inspiration and encouragement for future generations;

Whereas African Americans from the Southwest have continued the tradition of observing Juneteenth Independence Day for more than 150 years;

Whereas Juneteenth Independence Day began as a holiday in the State of Texas and is now celebrated in 46 States, including Georgia, and the District of Columbia as a special day of observance in recognition of the emancipation of all slaves in the United States;

Whereas Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas the faith and strength of character demonstrated by former slaves and the descendants of former slaves remain an example for all people of the United States, regardless of background, religion, or race;

Whereas slavery was not officially abolished until the ratification of the 13th Amendment to the Constitution of the United States in December 1865; and

Whereas, over the course of its history, the United States has grown into a symbol of democracy and freedom around the world:

Now, therefore, it is Resolved that the City of Statesboro hereby

- (1) designates June 19 as “Juneteenth Independence Day”;
- (2) recognizes the historical significance of Juneteenth Independence Day to the United States;
- (3) supports the continued nationwide celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the United States;
- (4) recognizes that the observance of the end of slavery is part of the history and heritage of the United States; and

(5) designates and observes June 19th as a paid holiday as such designation affects City employees, operations, and related policies beginning in calendar year 2021. In those years that June 19th falls on Saturday it shall be observed by the City on June 18th. In those years that June 19th falls on a Sunday it shall be observed by the City on June 20th.

By: Jonathan McCollar, Mayor

Attest: Leah Harden, City Clerk

CITY OF STATESBORO

COUNCIL

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



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

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

To: Mr. Charles Penny, City Manager

From: Cindy S. West, Finance Director

Date: June 8, 2020

RE: Restricting Funds for the Loan Loss Reserve Fund

Background: The City of Statesboro passed resolution 2020-15 establishing the Loan Loss Reserve Fund in the amount of \$250,000 in City enterprise funds at the May 19, 2020 Council meeting. Council action is needed to formally restrict \$125,000 in Water and Sewer Funds and \$125,000 in Natural Gas Funds to meet required accounting policies.

Budget Impact: \$125,000 in Water and Sewer Funds and \$125,000 in Natural Gas Funds committed until full satisfaction of all loans made under the Small Business Recovery Fund.

Council Person and District: All

Attachments: N/A

CITY OF STATESBORO

COUNCIL

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

To: Mr. Charles Penny, City Manager

From: Cindy S. West, Finance Director

Date: June 8, 2020

RE: Motion to Award Contract Extension for Audit Services

Background: Our current contract for auditing services for the City of Statesboro is with Lanier, Deal and Proctor. Originally, we conducted a request for proposals for a three (3)-year term. We have been well-served by this firm and are requesting a one (1)-year extension of the contract. When the original request for proposals was advertised, LD&P was the only attendee at the mandatory pre-bid meeting and the only firm to submit a proposal.

Budget Impact: \$46,000

Council Person and District: All

Attachments: N/A

CITY OF STATESBORO

COUNCIL

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



Jonathan McCollar, Mayor
Charles Penny, City Manager
Leah Harden, City Clerk
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: June 6, 2020

RE: June 16, 2020 City Council Agenda Items

Policy Issue: Consideration of an IGA with Bulloch County to renew and amend terms of provision of SFD services within the Five Mile Fire District.

Recommendation: Approval

Background: Current Five Mile Fire District IGA with Bulloch County terminates on June 30, 2020. Proposed IGA would be in place for a term of five years and increase the millage rate in the unincorporated areas of the District from its current rate of 1.8 to 2.25 for the second and all subsequent fiscal years covered by the proposed IGA.

Budget Impact: Unknown

Council Person and District: N/A

Attachments: Proposed IGA and District map exhibit

INTERGOVERNMENTAL AGREEMENT FOR FIRE PROTECTION SERVICES

This intergovernmental agreement is entered into this 16th day of June, 2020 by and between the **MAYOR AND COUNCIL OF THE CITY OF STATESBORO, GEORGIA**, a municipal corporation (hereinafter "the City") and **BULLOCH COUNTY**, a political subdivision of the State of Georgia, acting by and through its governing authority, the **BULLOCH COUNTY BOARD OF COMMISSIONERS** (hereinafter "the County").

WITNESSETH:

WHEREAS, the City of Statesboro operates a paid fire department currently with two stations fully staffed around the clock that provides fire suppression and prevention services to its citizens; and,

WHEREAS, given the amount of staffing, training, equipment and water supply, and communications available to the fire department, the Insurance Services Office (ISO) has determined that the Statesboro Fire Department currently qualifies for a Class 2 Fire Insurance Rating, on a scale of 1 (best) to 10 (uninsured): and,

WHEREAS, an ISO Class 2 rating has been achieved throughout the SFT District; and,

WHEREAS, the ISO recognizes the same fire insurance rating for areas outside the limits as inside, if those areas are within a five-mile travel distance of one of the City's fire stations, there is available water to the site, and there is an agreement in place to assure response; and,

WHEREAS, the availability of a quick response by a fire department staffed around the clock as supplemented by a County fire department, currently consisting of full-time paid firefighters and volunteer/reservists, offers a reduction in homeowners and business property insurance premiums that more than offsets the additional taxes that would be collected by establishing a fire district for those properties outside the City, but within the five-mile travel distance of a City fire station; and,

WHEREAS, the City is willing to provide fire suppression services within such an area, and the County has determined that doing so will provide those citizens with a higher level of fire protection at a net reduced cost when insurance premiums and a fire tax district are compared; and,

WHEREAS, the City and County have such a fire district currently in place, and wish to continue it for the duration of this Agreement, or subsequent renewal, as the most cost effective and efficient means of providing fire protection to this area;

NOW, THEREFORE, both parties, City and County, covenant and agree as follows:

-1-

The County has established a special fire tax district, hereinafter referred to as the "Statesboro Fire Tax District" or "SFT District," based upon the five mile driving distance from City fire stations required by the ISO for a property to receive the same ISO rating as provided in the City. The current boundaries of the SFT District are indicated by the area in blue on the map attached hereto as Exhibit A. The SFT District shall be designated upon a map prepared and maintained by the County's GIS Division. The boundaries shall be clearly defined, and the parcels affected coded appropriately so that the SFT District tax can be added to the County's property tax bill for

each parcel. The County shall furnish to the City a reasonable number of such maps at no cost. The County agrees to maintain the current SFT District for the duration of this Agreement.

-2-

The money collected from the SFT District tax shall be paid to the City of Statesboro by the 20th day of each month for which tax receipts are collected prior to the beginning of that particular month to pay for the services rendered by the Statesboro Fire Department. The City hereby agrees to establish a Special Revenue Fund, entitled the "Statesboro Fire Services Fund", and shall account for financial activities accordingly. Any funding remaining at fiscal year-end shall remain in this fund as fund balance, to be used as necessary in future years.

-3-

The City and County recognize that property taxes are not billed until mid-October, and are not overdue until mid-December of each fiscal year. Consequently the funding to pay for this service will not be immediately available each year. It is agreed by the parties that the City, the County, or some combination thereof, may loan the Statesboro Fire Services Fund the necessary funds each year to cover this temporary cash flow shortage. In that event, each entity shall be entitled to interest on that temporary loan equal to what it would have earned each month on said funds had it been invested in the City's or County's overnight investment accounts. Said interest shall constitute a valid expense of the Statesboro Fire Services Fund. Any funds in the Statesboro Fire Services Fund shall earn monthly the same rate of interest as the City's other overnight investment accounts earn for said month.

-4-

The City and County may jointly amend the boundaries of the SFT District as well as the term of this agreement at any time by mutual consent, and shall work together on any proposed expansions of the SFT District in the event that the City considers the addition of a fire station(s). In the event the City constructs an additional fire station(s), the County may, but shall not be obligated to, expand the boundaries of the SFT District and/or lengthen the term of this agreement. The County shall not construct any fire delivery infrastructure in the SFT District or within the city limits of the City of Statesboro during the term of this Agreement.

-5-

There is hereby created the Statesboro Fire Tax District Review Committee consisting of the Chairperson of the Board of Commissioners, a Commissioner appointed by the Chairman, the County Public Safety Director, the County Fire Chief, the Mayor, a Council member appointed by the Mayor, the City Manager, and the City Fire Chief to review and advise the governing bodies regarding fire services, including, but not necessarily limited to placement of any new fire stations, possible expansion of the SFTD, joint training and the advisability of a longer-term agreement. This committee shall have its regular meeting the first Monday in October each year at 10:00 a.m. in the City Council Chambers at City Hall. Special meetings of this committee shall occur as necessary upon the call of either the Chairperson of the Board of Commissioners or the Mayor of the City of Statesboro. All meetings of the Committee shall comply with Section 50-14-1 *et seq.* of the Official Code of Georgia Annotated, commonly referred to as the "Open Meetings Act" or "Sunshine Law."

-6-

The parties agree that any fees or charges for services such as burning permits, fire code prevention, excessive false alarms, hazardous material spills, or other fire related services, shall be paid to the entity providing the service.

-7-

The County agrees to use all legal remedies available to a County Tax Commissioner to collect any and all delinquent tax accounts in the SFT District due to the Statesboro Fire Services Fund.

-8-

The Statesboro Fire Department shall provide the same level of suppression response for all calls within the SFT District as it does for identical calls within the City. The Statesboro Fire Department shall respond to all calls within the SFT District based on the accepted practice of triage for fire incidents. The City shall also be designated by the County as the department responsible for fire suppression and other applicable fire services within the area within the SFT District.

-9-

The City shall investigate the causes of a fire incident within the SFT District in the same manner as it does for any identical fire incident within the City and shall be identified as the fire department authority having jurisdiction in such investigations.

-10-

City and County agree to cooperate in order to formulate a plan designed to achieve a uniform ISO Fire Insurance Rating throughout the SFT District by addressing and evaluating existing water systems and sources, potential need for additional resources and alternative water delivery methods for fire suppression, and the adequacy of existing County ordinances relating to water system regulations and fire prevention and protection. The end goal of said plan shall be to ensure there are adequate and uniform fire suppression capabilities throughout the SFT District. City and County further agree to meet no later than six (6) months from the date of entry of this Agreement in order to review progress on said plan.

County further agrees to make a good faith effort to adopt ordinances relating to fire protection and prevention, and relating to testing, maintenance, and submittal of compliance documents for private water systems within the SFT District within one year of the date of this Agreement. All such ordinances or amendments to ordinances shall be within the sole legislative discretion of the Bulloch County Board of Commissioners.

City shall be solely responsible for all code compliance and fire safety and prevention enforcement within the municipal limits of the City of Statesboro. County shall be solely responsible for all code compliance and fire safety and prevention enforcement within the unincorporated areas of the SFT District.

-11-

The County shall be responsible for Fire Code and Life Safety Code interpretations and enforcement within the unincorporated areas of the SFT District to assure uniformity of construction standards for fire prevention purposes.

-12-

The City shall provide to the County on a monthly basis a financial report for all activities and transactions for the Statesboro Fire Service Fund in the same manner as it does for the Mayor and City Council of Statesboro.

-13-

As payment for services under this Agreement, the County agrees to levy an ad valorem tax on all taxable property in the SFT District at a millage rate of 1.8 mills for the first fiscal year of the term of this Agreement and a millage rate of 2.25 mills for all subsequent fiscal years during the term of this Agreement. The County shall pay the revenue generated from said tax to the City in accordance with the provisions of this Agreement, and this shall constitute the sole remuneration from the County to the City for fire suppression services in the SFT District for the duration of this Agreement.

County acknowledges that these millage rates do not contemplate the potential SAFER grant the City has applied for and the potential corresponding hiring of additional SFD employees. County further acknowledges that should City receive the SAFER grant that these funds shall only be available for three years and that the millage rates referenced herein will need to be renegotiated at that point in time in order to pay for the retention of these additional SFD employees.

-14-

The City shall provide the County with a proposed budget for the Statesboro Fire Services Fund not later than April 20th of each year, so that the County can review and provide input on it prior to City Council adoption.

-15-

The parties hereby agree that all assets currently used by the Statesboro Fire Department shall remain the property of the City of Statesboro, and any assets purchased in the future from the money in this fund, shall be and remain the sole property of the City of Statesboro. The parties further agree that this service contract is for the use of those assets during the term of this Agreement only.

-16-

Nothing herein shall alter in any manner any agreements for mutual aid response from the Statesboro Fire Department, or any fire department within Bulloch County.

-17-

Written notice required by this Agreement shall be sent to the City Manager on behalf of the City, and to the County Manager on behalf of the County.

-18-

(a) If the Parties cannot cooperatively resolve any issue that may arise between the Parties concerning this Agreement in a timely manner, the Parties agree to attempt to resolve the dispute, claim or controversy arising out of or relating to this Agreement by non-binding mediation before a neutral third party agreed upon by the Parties. If the Parties cannot agree upon a neutral third party then each Party shall select a neutral third party and those two neutral third parties shall confer and select a third neutral third party to conduct the non-binding mediation. The Parties further agree that their respective good faith participation in mediation is a condition

precedent to pursuing any other available legal or equitable remedy, including litigation, arbitration or other dispute resolution procedures.

(b) Either Party may commence the mediation process by providing to the other Party written notice, setting forth the subject of the dispute, claim or controversy and the relief requested. Within ten (10) days after the receipt of the foregoing notice, the other Party shall deliver a written response to the initiating Party's notice. The initial mediation session shall be held within thirty (30) days after the initial notice. The Parties agree to share equally the costs and expenses of the mediation (which shall not include the expenses incurred by each Party for its own legal representation in connection with the mediation).

(c) The Parties further acknowledge and agree that mediation proceedings are settlement negotiations, and that, to the extent allowed by applicable law, all offers, promises, conduct and statements, whether oral or written, made in the course of the mediation by any of the Parties or their agents shall be confidential and inadmissible in any litigation, arbitration or other legal proceeding involving the Parties; provided, however, that evidence which is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation.

(d) The provisions of this section may be enforced by any court of competent jurisdiction, and the Party seeking enforcement shall be entitled to an award of all costs, fees and expenses, including reasonable attorneys' fees, to be paid by the Party against whom enforcement is ordered.

-19-

Should any part of this Agreement be declared invalid by a court having competent jurisdiction, then the other parts shall remain in full force and effect unless amended by mutual agreement of the parties.

-20-

This Agreement, as supplemented by the Bulloch County Service Delivery Agreement, constitutes the full agreement between the parties in regard to fire suppression services, and this Agreement may not be amended except by written approval by both parties.

-21-

This Agreement shall be construed and interpreted under the laws of the State of Georgia.

-22-

Both parties covenant and agree that this Agreement shall be effective for a term of five years, commencing on July 1, 2020 and ending on June 30, 2025. This Agreement shall automatically renew for an additional five-year term unless written notice is given by the terminating party no less than six months prior to the expiration date of this Agreement. Either party may terminate this Agreement prior to expiration of the five-year term by providing at least twelve (12) months' written notice of termination to the other party.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

**BOARD OF COMMISSIONERS OF
BULLOCH COUNTY, GEORGIA**

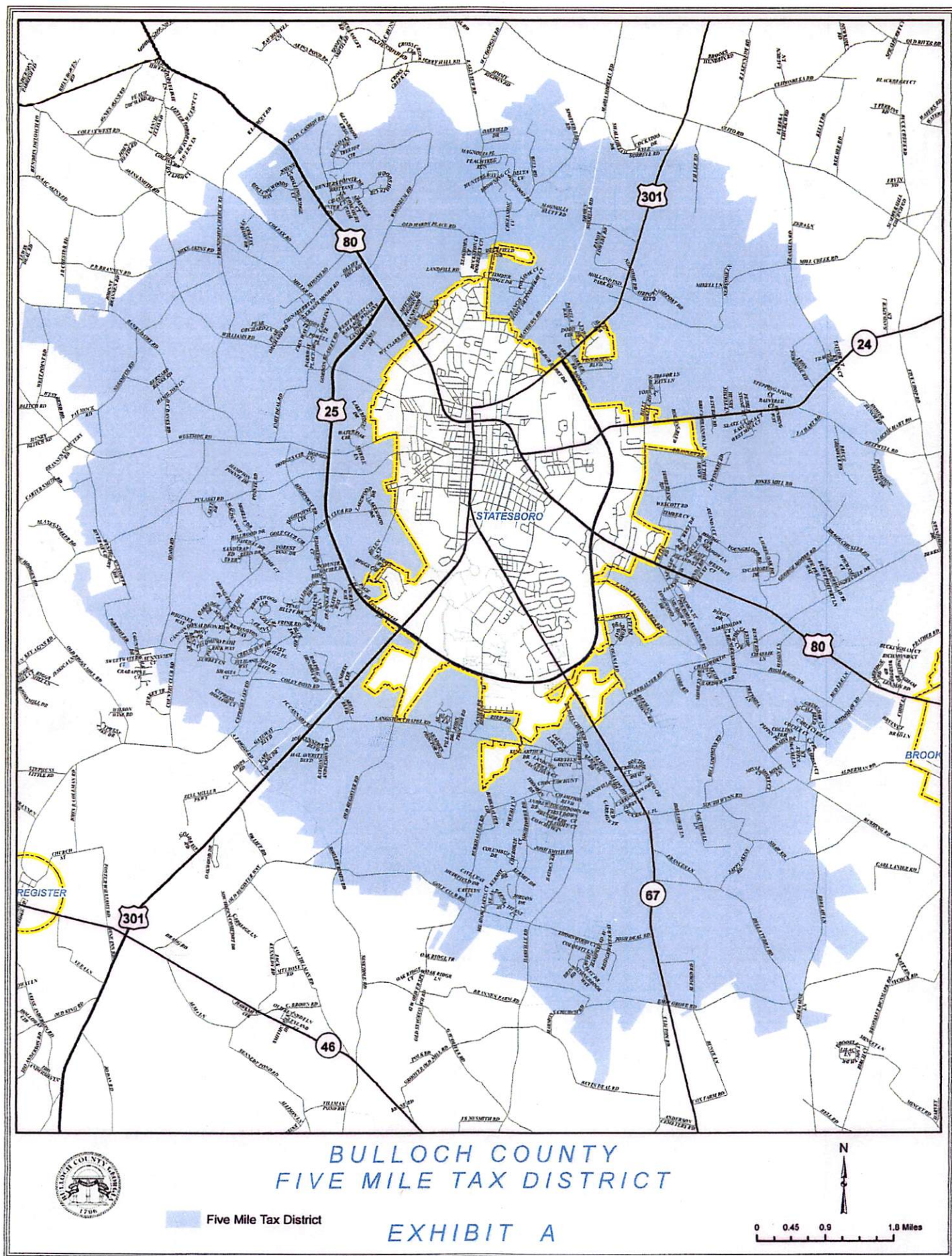
**MAYOR AND COUNCIL OF THE CITY OF
STATESBORO, GEORGIA**

By: _____
Roy Thompson, Chairman

By: _____
Jonathan M. McCollar, Mayor

Attest: _____
Olympia Gaines, Clerk

Attest: _____
Leah Harden, Clerk



CITY OF STATESBORO



COUNCIL

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

Jonathan 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

From: Jason Boyles, Assistant City Manager
John Washington, Director of Public Works and Engineering

Date: 01/06/2020

RE: PI 0016464 Proposed Roundabout for SR67 (S. Main St.) @ SR73 (Fair Rd.)
Local Government Support Letters

Policy Issue: Transportation

Recommendation:

Staff requests consideration of a motion to authorize the Mayor to execute the attached letters of commitment which commit to the maintenance and lighting of intersection improvements and certification of right-of-way on behalf for the subject project. These letters are required by GDOT to advance this project in their system.

Background:

As requested by the City, Georgia Department of Transportation (GDOT) has performed an Intersection Control Evaluation (ICE) for S. Main Street (SR73) and Fair Road (SR67). The results of the evaluation conducted provide options for recommended improvements to the intersection with types of intersection improvements and associated preliminary cost estimates. The ICE currently recommends a single lane roundabout for the intersection; however, final geometric layout has not been determined.

As indicated in our application for State Road and Tollway Authority (SRTA) grant funds, GDOT will fund design and construction and the City will be responsible for certifying the Right-of-Way (ROW) and assuming the associated costs for this task. The local government contribution required by GDOT will be up to \$1.5M which includes \$500,000 in TSPLOST funds and \$1M in potential SRTA grant funds. However, the City has appropriated \$1M in TSPLOST funds for this phase as initially recommended by GDOT.

The project has been programmed for delivery in the GDOT system and the project is scheduled to be constructed in 2023 with ROW phase beginning as early as FY2021.

Budget Impact:

Funds will be required in FY2021 to acquire ROW. The City of Statesboro will maintain the roadway and limits of right-of-way after the roundabout is constructed in FY23.

Council Person and District:

Paulette Chavers, District 2

Venus Mack, District 3

Attachments:

Local Government Roundabout Support commitment letter

Local Government Funding of ROW commitment letter

CITY OF STATESBORO

COUNCIL

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



Jonathan 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

INDICATION OF SUPPORT

Georgia Department of Transportation
Office of Traffic Operations
935 United Ave
Atlanta, GA, 30316
Attn.: Samuel Harris, P.E., State Safety Engineering Manager

Location

City of Statesboro supports the consideration of a roundabout at the location specified below:

Description: Intersection SR 67/Fair Road and SR 73/South Main St.

State/County Route Numbers: State Route 67, State Route 73

Project: PI 0016464, Bulloch County

Associated Conditions

The undersigned agrees to participate in the following maintenance of the intersection in the event that the roundabout is selected as the preferred concept alternative:

- The full and entire cost to energize the lighting system installed and to provide for the operation/maintenance thereof.
- Any maintenance costs associated with the landscaping as approved by the local government and the Georgia Department of Transportation (after construction is complete).

We agree to participate in a formal *Local Government Lighting Project Agreement* during the preliminary design phase. This indication of support is submitted and all the conditions are hereby agreed to. The undersigned are duly authorized to execute this agreement.

This _____ day of _____, 2020

Attest

By: _____

City Clerk

Title: _____

CITY OF STATESBORO

COUNCIL

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



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

INDICATION OF SUPPORT

Georgia Department of Transportation
Office of Traffic Operations
935 United Ave
Atlanta, GA, 30316
Attn.: Samuel Harris, P.E., State Safety Engineering Manager

RE: PI 0016464 Proposed Roundabout for SR67 @ SR73- Bulloch County

Dear Mr. Harris,

I am writing to express the support of the City of Statesboro regarding the above referenced project and the City of Statesboro sponsorship for this project. The City understands that the Project Engineering, utility costs, and construction for this project will be 100 percent funded by GDOT, and that the local government (City of Statesboro) is responsible for funding the Right-Of-Way phase. Please be assured that the City is committed to providing the required local match for this critical safety improvement project. The current estimate as programmed for ROW is \$1.5M. The City's proposed schedule is as follows:

ROW FY2021

We would like to see this project under construction in FY2023. Additionally, the City of Statesboro has applied for ROW funding assistance through the Georgia Transportation Infrastructure Bank. If awarded, this grant will supplement the required local funding for ROW but will not affect the proposed project schedule outlined above. Regardless of the grant outcome, the City is committed to the local match. Please note that the City has obtained the required certifications for the Local Administered Projects (LAP). Should you have any questions, please do not hesitate to contact John Washington, Director, Public Works and Engineering, 912-764-0655 (john.washington@statesboroga.gov).

Sincerely,

Jonathan McCollar
Mayor
City of Statesboro