



**July 21, 2020 5:30 pm**

1. Call to Order by Mayor Jonathan McCollar
2. Invocation and Pledge of Allegiance by Councilmember John Riggs
3. Recognitions/Public Presentations
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
  - A) Approval of Minutes
    - a) 06-16-2020 Work Session Minutes
    - b) 06-16-2020 Council Minutes
    - c) 05-19-2020 Executive Session Minutes
    - d) 06-02-2020 Executive Session Minutes
6. Public Hearing & Consideration of a Motion to approve application for an alcohol license Sec. 6-5  
  
Eight of Clubs, LLC  
DBA: Tandoor & Tap  
40 E Main St  
Avkaash Jetwani
7. Public Hearing and Consideration of a Motion to Approve: **APPLICATION RZ 20-06-01**: Lamar Smith Signature Group requests a zoning map amendment of 5.88 acres of property located at 54 Packinghouse Road from CR (Commercial Retail) to the R-4 (High Density Residential) zoning district in order to utilize the property for a 44-unit townhome development (Tax Parcel MS69 000003A 002).
8. Public Hearing and Consideration of a Motion to Approve: **APPLICATION SE 20-06-02**: Billy H. Hill requests a special exception for 0.48 acres of property located at 882 Northside Drive East to utilize the commercial building and associated site improvements as an automotive sales use in the CR (Commercial Retail) zoning district (Tax Parcel S59 000091 000).
9. Public Hearing and First Reading of **Ordinance 2020-06**: An Ordinance revising City Ord. 2-2.4 regarding ordinance revision procedure before Mayor and Council.
10. Public Hearing and First Reading of **Ordinance 2020-07**: An Ordinance establishing Article 80 Discrimination.

11. Consideration of a Motion to approve the second amendment to the agreement with T-Mobile regarding continued rent of space on a City owned water tower at 620 Park Avenue for cellular infrastructure.
12. Consideration of a Motion to approve a Memorandum of Understanding with the Boys and Girls Club of Bulloch County.
13. Consideration of a Motion to approve a Memorandum of Understanding with BSD-Statesboro LLC regarding installation of utilities infrastructure south along Highway 67/Fair Road.
14. Consideration of a Motion to approve **Resolution 2020-22**: A Resolution to amending the scope change for the Intergovernmental Agreement between the City of Statesboro and Georgia Environmental Financing Authority (GEFA).
15. Consideration of a Motion to approve a modification of promissory note with Georgia Environmental Financing Authority (GEFA) for SRF Loan CW2019010.
16. Consideration of a motion to award a contract to Preferred Site Construction in the amount of \$153,644 for sidewalk improvements to Herty Drive and South Edgewood Drive with approval to spend up to \$200,000 for additional work based on contractor's unit bid prices. This project is paid from 2018 TSPLOST funds.
17. Other Business from City Council
18. City Managers Comments
19. Public Comments (General)
20. 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)
21. Consideration of a Motion to Adjourn



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CITY OF STATESBORO  
WORK SESSION MINUTES  
JUNE 16, 2020

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Mayor & Council Work Session      50 E. Main St. Council Chambers City Hall

4:00 PM

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A Work Session of the Statesboro City Council was held on March 17, 2020 at 4:00 p.m. in the Council Chambers at City Hall, 50 East Main Street. Present was Mayor Jonathan McCollar; Council Members: Phil Boyum, Paulette Chavers, Venus Mack, John Riggs and Shari Barr. Also present was City Clerk Leah Harden, City Attorney Cain Smith, City Manager Charles Penny, Assistant City Manager Jason Boyles and Public Information Officer Layne Phillips.

The meeting was called to order by Mayor Jonathan McCollar

### **1) Storm Water Presentation**

Marcos Trejo, Stormwater Manager reviewed with Mayor and Council the background of the Stormwater program, masterplan and CIP program. The first task order included conducting an inventory and placing it on GIS to identify problem areas. Then compiling a list of areas with most needed attention. The second task was project solutions. Task order three of the Stormwater master plan includes the Lake Sal Basin which was of the second highest priority of problem areas.

Rob Brown with G M C and project manager for the Statesboro Stormwater Master Plan presented task order 3. Mr. Brown gave background of the work done by the former Ecological Planning Group for storm water. The first phase of the Stormwater Master Plan was an inventory, assessment and CIP development. There are 59 projects identified with an estimated \$6 million to complete. There are a lot of drainage issues and deficiencies throughout the City. The first phase included prioritizing the Capital Improvement Projects and seeing how many were in each basin and the rankings of each of these projects. The highest priority basin was "MKL West" in the northwestern portion of the City. Six projects were identified in this basin with an estimated cost of \$1 million of drainage improvements. A hydrologic and hydraulic study is done in these areas. Hydrologic study is looking at the flow across the landscape and hydraulic is the flow of water through pipes or closed systems. The second highest priority basin is "Lake Sal" watershed. This basin had three CIP projects ranked in the top 15 of the 59 identified. The results of the studies done in this area are to identify areas with drainage deficiencies. The first project is Zetterower Road Improvements and Regional Detention this includes 825 linear feet of pipe improvements and a 1.5 acre detention pond. The second project is Carter Drive Regional Detention that includes a 0.5 acre detention pond. The third project is the Lake Sal inlets and outlets with a recommendation of a new concrete spillway. This project has two other options that include regrading the roadside ditch along Northlake Drive and create a defined channel around the back of the dam.

City Manager Charles Penny stated we need to put some planning in place to accelerate these projects so we can affect many neighborhoods in the near future.

## **2) Temporary Special Event Permits**

City Attorney Cain Smith reviewed the revision of this ordinance and presented the proposed fees for these permits. The state of Georgia has a permit like this that is good for 72 hours that is a three-day permit. That is the maximum allowed under state law. The State of Georgia breaks the fees down to the beverage type \$50.00 for beer, \$50.00 for wine and \$100.00 for distilled spirits. The proposed fees are as follows, anyone holding a City issued alcohol license \$100.00 for day one; all other applicants would be \$200.00 for day one and \$50.00 each day for any additional days up to two days. The proposed fees include all beverage types. The reason for the difference in fees is for staff review of the applicant and review of the location of the event. These two proposals are on the agenda for consideration at the regularly scheduled meeting at 5:30 pm today.

## **3) Section 2.2-4 Ordinance Presentation**

City Attorney Cain Smith reviewed with Mayor and Council the provisions of Section 2.2-4 of the Statesboro Code of Ordinances. As it currently stands, in order to direct the City Attorney to draft an ordinance for first reading requires that it be made at a regular meeting of Council and an affirmative vote by a quorum of Council to do so. This ordinance as it stands now has been on the books for roughly two years.

Phil Boyum stated he has no problem recommending modifying the ordinance to give council the ability to direct the City Attorney in a City Council Meeting or in an officially scheduled work session. In the interest of maintaining Councils full transparency and making sure, we are involving the public as much as we can recommending we keep the three step process. It assures all council members are involved in crafting the legislation, as well as guaranteeing a minimum of thirty days between presenting an idea and passing an ordinance. That would ensure that the public is engaged in this process.

Mayor McCollar stated his proposal is to allow two councilmembers or the mayor at any time to be able to instruct the City Attorney regarding ordinance revisions. It would then be presented at the next work session. If so desired the first reading of the proposed ordinance would take place at the first meeting of the following month.

Councilmember Riggs stated he would like to have ideas brought up at a work session or a meeting and if agreed upon instruct the City Attorney to draft the changes.

After more discussion and clarification, the Mayor gave a recommendation to have the City Attorney draft revision to this ordinance to include any two City Councilmembers have the ability to have a policy written and presented at a work session for review by the entire elected body as well as the mayor being able to have that capacity.

## **4) Proposed Park Improvement Plan**

City Manager Charles Penny shared with Mayor and Council the sketches and cost for park improvements to Luetta Moore Park and Grady Street Park. Mr. Penny stated the cost includes engineering, construction, surveying and contingency. The total cost for both parks is \$3,982,243.75

Mr. Penny recommends an agreement with Bulloch County regarding their financial commitment to these park improvements, then we can authorize Wood to proceed with design work we would also need to discuss financing options with a financial advisor. Mr. Penny stated he would get with the County Manager and come back with a report of their commitment to these park projects.

The meeting was adjourned at 5:30 pm



CITY OF STATESBORO  
COUNCIL MINUTES  
JUNE 16, 2020

Regular Meeting 50 E. Main St. City Hall Council Chambers 5:30 AM

**1. CALL TO ORDER**

Mayor Jonathan McCollar called the meeting to order at 5:37 pm

**2. INVOCATION AND PLEDGE**

Councilmember Venus Mack 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, Public Information Officer, Layne Phillips City Attorney Cain Smith and City Clerk Leah Harden.

**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) 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)

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

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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.**

A motion was made to approve Ordinance 2020-03 revising City Ord. 6-8(d)(3) for Temporary Special Event Permits.

**RESULT:**

4-1
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**MOVER:**

Councilmember Paulette Chavers
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**SECONDER:**

Councilmember Venus Mack
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**AYES:**

Boyum, Chavers, Mack, Barr
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**NAYS**

Riggs
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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.**

A motion was made to approve Ordinance 2020-04 revising City Ord. 6-7(d) exemptions in order to provide for a pedestrian downtown open container exemption zone with the addition, this exemption shall be effective during those hours of operation when by the drink sales in the City are allowed and up to the time allowed for alcohol licensees to clear patrons from their premises.

**RESULT:**

3-2
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**MOVER:**

Councilmember Paulette Chavers
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**SECONDER:**

Councilmember Venus Mack
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**AYES:**

Chavers, Mack, Barr
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**NAYS**

Boyum, Riggs
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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).**

A motion was made to approve Ordinance 2020-05 revising the restriction found in City Ord. 6-7(i).

**RESULT:**

3-2
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**MOVER:**

Councilmember Paulette Chavers
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**SECONDER:**

Councilmember Venus Mack
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**AYES:**

Chavers, Mack, Barr
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**NAYS**

Boyum, Riggs
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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.**

A motion was made to open the public hearing for agenda items 9, 10, and 11.

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

Rahn Hutcheson with the Averitt center spoke in favor of the request and gave an update of programs going on at the Averitt Center. Due to the COVID pandemic, it is one day at a time.

Allen Muldrew with the Downtown Statesboro Development Authority spoke in favor of the request and gave an update on the programs the DSDA has going.

Becky Davis with the Statesboro Convention and Visitors Bureau spoke in favor of the request and gave an update stating since the COVID pandemic they have changed gears and are providing information about the City of Statesboro they have also started working with the online farmers market.

A motion was made to close the public hearing.

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

A motion was made to authorize the Mayor to execute a contract for services with the Statesboro Arts Council, Inc., Downtown Statesboro Development Authority and Statesboro Convention and Visitor Bureau, Inc. to market downtown Statesboro by operating and managing the Averitt Center for the Arts, using proceeds from the Hotel/Motel Tax.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Venus Mack

<b>SECONDER:</b>	Councilmember Shari Barr
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS:</b>	

12. **Public Hearing and Consideration of a Motion to approve Resolution 2020-17: A Resolution Exempting Certain Vehicles from Marking Requirements for One Year.**

A motion was made to open the public hearing.

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

No one spoke for or against the request.

A motion was made to close the public hearing.

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

A motion was made to approve Resolution 2020-17: A Resolution Exempting Certain Vehicles from Marking Requirements for One Year.

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

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).**



A motion was made to open the public hearing.

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

Mark Bruce representing the applicant spoke in favor of the request.

No one spoke against the request.

A motion was made to close the public hearing.

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

A motion was made to approve **Application RZ-20-05-01** with staff recommendations.

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

**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).**

No one spoke for or against the request.

A motion was made to open the public hearing.

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

No one spoke for or against the request.

A motion was made to close the public hearing.

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

A motion was made to approve 14-A Application V20-05-02 and 14-B Application RZ 20-05-03 with staff recommendations.

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

**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).**

A motion was made to open the public hearing.

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

Grace Stewart spoke in favor of the request. No one spoke against the request.

A motion was made to close the public hearing.

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

A motion was made to approve **Application RZ 20-05-04** with staff recommendations.

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

**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).

A motion was made to open the public hearing.

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

Thomas Matthews spoke in favor of the request.

David Civil Engineer with Parkers presented the site plan of the store. The plans include a pavilion facing North Main Street where patrons can sit and eat.

A motion was made to close the public hearing.

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

There was discussion regarding the safety of patrons in the pavilion. It was stated a railing would be put in place to safeguard their safety.

A motion was made to approve 16-A **APPLICATION V 20-05-05** with staff recommendations.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Shari Barr
<b>SECONDER:</b>	Councilmember Venus Mack

**AYES:** Boyum, Chavers, Mack, Riggs, Barr

**NAYS:**

A motion was made to approve 16-B APPLICATION V 20-05-06 with staff recommendations.

**RESULT:** Approved (Unanimous)

**MOVER:** Councilmember Shari Barr

**SECONDER:** Councilmember Paulette Chavers

**AYES:** Boyum, Chavers, Mack, Riggs, Barr

**NAYS:**

A motion was made to approve 16-C APPLICATION V 20-05-07 with staff recommendations.

**RESULT:** Approved (Unanimous)

**MOVER:** Councilmember Venus Mack

**SECONDER:** Councilmember Paulette Chavers

**AYES:** Boyum, Chavers, Mack, Riggs, Barr

**NAYS:**

Agenda Item 16-D Application V 20-05-08 has been withdrawn, as the applicant will be complying with Statesboro Code.

A motion was made to approve 16-E APPLICATION V 20-05-09 per the Planning Commission's recommendations.

**RESULT:** Approved (Unanimous)

**MOVER:** Councilmember Venus Mack

**SECONDER:** Councilmember John Riggs

**AYES:** Boyum, Chavers, Mack, Riggs, Barr

**NAYS:**

A motion was made to add the safety railing consideration to the Planning Commissions list of contingencies to APPLICATION V 20-05-09 on this property.

**RESULT:** Approved (Unanimous)

**MOVER:** Councilmember Shari Barr

**SECONDER:** Councilmember Venus Mack

AYES: Boyum, Chavers, Mack, Riggs, Barr

NAYS:

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**

A motion was made to approve Resolution 2020-18 adopting the third amendment to the Fiscal Year 2020 Budget.

RESULT: 4-1

MOVER: Councilmember Shari Barr

SECONDER: Councilmember Venus Mack

AYES: Boyum, Chavers, Mack, Barr

NAYS: Riggs

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.**

A motion was made to approve Resolution 2020-19 adding an increase to the Boys and Girls Club from \$9,000.00 to \$20,000.00.

RESULT: Motion failed due to the lack of a second

MOVER: Councilmember Phil Boyum

SECONDER: Councilmember

AYES:

NAYS:

A motion was made to approve Resolution 2020-19 adopting the Fiscal Year 2021 budget for each fund of the City of Statesboro, Georgia as presented.

RESULT: 3-2

MOVER: Councilmember Shari Barr

SECONDER: Councilmember Paulette Chavers

AYES: Chavers, Mack, Barr

NAYS: 

Boyum, Riggs
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19. **Consideration of a Motion to Approve Resolution 2020-20: A Resolution adopting the Statesboro Schedule of Rates, Fees and Fines.**

A motion was made to approve Resolution 2020-20 a Resolution adopting the Statesboro Schedule of Rates Fees and Fines.

RESULT: 

4-1
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MOVER: 

Councilmember Paulette Chavers
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SECONDER: 

Councilmember Venus Mack
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AYES: 

Boyum, Chavers, Mack, Barr
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NAYS: 

Riggs
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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.**

A motion was made to approve Resolution 2020-21 designating June 19 as “Juneteenth Independence Day” and designating Juneteenth as a Paid City Holiday beginning in 2021.

RESULT: 

Approved (Unanimous)
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MOVER: 

Councilmember John Riggs
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SECONDER: 

Councilmember Paulette Chavers
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AYES: 

Boyum, Chavers, Mack, Riggs, Barr
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NAYS: 

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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.**

A motion was made to restrict \$125,000.00 in the Water and Sewer Fund and \$125,000.00 in the Natural Gas Fund for the Loan Loss Reserve established May 19, 2020.

RESULT: 

Approved (Unanimous)
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MOVER: 

Councilmember Shari Barr
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SECONDER: 

Councilmember Venus Mack
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AYES: 

Boyum, Chavers, Mack, Riggs, Barr
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NAYS: 

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**22. Consideration of a Motion to Award Contract Extension for Audit Services**

A motion was made to award contract extension for Audit Services to Lanier Deal & Proctor

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

**23. Consideration of a Motion to Approve an 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.**

A motion was made to approve an 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.

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

**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.**

A motion was made 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.

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

**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.**

A motion was made 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.



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

**26. Consideration of a Motion to cancel the July 7, 2020 meeting of Mayor and Council.**

A motion was made to cancel the July 7, 2020 meeting of Mayor and Council

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

**27. Other Business from City Council**

Mayor McCollar called on Police Chief Mike Broadhead to present the report which was requested from Councilmember Phil Boyum regarding the violence in the City since May 6<sup>th</sup>.

Police Chief Mike Broadhead presented a report of shooting incidents in Statesboro over the past 30 days.

Mayor McCollar stated we need to encourage our young people on a real level. We need to figure out what is going to be the best approach to do so and giving alternatives. He thanked Chief Broadhead for all they do to keep the community safe and commended the Police Department for the compassion they show towards others.

Councilmember Phil Boyum stated there is discrimination going on in the rental community. He would like to direct the City Attorney to draft an anti-discrimination ordinance for the City of Statesboro.

A motion was made to direct the City Attorney to draft an anti-discrimination ordinance.

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

**28. City Managers Comments**

City Manager Charles Penny thanked staff for putting together a good budget. He also commended Police Chief Mike Broadhead for being personally involved with the peaceful protests that have been going on.

Mr. Penny stated we are monitoring citizens coming into our public buildings, the hours of 9-2 will continue through the 26<sup>th</sup> at that time we will reevaluate the situation.

**29. Public Comments (General): None**

**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)**

There was not executive session.

**31. Consideration of a Motion to Adjourn**

A motion was made to adjourn.

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

The meeting was adjourned at 8:24 pm

# 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 & City Clerk Leah Harden

**From:** Tax Department

**Date:** 7/15/2020

**RE:** Alcohol Application for Tandoor & Tap - 40 E Main Street

**Policy Issue:** Mayor and Council shall approve application in accordance with City of Statesboro Alcohol Ordinance Chapter 6-13 (a):

No new alcoholic beverage license to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages within the corporate limits of the City of Statesboro shall be issued to a new owner or new location until the application has been approved by the mayor and city council after a public hearing.

**Recommendation:** Planning & Development, Fire Department, Police Department, and Legal recommended approval.

**Budget Impact:** None

**Council Person and District:** Councilman Phillip Boyum, District 1

**Attachments:** Application and Department Approvals

Application for License to Sell Alcoholic Beverages  
City of Statesboro, Georgia

Please be advised that knowingly providing false or misleading information on this document is a felony pursuant to O.C.G.A. § 16-10-20 which states:

A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

The undersigned applicant hereby applies to the City of Statesboro, Georgia for a license to sell alcoholic beverages within the corporate limits of the City of Statesboro. A non-refundable \$200 application fee must be tendered with the application. (cash, credit card, certified check, or money order made payable to City of Statesboro)

Date application was received by tax/license office: 6/16/2020

1. Business Trade Name: Tandoor & Tea  
D/B/A Name

2. Applicant's Name: Eight of Clubs LLC  
Name of partnership, llc, corporation, or individual

3. Business Physical Address: 40 E. Main St. Statesboro, GA 30458

4. Business mailing address: Same as above

5. Local business phone number: 773-208-4796

Corporate office phone number: 773-208-4796

6. Name of Manager: Akkaash Jetwani  
Person responsible for alcohol licensing issues

7. Phone number for manager: 773-208-4796

8. Email address for manager: tandoorandtea@gmail.com

9. Address of manager: \_\_\_\_\_

10. Purpose of application is:

New Business  New Owner

Previous owner's name: \_\_\_\_\_

If the business name has changed, list previous name: \_\_\_\_\_

If the business address has changed, list the previous address: \_\_\_\_\_

\_\_\_\_\_

11. Indicate where the business will be located:

Above ground

Street or ground floor level

Section 6-10(D) Any person within the City of Statesboro who works as a bouncer, either as an employee, agent, or subcontractor whose responsibilities in an establishment that is licensed to sell alcoholic beverages for on-premises consumption shall have their alcoholic beverage security permit on their person at all times while acting as an employee, agent or subcontractor of the licenses. An alcoholic beverage security permit shall be readily available for inspection upon the request of any Statesboro Police Department Officer, City Code Enforcement Officer, or the City Manager/his designee.

12. Type of Business: \_\_\_\_\_ Individual \_\_\_\_\_ Corporation \_\_\_\_\_ Partnership  LLC

Complete EITHER numbers 13, 14, and 15 OR 16, 17, and 18 in the section below:

13. If applicant is an individual: Attach a copy of the trade name affidavit.

Full Legal Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

\_\_\_\_\_

Have you completed the financial affidavit attached to this application? \_\_\_\_\_

14. If applicant is a partnership, LLC, or LLP: Attach trade name affidavit. If an LLC or LLP, attach a copy of certificate of LLC or LLP as filed with the Clerk of Superior Court and trade name affidavit, a copy of your operating agreement and/or partnership agreement, as well as other documents listed below that establish ownership rights of members or partners.

Name & address of partnership, LLC, or LLP: Eight of Clubs LLC

\_\_\_\_\_

Do you have an operating or partnership agreement for the LLC, LLC, or partnership? yes

If not, what documents establish the ownership rights of the members/partners? \_\_\_\_\_

\_\_\_\_\_

15. Members of LLC and/or partners:

Full Legal Name: Arhaash Jetwani Phone #: 773-208-4796

Home Address: \_\_\_\_\_

Full Legal Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

Full Legal Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Home Address: \_\_\_\_\_

Has each member/partner completed a financial affidavit to attach to this application? \_\_\_\_\_  
(Attach additional pages if necessary)

Corporation/Stockholders: All corporate applicants who are corporations shall list the names and addresses of all stockholders and the percentage of stock owned by each. If a named stockholder therein is another corporation, the same information shall be given for the Stockholding Corporation. If, during the life of the license, the identity of the stockholders or their percentage of ownership should change, that information shall be sent to the Finance Department.

16. If applicant is a corporation: Attach a copy of the articles of incorporation, trade name affidavit, current annual corporation registration with the Georgia Secretary of State, as well as the bylaws, the shareholders agreement, and other documents listed below that identify ownership rights.

Name of Corporation: \_\_\_\_\_

Home Office address: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

Date & Place of incorporation: \_\_\_\_\_

Do you have a shareholders agreement?: \_\_\_\_\_

If not, what documents establish the ownership rights of the shareholders? \_\_\_\_\_

**17. Officers:**

Full Legal Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Home address: \_\_\_\_\_

\_\_\_\_\_

Percentage of stock owned: \_\_\_\_\_ Office held: \_\_\_\_\_

Full Legal Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Home address: \_\_\_\_\_

\_\_\_\_\_

Percentage of stock owned: \_\_\_\_\_ Office held: \_\_\_\_\_

Full Legal Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Home address: \_\_\_\_\_

\_\_\_\_\_

Percentage of stock owned: \_\_\_\_\_ Office held: \_\_\_\_\_

**\*\*Attach additional pages if necessary\*\***

**18. Stockholders: (if different than officer names)**

Full Legal Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Home address: \_\_\_\_\_

\_\_\_\_\_

Percentage of stock owned: \_\_\_\_\_ Office held: \_\_\_\_\_

Full Legal Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Home address: \_\_\_\_\_

\_\_\_\_\_

Full Legal Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Home address: \_\_\_\_\_

\_\_\_\_\_

**\*\*Attach additional pages if necessary\*\***

Has each shareholder completed the financial affidavit attached to this application? \_\_\_\_\_

19. If there is any individual or officer who has resided at his/her current address LESS THAN 5 years, complete the information below:

Name: Arkaash Jetwani Phone #: 773-288-4796

Previous address: \_\_\_\_\_

Dates lived there: \_\_\_\_\_

Previous address: \_\_\_\_\_

Dates lived there: \_\_\_\_\_

Previous address: \_\_\_\_\_

Dates lived there: \_\_\_\_\_

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Previous address: \_\_\_\_\_

Dates lived there: \_\_\_\_\_

Previous address: \_\_\_\_\_

Dates lived there: \_\_\_\_\_

Previous address: \_\_\_\_\_

Dates lived there: \_\_\_\_\_

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Previous address: \_\_\_\_\_

Dates lived there: \_\_\_\_\_

Previous address: \_\_\_\_\_

Dates lived there: \_\_\_\_\_

Previous address: \_\_\_\_\_

Dates lived there: \_\_\_\_\_



20. Name & address of owner of the property (land & building) where the business will be located:

Bob Area  
\_\_\_\_\_  
\_\_\_\_\_

21. Is the commercial space where the business is to be located rented or leased? yes

If yes, state name and address of lessor or landlord, and provide a copy of the lease with this application:

Bob Area  
\_\_\_\_\_  
\_\_\_\_\_

22. Does any person or firm have any interest in the proposed business as a silent, undisclosed partner or joint venture; or has anyone agreed to split the profits/receipts from the proposed business with any persons, firm, company, corporation, or other entity? NO

If yes, provide name of person/firm, address, and amount of percentage of profits or receipts to be split:

\_\_\_\_\_  
\_\_\_\_\_

23. Is there anyone connected with this business that is not a legal resident of the United States and at least 21 years of age? NO

If yes, give full details on a separate sheet of paper.

If anyone connected with this business is not a US Citizen, can they legally be employed in the United States?

\_\_\_\_\_

If yes, please explain on a separate sheet of paper and submit copies of eligibility.

24. Is there anyone connected with this business that has applied for a beer, wine, and/or liquor license from the City of Statesboro or other city/county in the State of Georgia, or other political subdivision and been denied such? NO

If yes, please provide details on a separate sheet of paper.

25. Is there anyone connected with this business who holds another alcohol license in any retail category or any license under any wholesale category? NO

If yes, please provide details on a separate sheet of paper.

26. Is there anyone connected with this business that has been convicted within 15 years immediately prior to the filing of this application with any felony or for whom outstanding indictments, accusations, or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred?

NO  
\_\_\_\_\_

If yes, please provide details on a separate sheet of paper.

27. Is there anyone connected with this business that has been convicted within 5 years immediately prior to the filing of this application of the violation of any state, federal, or local ordinance pertaining to the manufacture, possession, transportation or sale of malt beverages, wine, or intoxicating liquors, or the taxability there of a crime involving moral turpitude or of a crime involving soliciting for prostitution, pandering, gambling, letting premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or leaving the scene of an accident or any misdemeanor serious traffic offense? NO  
If yes, please provide details on a separate sheet of paper.
28. Is there anyone connected with this business that has been convicted for selling alcohol to an under-age person within the last 3 year period? NO  
If yes, please provide details on a separate sheet of paper.
29. Is there anyone connected with this business that is an official or public employee of the City of Statesboro, any State or Federal agency, or whose duties include the regulation or policing of alcoholic beverages or licenses, or any tax collecting activity? NO  
If yes, please provide details on a separate sheet of paper.
30. Have you or the applicant had any vehicles, trailers, or property belonging to you or the company in which you or any of such persons have or had an interest in ever been seized, condemned or forfeited as contraband by the State of Georgia or the United States for the reason the same was being used or intended for the use in criminal activities? NO  
If yes, please provide details on a separate sheet of paper.
31. Will live nude performances or adult entertainment be a part of this business operation? NO  
If yes, the City of Statesboro Ordinance 6-164 prohibits alcohol in an establishment having adult entertainment.

I, Avkaash Jekesai, solemnly swear, subject to the penalties O.C.G.A. sec 16-10-20 as provided above which I have read and understood, that all information required in this application for license to sell alcoholic beverages and supporting documents is true and correct to the best of my knowledge and I fully understand that any false information will cause the denial or revocation of any alcohol license issued by the City of Statesboro license. I also fully understand that knowingly providing false information under oath in this affidavit will subject me to criminal prosecution and possible imprisonment.

Avkaash Jekesai

Print full name as signed below



Signature of applicant

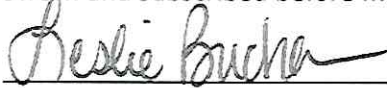
Owner

Title

6/16/2020

Date

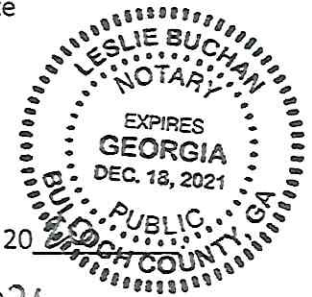
Sworn and subscribed before me this 16<sup>th</sup> day of June, 2020



Notary Public

December 18, 2021

My commission expires



Calculation of Basic License Fee

For Calendar Year: 2020

<u>Classification:</u>	<u>Mark all that apply</u>	<u>License Fee</u>
1. Package Sales	_____	\$1750
2. On Premise License Types		
A. Bar	_____	\$4300
B. Bar with Kitchen	_____	\$4300
C. Event Venue	_____	\$2500
D. Low Volume	_____	\$750
E. Pub	_____	\$5600
F. Restaurant	_____ ✓	\$2800
3. Caterer	_____ ✓	\$200
4. Brewer, manufacturer of malt beverages only	_____	\$1750
5. Broker	_____	\$1750
6. Importer	_____	\$1750
7. Manufacturer of Wine only	_____	\$1750
8. Sunday Sales Permit	_____ ✓	\$300
9. In Room Service Permit	_____	\$150

Total Due: \$ \_\_\_\_\_



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
06/17/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

912-764-9896

PRODUCER  
Lee, Hill & Johnston Insurors  
212 Savannah Avenue  
Statesboro, GA 30458-4935  
Winfield J. Lee III

CONTACT NAME: Winfield J. Lee III

PHONE (A/C, No, Ext): 912-764-9896

FAX (A/C, No): FAX 764-8980

E-MAIL ADDRESS: win@lhjins.com

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURED Eight of Clubs LLC  
40 East Main Street  
Statesboro, GA 30458

INSURER A :

INSURER B :

INSURER C :

INSURER D :

INSURER E :

INSURER F :

### COVERAGES

### CERTIFICATE NUMBER:

### REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:			CSU0148754	04/10/2020	04/10/2021	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 1,000,000
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAS EXCESS LIAB DED RETENTION S						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y / N N / A				PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

### CERTIFICATE HOLDER

### CANCELLATION

CITYSTA

City of Statesboro  
54 E Main St  
Statesboro, GA 30458

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



City of Statesboro  
Department of Planning & Development Memorandum

---

50 East Main Street      P.O. Box 348      » (912) 764-0630  
Statesboro, Georgia 30458      Statesboro, Georgia 30459      » (912) 764-0664 (Fax)

**DATE:**            June 22, 2020  
**TO:**                Tax Department  
**SUBJECT:**        **ALCOHOLIC BEVERAGE APPLICATION (40 E Main Street – Tandoor & Tap)**

The Department of Planning & Development has reviewed the alcoholic beverage application submitted by Avkaash Jehwani for 40 East Main St (Tax Parcel # S28 000051 000). The applicant is proposing the sale of beer, wine and liquor by the drink at this location. The proposed sale of alcohol is permitted at the location and the application **may be approved**. Staff's recommendation is based on the following:

- 1) **Zoning District:** 20 South Main Street is located in the CBD (Commercial Business) district. Sale of beverages is permitted in this district.
- 2) **General Regulations Pertaining to all Licenses:** Per Chapter 6 Section 6-7(c)(1) of the *Statesboro Code of Ordinances*, Class E, and F alcoholic beverage licenses may be issued in the CBD (Commercial Business) zoning district.
- 3) **Alcoholic Beverages Proximity Restrictions:** The Department of Planning & Development has reviewed the subject property for consistency with the proximity restrictions of Chapter 6 Section 6-7(d) of the *Statesboro Code of Ordinances*. The proposed location is required to adhere to the regulations set forth by O.C.G.A. § 3-3-21. **As per Chapter 6-7(e)1, Class D, Class E and Class F alcoholic beverage licenses shall not be issued for a location without a certificate from a land surveyor, registered in the State of Georgia, showing a scaled drawing of the location of the proposed premises and the shortest straight line distance from the front door/primary entrance to any church building, school building, educational building, school grounds, college building, or college campus located within a radius of 100 yards of the premises. Attached survey shows no encroachment.**

Department of Planning and Development **approval** is based on the information provided within the alcoholic beverage application submitted for our review.

The Department of Planning & Development encourages all applicants to access the *Statesboro Zoning Ordinance* online at <http://www.statesboroga.gov/>. **The applicant is also encouraged to consult directly with representatives of the Engineering, Fire and other permitting departments if any work on the building or site is occurring to determine whether or not building or site plans associated with the proposed use are necessary.**

Respectfully,

Justin L Williams  
City Planner I  
Department of Planning and Development

**Tandoor & Tap**  
**40 E Main St**  
**Statesboro, Ga 30458**

*Please enter your recommendations and comments with your full name.*

**Alcohol License Review**

**Department                  Full Name          Recommendation                          Comments**

<b>Planning &amp; Development</b>	Justin Williams	Approve	See Memo
<b>Fire Department</b>	Stephan Hutchins	Approve	
<b>Police Department</b>	Mike Broadhead	Approve	No reason for denial noted
<b>Legal</b>	Cain Smith	Approve	

# 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:** July 10, 2020

**RE:** July 21, 2020 City Council Agenda Items

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

**Recommendation:** The Planning Commission recommends approval of the zoning map amendment requested by application RZ 20-06-01 with staff conditions.

**Background:** Lamar Smith Signature Group requests a zoning map amendment of 5.88 acres of property located at 54 Packinghouse Road from CR (Commercial Retail) to the R-4 (High Density Residential) zoning district in order to utilize the property for a 44-unit townhome development (Tax Parcel MS69 000003A 002).

**Budget Impact:** None

**Council Person and District:** Boyum (District 1)

**Attachments:** Zoning Services Report RZ 20-06-01





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

P.O. Box 348  
 Statesboro, Georgia 30458

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

<b>RZ 20-06-01            ZONING MAP AMENDMENT REQUEST            54 PACKINGHOUSE ROAD</b>		
<b>LOCATION:</b>	54 Packinghouse Road	
<b>EXISTING ZONING:</b>	CR (Commercial Retail)	
<b>PROPOSED ZONING:</b>	R-4 (High Density Residential)	
<b>ACRES:</b>	5.88 acres	
<b>PARCEL TAX MAP #:</b>	MS69 000003A 002	
<b>COUNCIL DISTRICT:</b>	District 1 (Boyum)	
<b>EXISTING USE:</b>	Vacant Land	
<b>PROPOSED USE:</b>	44 Townhome Units (7.48 units per acre)	

**PETITIONER** Lamar Smith Signature Group, C/O Lamar Smith  
**ADDRESS** 152 Thunderbird Drive, Suite 207, Richmond Hill, GA 31324

**REPRESENTATIVE** EMC Engineering Services, C/O Jeremy Hart  
**ADDRESS** 1211 Merchant Way, Suite 201, Statesboro, GA 30458

<b>PROPOSAL</b>
<p>The applicant requests a zoning map amendment from the CR (Commercial Retail) to the R-4 (High Density Residential) zoning district in order to allow for the construction of approximately forty-four (44) townhome units. Since the Hartford Subdivision was created in 2007, the subject property has been vacant land. During 2015, the property was partially developed as a religious facility, but only the foundation work was completed.</p>
<b>PLANNING COMMISSION RECOMMENDATION</b>
<p><b>RZ 20-06-01 CONDITIONAL APPROVAL</b></p>

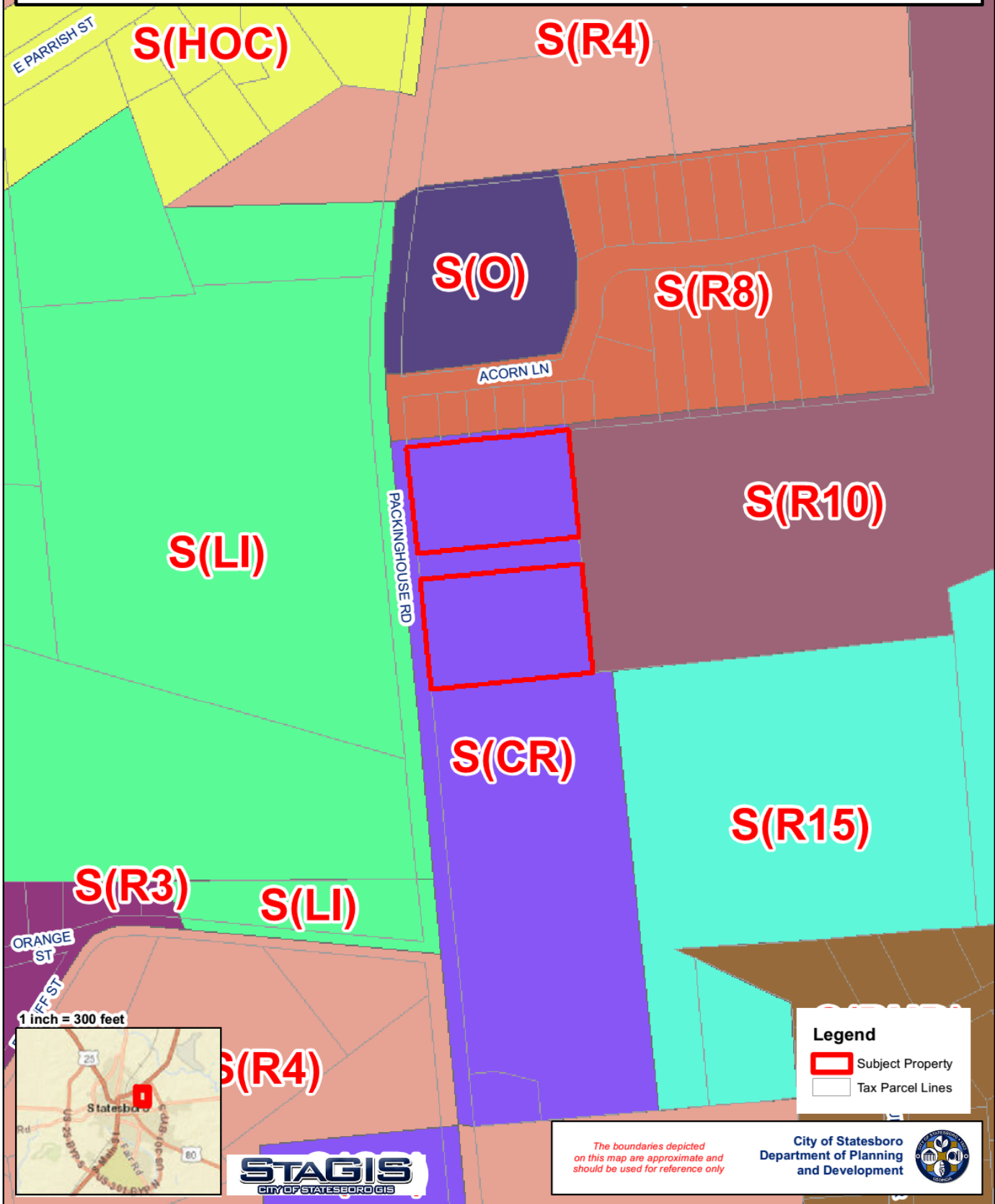
Case # RZ 20-06-01  
54 Packinghouse Road  
Parcel: MS69000003A002

# Location Map



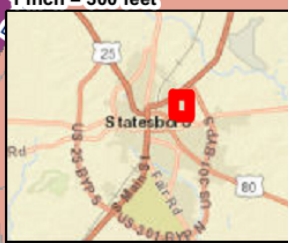
Case # RZ 20-06-01  
54 Packinghouse Road  
Parcel: MS69000003A002

# Current Zoning Map



**Legend**

- Subject Property
- Tax Parcel Lines

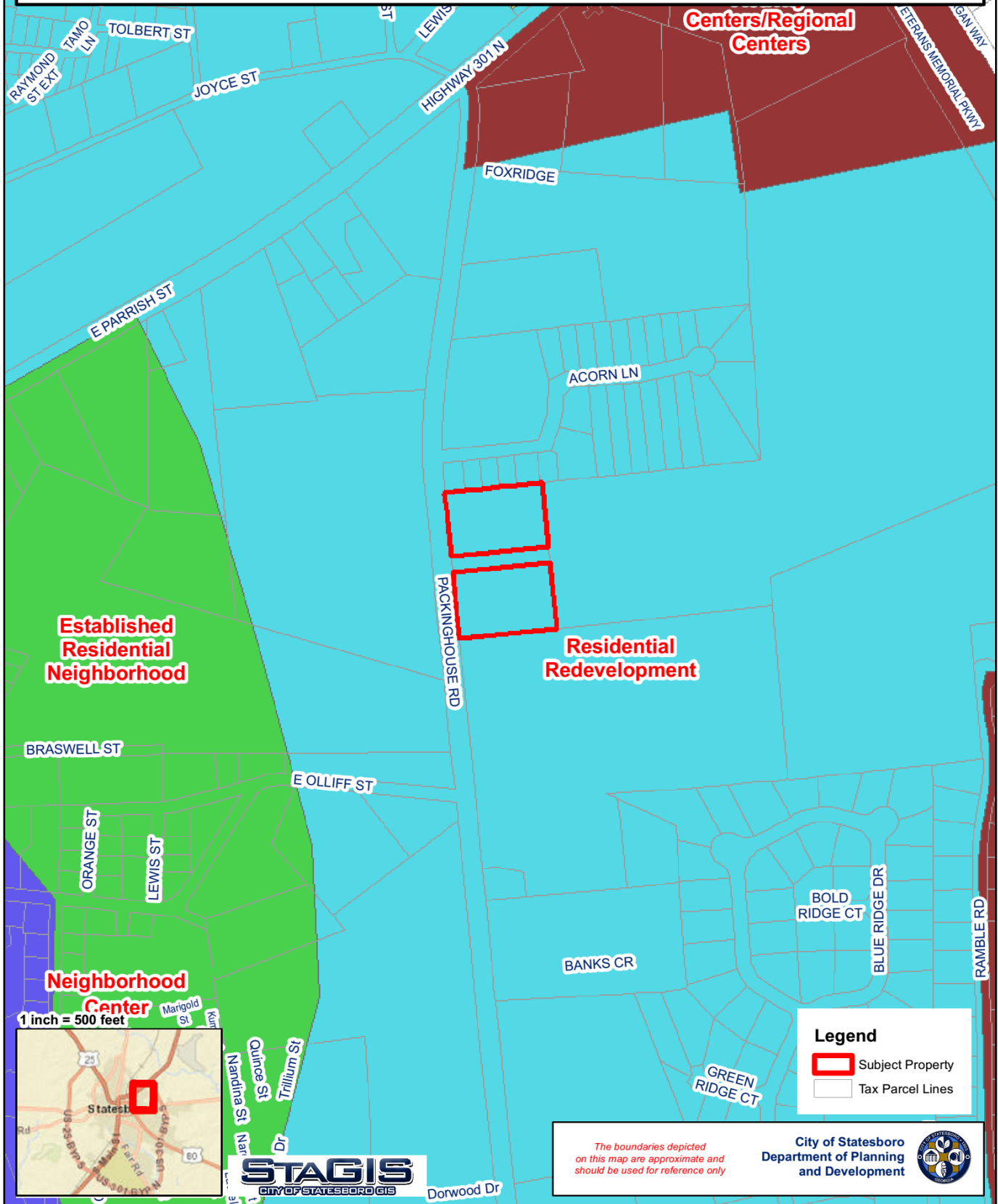


*The boundaries depicted on this map are approximate and should be used for reference only*

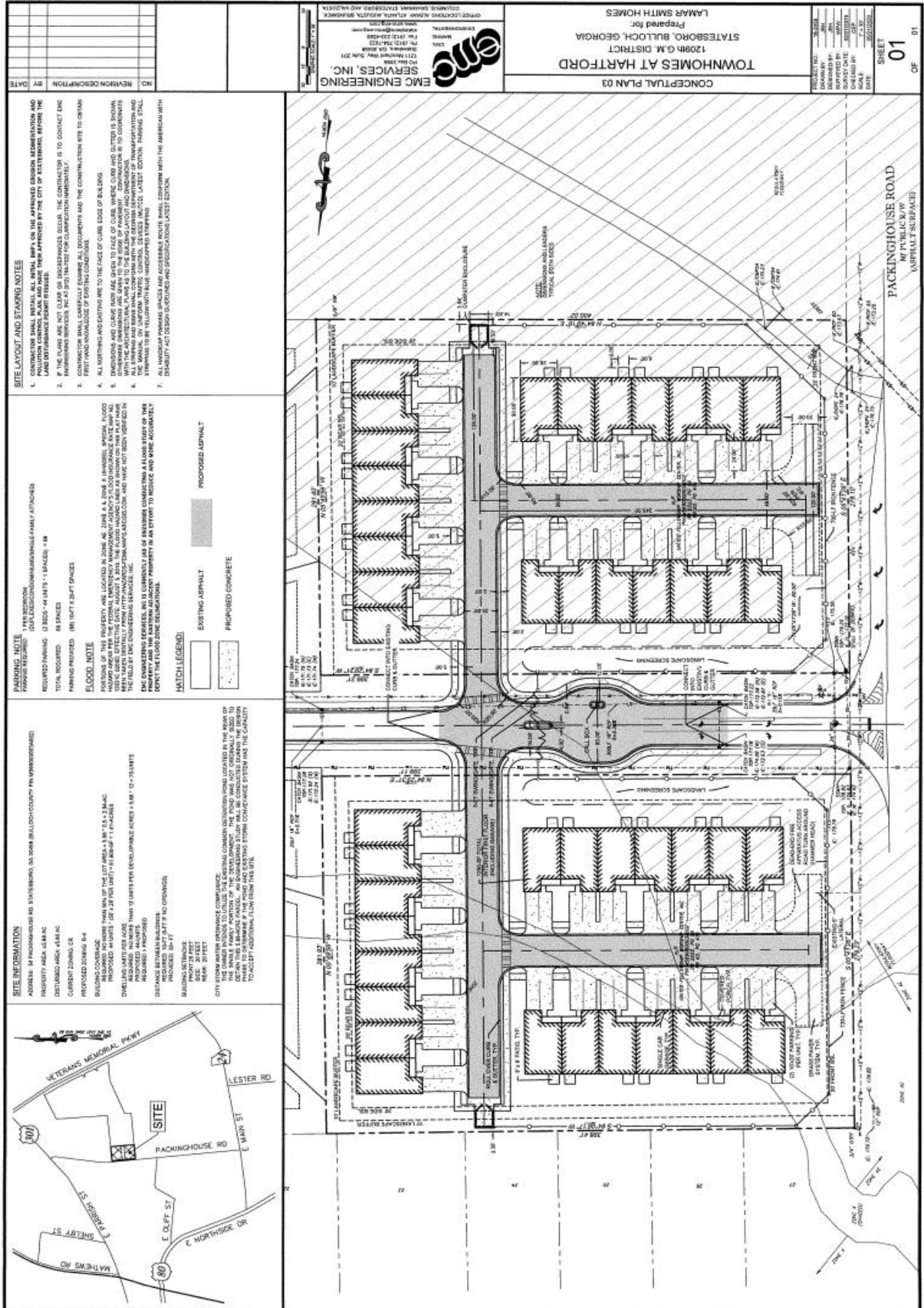
City of Statesboro  
Department of Planning and Development

Case # RZ 20-06-01  
54 Packinghouse Road  
Parcel: MS69000003A002

# Future Landuse Plan Map



# SITE PLAN SUBMITTED ON JUNE 1, 2020



## **SUBJECT SITE**

The subject site contains 5.88 acres and is currently vacant land. The subject property has been vacant since the Hartford Subdivision was approved in 2007. A portion of the overall site, 3.18 acres had previously been permitted for a religious facility (United Fellowship Worship Center) in 2015. However, this project was abandoned leaving only the foundation work completed. Per the applicant, the current zoning would not allow the parcel to be developed in an economically feasible manner nor would it be consistent with the surrounding land uses.

The *City of Statesboro 2019 – 2029 Comprehensive Master Plan* designates the subject site in the “Residential Redevelopment” character area, which encourages a redevelopment strategy focused on preserving the area’s original housing stock, while rebuilding on the remaining land, a new, attractive neighborhood following the principles of traditional neighborhood development.

## **ENVIRONMENTAL SITE ANALYSIS**

The subject site does contain wetlands and flood hazard areas, but it should not impact this request. All buildings in the flood plain must adhere to the City of Statesboro’s Flood Protection Ordinance. Any other potential issues will be brought forth and discussed during standard permitting and review procedures.

## **COMMUNITY FACILITIES AND TRANSPORTATION**

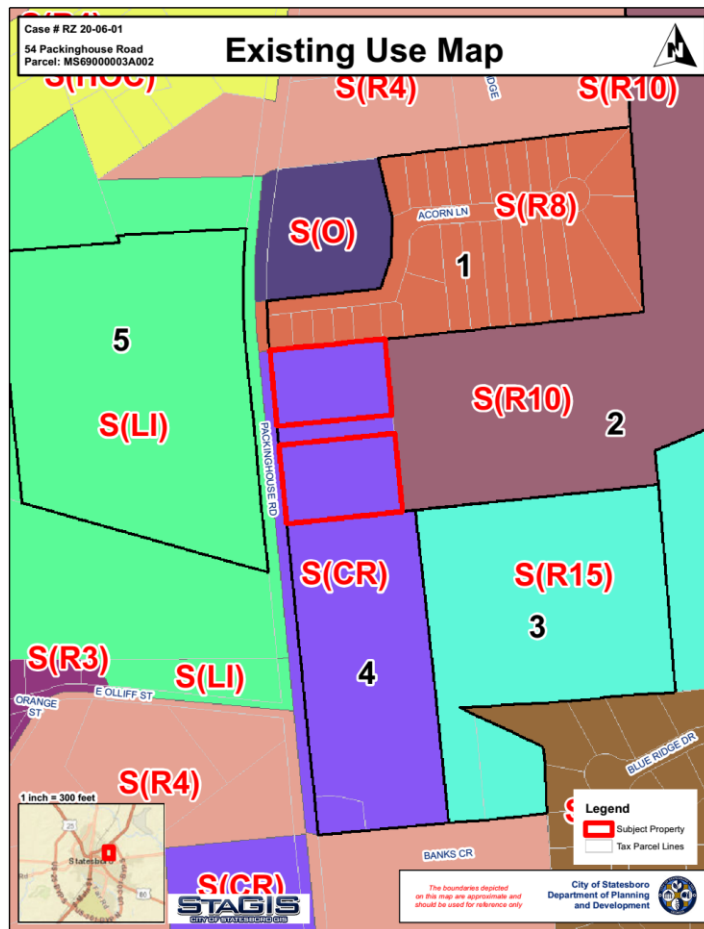
The subject property is currently serviced by city utilities, sanitation and public safety. No significant impact is expected on community facilities or services as a result of this request. The developer will be required to tie the townhome development’s internal sidewalks into the City’s sidewalk facilities to be located along Packinghouse Road.

## **ZONING MAP AMENDMENT STANDARDS OF REVIEW**

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 request, 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.**

The proposed 44 townhome units comprised of 6 multi-unit buildings, developed at a density of 7.48 units per acre is consistent and provides a transition from the roadway to lower density residential with adjacent and nearby properties. The existing land uses and zoning of the property nearby is primarily residential. **The surrounding lots are zoned R-8 (Single Family Residential), R-10 (Single Family Residential), R-15 (Single Family Residential), CR (Commercial Retail), and LI (Light Industrial),** and are currently occupied by vacant land and single-family residential dwellings.



**SURROUNDING LAND USES/ZONING**

Location	Parcel Location & Zoning Information	Land Use
East	<b>Location Area #2:</b> R-10 (Single-Family Residential) Total Subdivision Acreage: 62 acres; 2.4 single-family detached dwelling units/acre; minimum lot size of 10,000 sq. ft.	Hartford Subdivision – 150 Lots/Single-Family Detached Dwelling Units
Southwest	<b>Location Area #3:</b> R-15 (Single-Family Residential) Total Subdivision Acreage: 40.59 acres; 1.36 single-family detached dwelling units/acre; minimum lot size of 15,000 sq. ft.	Pepperidge Subdivision – 55 Lots/Single-Family Detached Dwelling Units
South	<b>Location Area #4:</b> CR (Commercial Retail)	Vacant Land
West	<b>Location Area #5:</b> LI (Light Industrial)	Vacant Land
North	<b>Location Area #1:</b> R-8 (Single-Family Residential) Total Subdivision Acreage: 13.41 acres; 2.01 single-family detached dwelling units/acre; minimum lot size of 8,000 sq. ft.	Mossy Oak Cove Subdivision – 27 Lots/Single-Family Detached Dwelling Units

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

- a. It is Staff's opinion that the proposal will not adversely affect the existing use or usability of the adjacent properties as described above if approved with the Recommended Conditions. The proposed development is within the range of existing approved densities and uses in the area. Lastly, 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. It is Staff's opinion that the existing Commercial Retail (CR) zoning negatively impacts the value of the property as the surrounding property uses are residential.

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

- a. The subject site is currently zoned CR (Commercial Retail). Per Article X, Section 1001, this parcel can be occupied by a variety of commercial and medical office building uses. Under the proposed R-4 zoning, the applicant would be able to develop a 44-unit townhome development with 88 bedrooms (2 bedrooms per unit), which is the intended use of the 5.88 +/- acre development site. While the existing zoning does not prohibit the health, safety, morals or general welfare of the public, the proposed subject property's rezoning to a residential use would better promote the public's health, safety, morals and general welfare.

**(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 requested 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. The property has been vacant since the preliminary plat for the Hartford Subdivision was approved by City Council on August 21, 2007 under **SUB 07-08-09**.

**(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 the adjacent areas; and**

- a. Proposed land use change would cause an increase in population density.
- b. Impacts on local traffic should be considered.
- c. 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. Use of the property as a residential townhome development is consistent with the vision and implementation strategies of the “Residential Redevelopment” character area as articulated within the *2019 – 2029 Statesboro Comprehensive Master Plan*.

## PLANNING COMMISSION RECOMMENDATION

At the regularly scheduled meeting held on July 7, 2020, the Planning Commission voted 5-0 to recommend approval of the zoning map amendment requested by application **RZ 20-06-01** with the following staff conditions:

If this petition is approved by the Mayor and City Council, it should be subject to the applicant's agreement to the following enumerated condition(s):

- (1) Use of the subject property is restricted as follows:
  - a) Single-family attached townhouse dwellings.
  - b) No more than 44 total dwelling units at a maximum density of 7.48 units per acre, whichever is less, based on the total acreage zoned.
  - c) Accessory uses and structures as approved by the Planning Director.
  - d) No home occupations shall be permitted unless approved by Special Exception.
- (2) Proposed townhome development shall adhere to the following development standards:
  - a) A minimum of twenty (20) percent of the total lot area shall be devoted to greenspace.
  - b) Each greenspace shall have a tree canopy density of at least 17,424 square feet of canopy for every 43, 560 square feet of greenspace (40 percent).
  - c) Exterior Building Materials:
    - (i) Principal structures shall have a minimum of fifty (50) percent finish product on the exterior of walls of the building consisting of brick, hard-coat stucco, or fiber cement siding.
    - (ii) Buildings shall utilize at least two (2) of the following design features to provide visual relief along the front of the residential building structures:
      1. Dormers.
      2. Gables.
      3. Recessed entries.
      4. Covered front porches.
      5. Pillars or posts.
      6. Bay Window (minimum 24-inch projection).
  - d) Alley or private drive access required. Principal buildings shall front a private drive or public right-of-way.
  - e) The garage shall not occupy more than forty (40) percent of the total building frontage. This measurement does not apply to garages facing an alley and/or private access drive.
  - f) Cluster-style mailbox shall be required. Style and location of the cluster-style mailbox structure to be approved by the Planning Director.
  - g) Proposed townhome development shall be required to include one of the following Community amenities within the development plan:
    - (i) *Exterior Gathering Area*. The exterior gathering area must be reserved exclusively for the social interaction of residents and their guests.

- (ii) *Fenced Community Garden.* A fenced community garden must have a minimum planting area of 200 square feet and be maintained regardless of residential use.
  - (iii) *Equipped walking path with sitting areas.* The walking path shall be a minimum of 500 feet long and 5 feet wide. Rules and safety guidelines should be posted along entry points to the path.
  - (iv) *Equipped Playground.* Playground and play design area must be safe and accessible for children of different ages.
  - (v) *Covered pavilion with picnic/barbecue facilities.* The shelter must be a permanent structure made of weatherproof material, permanently attached to a concrete foundation/slab and match the development's architectural style.
  - (vi) Other community amenity of similar type and intensity as approved by the Planning Department staff.
- (3) Substantial compliance with the conceptual site plan received by the Planning and Development Department on June 1, 2020, and whereby the exact layout of the project may contain minor deviations approved by the Planning Director provided the deviations remain consistent with the purpose and intent of the Council's approval of this petition. Notwithstanding the contents of the conceptual site plan, the project must meet or exceed the requirements of the Zoning Ordinance, all other applicable City ordinances and these conditions. The site plan may be revised with the approval of the Planning Director in order to comply with City codes and zoning conditions. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
- (4) Development site shall comply with the requirements under Article XXIII, Section 2301 – Landscape Buffer Requirements of the Statesboro Zoning Ordinance.
- (5) At the developer's expense, sidewalks internal to the development site shall connect to the City's sidewalk facilities to be located along Packinghouse Road as required and approved by the City of Statesboro Department of Engineering and Public Works.

# 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:** July 10, 2020

**RE:** July 21, 2020 City Council Agenda Items

**Policy Issue:** *Statesboro Zoning Ordinance: Special Exception Request*

**Recommendation:** The Planning Commission recommends approval of the special exception requested by application SE 20-06-02 with staff conditions.

**Background:** Billy H. Hill requests a special exception for 0.48 acres of property located at 882 Northside Drive East to utilize the commercial building and associated site improvements as an automotive sales use in the CR (Commercial Retail) zoning district (Tax Parcel S59 000091 000).

**Budget Impact:** None

**Council Person and District:** Boyum (District 1)

**Attachments:** Zoning Services Report SE 20-06-02



# ZONING SERVICES REPORT

P.O. Box 348  
Statesboro, Georgia 30458

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

**SE 20-06-02  
SPECIAL EXCEPTION REQUEST  
882 NORTHSIDE DRIVE EAST**

<b>LOCATION:</b>	882 Northside Drive East
<b>EXISTING ZONING:</b>	CR (Commercial Retail)
<b>ACRES:</b>	0.48 acres
<b>PARCEL TAX MAP #:</b>	S59 000091 000
<b>COUNCIL DISTRICT:</b>	District 1 (Boyum)
<b>EXISTING USE:</b>	Vacant Commercial Building
<b>PROPOSED USE:</b>	Used Automotive Sales



**PETITIONER** Billy H. Hill  
**ADDRESS** P.O. Box #306, Springfield, GA 31329

**REPRESENTATIVE** Tony Crosby  
**ADDRESS** 28 East Main Street, Statesboro, GA 30458

**PROPOSAL**

The applicant requests a special exception to allow for the utilization of an existing commercial building located at 882 Northside Drive East as an automotive sales use within the CR (Commercial Retail) zoning district. "Automotive and allied sales and services" are not permissible uses by right under the subject site's current CR zoning district regulations. The applicant's desired utilization of the property is not permitted without either the rezoning of the property or the granting of a special exception permitting the requested use. Historically, the property has been a car wash, golf cart sales/service business, and an insurance agency.

**PLANNING COMMISSION RECOMMENDATION**

**SE 20-06-02 CONDITIONAL APPROVAL**

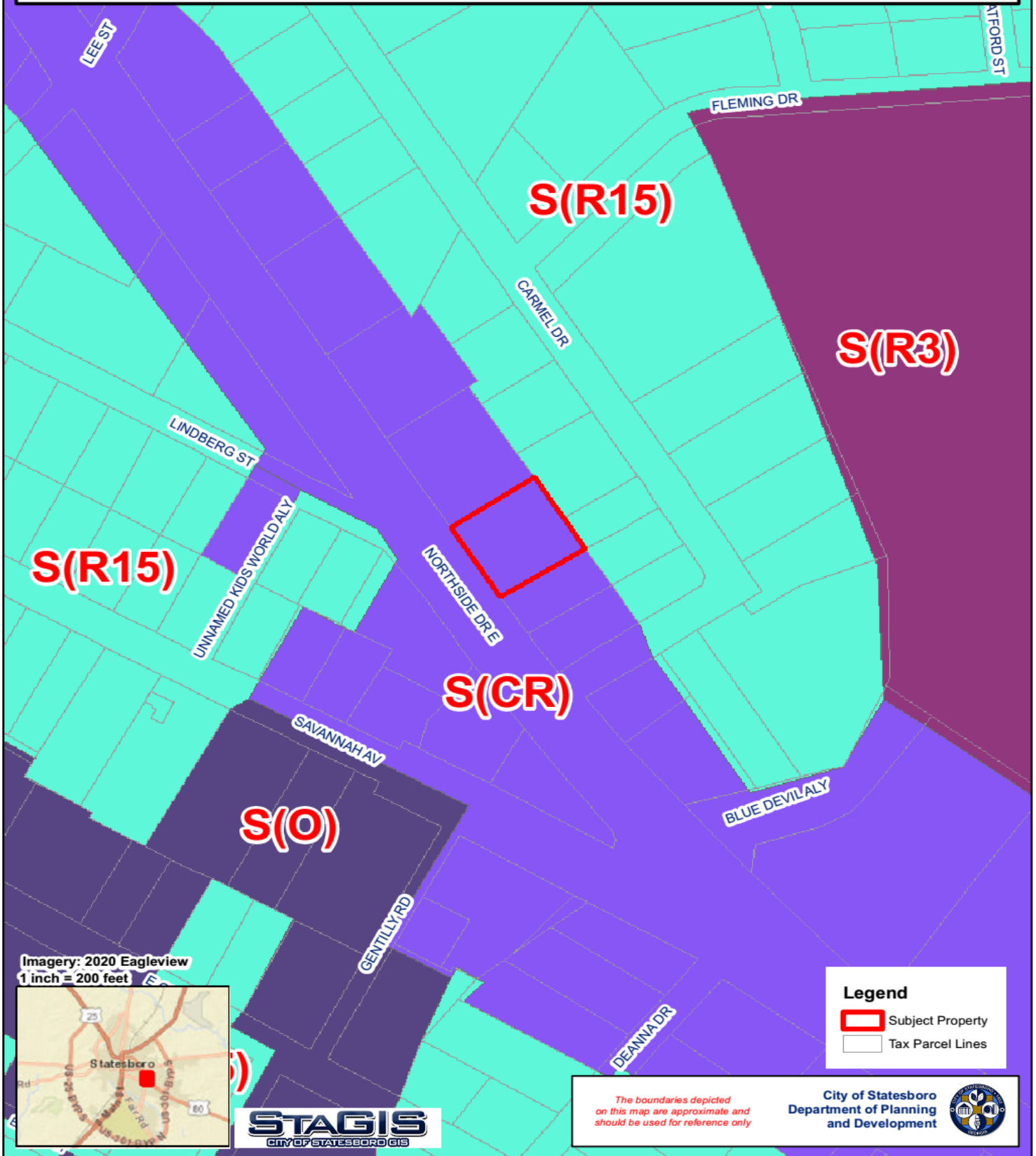
Case # SE 20-06-02  
882 Northside Drive East  
Parcel: S59 0000091 000

# Location Map



Case # SE 20-06-02  
882 Northside Drive East  
Parcel: S59 0000091 000

# Current Zoning Map



Imagery: 2020 Eagleview  
1 inch = 200 feet



**Legend**

- Subject Property
- Tax Parcel Lines

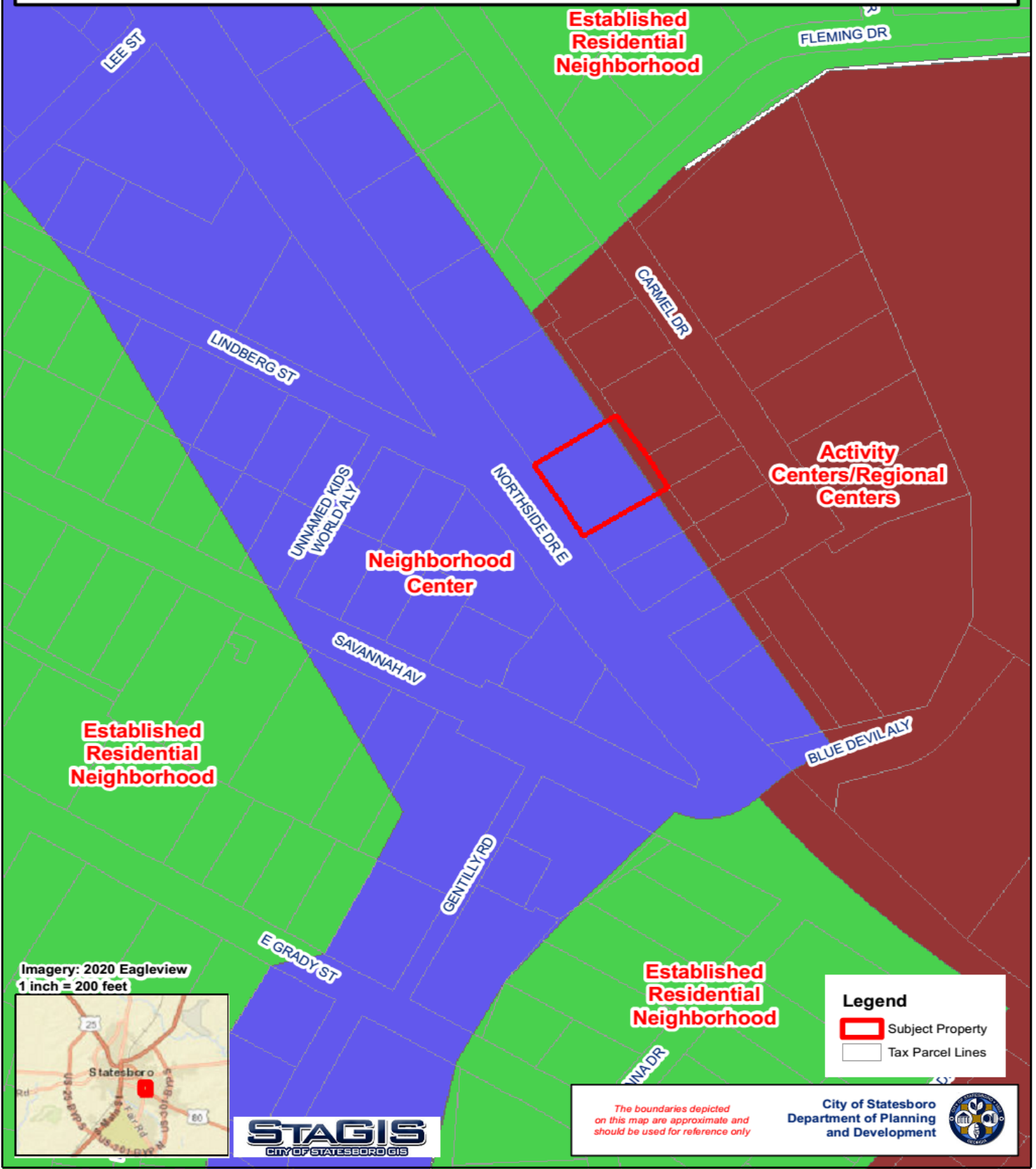
*The boundaries depicted on this map are approximate and should be used for reference only*

City of Statesboro  
Department of Planning  
and Development

Case # SE 20-06-02

882 Northside Drive East  
Parcel: S59 000091 000

# Future Landuse Plan Map



**Established Residential Neighborhood**

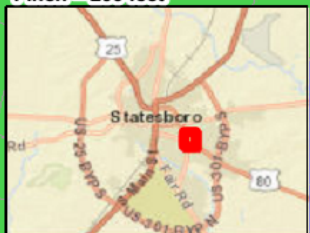
**Established Residential Neighborhood**

**Activity Centers/Regional Centers**



**Neighborhood Center**

**Established Residential Neighborhood**

Imagery: 2020 Eagleview  
1 inch = 200 feet



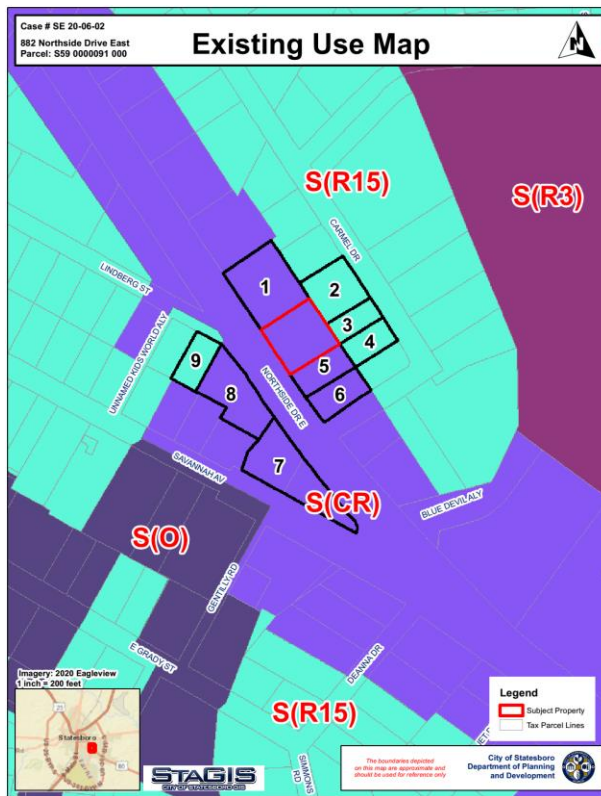
**Legend**

-  Subject Property
-  Tax Parcel Lines

*The boundaries depicted on this map are approximate and should be used for reference only*







**SURROUNDING LAND USES/ZONING**

Location	Parcel Location & Zoning Information	Land Use
North	<b>Location Area #1:</b> CR (Commercial Retail)	Enterprise Rental Car Facility (Approved by City Council under <b>SE 17-05-01</b> ).
Northeast	<b>Location Area #2:</b> R-15 (Single-Family Residential)	Single-Family Residential Dwelling approved as a Group Recovery Home under <b>CUV 18-09-17</b> .
East	<b>Location Area #3:</b> R-15 (Single-Family Residential)	Single-Family Residential Dwelling
Further East	<b>Location Area #4:</b> R-15 (Single-Family Residential)	Single-Family Residential Dwelling
Southeast	<b>Location Area #5:</b> CR (Commercial Retail)	Pest Master Services Business
Further Southeast	<b>Location Area #6:</b> CR (Commercial Retail)	Pest Master Services Business
South	<b>Location Area #7:</b> CR (Commercial Retail)	Vacant Gas Station Facility
Southwest	<b>Location Area #8:</b> CR (Commercial Retail)	Commercial Strip Center
West	<b>Location Area #9:</b> R-15 (Single-Family Residential)	Kid's World Day Care Business

## **SUBJECT SITE**

The subject site contains a vacant, two-unit commercial building with associated site improvements on approximately 0.48 acres. Historically, the property has been a car wash, golf cart sales/service business, and an insurance agency.

The *City of Statesboro 2019 – 2029 Comprehensive Master Plan* designates the subject site in the “Neighborhood Center” character area, which contains a blend of lower to medium density residential and commercial uses, personal services and offices that are neighborhood scale in size and intensity. This character area often acts as a buffer or transition area between single-family residential areas and more intense commercial areas. Generally, neighborhood-scale uses include retail, restaurant and neighborhood services.

## **ENVIRONMENTAL SITE ANALYSIS**

The subject property does not contain wetlands and is not located in a special flood hazard area. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

## **COMMUNITY FACILITIES AND TRANSPORTATION**

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

## **SPECIAL EXCEPTION STANDARDS OF REVIEW**

The *Statesboro Zoning Ordinance* permits the grant of a special exception upon a finding by the governing body that the requested use is “of the same general character” as those uses permitted within the district without the grant of a special exception and requires that “in determining the compatibility of the conditional use with adjacent properties and the overall community, the Mayor and City Council (will) consider the same criteria and guidelines [as for] determinations of amendments, as well as the following factors”.

Article XXIV, Section 2406 of the *Statesboro Zoning Ordinance* lists **seven (7) factors** that should be considered by the Mayor and City Council “in determining the compatibility” of the requested use with adjacent properties and the overall community for considerations of Conditional Use Variances, or Special Exceptions as follows:

**(A) Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.**

- Staff is unaware of any environmental impacts this request would cause.

**(B) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.**

- The proposed use of the existing commercial building on the subject site is not expected to cause a significant impact to vehicular traffic.

**(C) Off-street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.**

- The proposed use is anticipated to occupy the vacant, commercial building located on the subject site. Per Article XVI of the *Statesboro Zoning Ordinance*, the applicant must have one (1) parking space for every 1,000 square feet of retail sales or customer area for the proposed vehicular sales

use. The subject site already has adequate parking facilities to meet the minimum requirements of the City's parking ordinance for the proposed use.

**(D) Public facilities and utilities are capable of adequately serving the proposed use.**

- Building Inspections by the Building Inspections Division (i.e. Building Official) have not been conducted, but may be required if certain renovation thresholds are surpassed.

**(E) The proposed use will not have significant adverse effect on the level of property values or the general character of the area.**

- The proposed use will have an adverse effect on the general character of the area.

**(F) Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.**

- The applicant has not yet submitted a site plan depicting improvements in accordance with the City of Statesboro's Commercial Retail district, parking ordinance or other applicable codes.

**(G) Approval of a proposed use by the Mayor and City Council does not constitute [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the Planning Commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.**

- Any significant future phases or changes to this proposal must first be reviewed and approved by City Council.

**Article XVIII, Section 1802 of the *Statesboro Zoning Ordinance* further outlines the qualifications needed to grant a special exception to the zoning ordinance. These include uses that are consistent with the purpose and intent of the zoning ordinance and district in which the use is proposed to be located; uses that do not detract from neighboring property; and uses that are consistent with other uses in the area. In order to meet these qualifications, approval of any special exception for the proposed use at the subject parcel should (if necessary) include conditions that will ensure that development along this corridor remains consistent with the *Statesboro Comprehensive Plan* and the *Statesboro Zoning Ordinance* and that serve to mitigate negative effects of the use to the surrounding area's character, uses, and zones.**

- The proposed use is inconsistent with the subject site's character area ("Neighborhood Center") as stated in the *2019 – 2029 Comprehensive Master Plan*. The proposed use does not adequately mitigate negative effects of the use to the surrounding area's character, uses and zones. The subject site is located within an area, which should act as a buffer or transition area between single-family residential areas and more intense commercial areas. Generally, neighborhood-scale uses include retail,

restaurant and neighborhood services. Furthermore, the requested automotive sales use is also inconsistent with the purpose and intent of the zoning ordinance and district in which the use is proposed to be located.

### **PLANNING COMMISSION RECOMMENDATION**

At the regularly scheduled meeting held on July 7, 2020, the Planning Commission voted 6-0 to recommend approval of the special exception requested by application **SE 20-06-02** with the following staff condition(s):

If this petition is approved by the Mayor and City Council, it should be subject to the applicant's agreement to the following enumerated condition(s):

- (1) Use of the subject property as an automotive sales use shall be conditioned upon the following site requirements and standards:
  - a) Landscape buffer shall be required along the property line abutting Northside Drive East. This landscape buffer shall extend from the southwest corner of the subject site along the property line abutting Northside Drive East (US Hwy 80) to the current subject site's driveway entrance. Buffer shall be no higher than three (3) feet in height at maturity and consist mostly of shrubs or other landscape buffer plantings as approved by City staff. This landscape buffer shall not be planted within or allowed to obstruct public rights-of-way as specified in Statesboro City Code, Chapter 86, or otherwise cause a visibility safety hazard for vehicular traffic as may be determined by the City.
  - b) Owner shall be required to remove the wood decking located in the front yard setback area. No parking shall be allowed on an unimproved area of the subject site.
  - c) If the applicant desires more than ten (10) parked vehicles at this location, then a detailed site plan must be submitted to City staff for review and approval.
  - d) An Occupational Tax Certificate shall not be approved for the proposed automotive sales use until these site requirements and standards are deemed complete per City staff's inspection.
- (2) Approval of this Special Exception does not grant Occupational Tax Certificate approval as submitted. Applicant will be required to submit a business license application for City staff's review and approval.
- (3) The Special Exception for the automotive sales use of the site is specific to the subject property. Any significant future phases or changes to this proposal must be first be review and approved by City Council.

# 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:** July 13, 2020

**RE:** July 21, 2020 City Council Agenda Items

**Policy Issue:** First Reading of revision to City Ord 2-2.4 regarding ordinance revision procedure before Mayor and Council.

**Recommendation:** Consideration

**Background:** Motion to direct city attorney to revise existing 2-2.4 for first reading at meeting of Mayor and council was made and approved at work session on June 16, 2020. Existing version was passed on December 4, 2018. Revision to ordinance would allow Mayor, two Council members, or City Manager to direct City Attorney to produce ordinance revision drafts for Mayor and Council review at work session.

**Budget Impact:** None

**Council Person and District:** All

**Attachments:** Proposed revision and existing ordinance

**Ordinance 2020-06:**

Sec. 2-2.4. – Presentation of Code of Ordinances Revisions to Mayor and Council

- a) Requests for revisions to the Code of Ordinances may be made by the City Manager, Mayor or two members of Council. These requests shall be in writing to the City Attorney not less than seven days prior to the work session at which it is intended to be brought forward for initial review by Mayor and Council. City Attorney shall then draft proposed revision for presentation at work session. The person(s) requesting the revision shall present explanation and reasons for making the proposed revision to Mayor and Council at work session. Suggestions for revisions to the Code of Ordinances shall only be made by the Mayor, Council or City Manager. Any citizen, board or outside organization wishing to make a suggestion for revision shall contact their District Council representative or the Mayor, who may sponsor the idea before Mayor and Council.
- b) An affirmative vote of a majority of quorum of Mayor and Council at work session shall be required to move the proposed written ordinance revision forward to be placed on the agenda as First Reading at a subsequent regularly scheduled meeting of Mayor and Council that is not held on the same date that work session approval is made. Vote to do so shall be taken in accordance with existing standard voting guidelines as outlined in the Charter.
- c) First reading: An approved proposed ordinance revision shall then be presented as a First Reading and Public Hearing, which shall be run according to standard Charter meeting guidelines. Mayor and Council may vote in the affirmative to move the ordinance, as then presented or with only minor modification, forward to Second Reading. Substantial changes made to revision presented at First Reading shall require modified revision to be presented as a First Reading at a subsequent meeting of Mayor and Council.
- e) Second Reading and Consideration: Mayor and Council may move to approve or deny the revision as presented in the publicly available meeting agenda. Scrivener's errors may be corrected, but no substantive modifications to proposed revision shall be considered for passage.
- f) Upon recommendation of City staff and unanimous vote of quorum of Mayor and Council the formalities contained herein may be waived.

**Sec. 2-2-4. - Presentation of Code of Ordinances revisions to mayor and council.**

(a)

Proposed revisions to the Code of Ordinances shall be brought up as an agenda item at a regularly scheduled meeting of the mayor and council or during "other business" of a regularly scheduled meeting. The person(s) requesting the revision shall present explanation and reason for making the proposed revision to mayor and council. Suggestions for revisions to the Code of Ordinances shall only be made by the mayor, council or city staff. Any citizen, board or outside organization wishing to make a suggestion for revision shall contact their district council representative or the mayor, who may sponsor the idea before mayor and council.

(b)

An affirmative vote of a majority of quorum of mayor and council shall move the ordinance revision forward with a directive that the city attorney draft proposed revision language. Vote to do so shall be taken in accordance with existing standard voting guidelines as outlined in the Charter.

(c)

The city attorney shall then prepare a draft of the revision. In the case of a proposed revision to an existing ordinance, the city attorney shall prepare a document that shows the existing ordinance in its current form with proposed additions and deletions notated in a comprehensible manner on a single copy. If intent to proceed with revision under (b) has been properly made, the city attorney may present a so declared preliminary revision at a regularly scheduled meeting of mayor and council in order to facilitate discussion and seek input from mayor and council during the revision drafting process. A preliminary revision shall not be considered for passage by mayor and council. Public hearing on a proposed revision may only be allowed upon motion of mayor and council though it is not required for a preliminary revision to move forward.

(d)

Once the city attorney has substantially prepared the proposed ordinance revision it should be presented as a first reading and public hearing, which shall be run according to standard Charter meeting guidelines. Mayor and council may vote in the affirmative to move the ordinance, as then presented or with only minor modification, forward to second reading. Substantial changes made to revision presented at first reading shall require modified revision to be presented as a first reading at a subsequent meeting of mayor and council.

(e)

Second reading. Mayor and council may move to approve or deny the revision as presented in the publicly available meeting agenda. Scrivener's errors may be corrected, but no substantive modifications to proposed revision shall be considered for passage.

(f)

Upon recommendation of city staff and unanimous vote of quorum of mayor and council the formalities contained herein may be waived.

# CITY OF STATESBORO

## COUNCIL

Phillip A. Boyum  
Paulette Chavers  
Venus Mack  
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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:** July 13, 2020

**RE:** July 21, 2020 City Council Agenda Items

**Policy Issue:** First Reading of revision to City Code of Ordinances establishing Article 80 Discrimination

**Recommendation:** Consideration

**Background:** Motion to direct city attorney to revise Code of Ordinances to include prohibition of certain discriminatory actions in the City of Statesboro and provision of a framework for handling claims of such prohibited actions was made by Councilman Phil Boyum and approved at regular Council meeting on June 16, 2020.

**Budget Impact:** None

**Council Person and District:** All

**Attachments:** Proposed Article 80 Discrimination



**Ordinance 2020-07:**

**ARTICLE 80. - DISCRIMINATION**

**Sec. 80-1. - Definitions.**

For purposes of this ordinance, certain terms shall be interpreted or defined as follows unless the context clearly indicates otherwise.

*Age* means an individual's chronological age.

*Business* means any person or entity conducting business within the City, which is required to obtain a license or permit. For purposes of this ordinance, no department of any government agency shall be considered to be a business (notwithstanding licensure by the City).

*Complainant* means an individual that files a complaint pursuant to this ordinance.

*Disability*, which includes physical and mental impairments, shall be interpreted co-extensively with the meaning given to that term under the Americans With Disabilities Act, codified at 42 U.S.C. § 12101 et seq., except that if a person would be considered to have a disability but for the use of a mitigating measure, that person shall nevertheless be considered to have a disability within the meaning of this ordinance.

*Employee* means any person employed by or seeking employment from any business within the City of Statesboro. Employee does not include any individual employed by such individual's parents, spouse or child or in the domestic service of any person.

*Familial status* means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

*Family* includes a single individual.

*Gender identity* means the actual or perceived gender-related identity, expression, appearance, mannerisms, or other gender related characteristics, regardless of the individuals designated sex at birth.

*Mediator* means a qualified neutral third party that will attempt to assist the Complainant and the Respondent(s) to arrive at a mutual agreement to resolve a complaint.

*Military status* means a person who is serving or has served in the uniformed services, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2), or amendments thereto. Uniformed services are defined as set forth in 20 C.F.R. 1002.5(o), or amendments thereto.

*Parental status* means being a parent, stepparent, adoptive parent, guardian, foster parent or custodian of a minor child or children.

*Person* means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, trustee in bankruptcy, receiver and fiduciary.

*Place of public accommodation* means any place, store, or other establishment that supplies accommodations, goods or services to the general public, or that solicits or accepts patronage or trade to the general public, or that is supported directly or indirectly by government funds. The term does not include any private club, bona fide membership organization, or other establishment that is not in fact open to the public.

*Religious organization* means an entity which: conducts regular worship services; or is qualified as a religious organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, that is not required to file IRS Form 990, Return of Organization Exempt From Income Tax, under any circumstances.

*Rental housing* means any real property which is required to obtain a license or permit from the City of Statesboro.

*Respondent* means the individual and/or business accused of violating this ordinance in a complaint.

*Sexual orientation* means an individual's actual or perceived orientation as heterosexual, homosexual, bisexual or asexual.

*To rent* means to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

**Sec. 80-2. - Unlawful practices.**

a. It shall be an unlawful discriminatory practice for a business, because of the race, religion, color, sex, disability, national origin, ancestry, sexual orientation, gender identity, age or military status of any person to refuse to hire or employ such person to bar or discharge such person from employment or to otherwise discriminate against such person in compensation or in terms, conditions or privileges of employment; to limit, segregate, separate, classify or make any distinction in regards to employees; or to follow any employment procedure or practice which, in fact, results in discrimination, segregation or separation.

b. It shall be an unlawful discriminatory practice for a business to discriminate against any person in the terms, conditions or privileges of sale or rental of real property, age or rental housing, or in the provision of services or facilities in connection therewith, because of race, religion, color, sex, disability, familial status, national origin, ancestry, sexual orientation, gender identity or military status, or to discriminate against any person in such person's use or occupancy of rental housing because of the race, religion, color, sex, disability, familial status, national origin ancestry, sexual orientation, gender identity, or military status of the people with whom such person associates.

c. It shall be an unlawful discriminatory practice for any business, as defined herein being the owner, operator, lessee, manager, agent or employee of any place of public accommodation, to refuse, deny or make a distinction, directly or indirectly, in offering its goods, services, facilities,

and accommodations to any person as covered by this ordinance because of race, religion, color, sex, disability, national origin, ancestry, sexual orientation, gender identity, age or military status. Notwithstanding the above, nothing in this ordinance shall be construed to prevent any business as defined in this ordinance from offering, affording or providing any additional benefit or additional discount to a person because of such person's military status.

d. Nothing in this ordinance shall be construed to mean that a business shall be forced to hire unqualified or incompetent personnel or discharge qualified or competent personnel or undertake an undue accommodation burden.

e. Nothing in this ordinance shall prohibit an employer from requiring an employee, during the employee's hours at work, to adhere to reasonable and equitable dress or grooming standards not prohibited by other provisions of Federal, State, or local law, provided that all employees are permitted to dress in a manner consistent with their protected statuses including gender identity and sexual orientation.

f. Nothing in this ordinance shall prohibit a religious organization to employ an individual of a particular religion to perform work connected with the performance of religious activities by the religious organization. Nor shall this ordinance prohibit a religious organization from limiting its non-commercial accommodations, advantages, facilities, membership, and privileges to persons of the same religion.

g. Nothing in this ordinance shall prohibit a nonprofit private club in fact not open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

h. Nothing in this ordinance shall be construed to require any entity subject to this ordinance to make changes requiring a building permit to any existing facility, except as otherwise required by law.

i. This ordinance shall not be construed in such a way as to violate any person's rights under the Constitution of the United States or the Georgia Constitution.

### **Sec. 80-3. – Complaint and Mediation**

(a) Any person aggrieved by a potential violation of this article may file a complaint with the City Clerk on a form to be provided by the City. Any such complaint must be filed within sixty (60) days after the alleged act of discrimination. A filing fee of twenty five dollars (\$25.00) shall be paid by the complainant contemporaneously with the filing of all discrimination complaints, however, complainant shall receive a refund of the filing fee if the complaint survives the dismissal provisions of section 80-5(c).

(b) The City Clerk shall cause the complaint to be served on the person charged with a violation as soon as practicable but in no event later than seven (7) calendar days after receipt of a verified complaint. Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery.

(c) The complaint shall first be referred to a mediator for non-binding mediation. Participation in mediation shall be voluntary for both parties. The mediator shall be a person, selected from a list

provided by the City, to serve as the mediator. Any fees charged by the mediator shall be split equally between the parties, unless at the conclusion of the mediation, both parties agree to assess these costs of mediation in some other manner.

(d) Any mediation hereunder shall be conducted in accordance with procedures to be established by the mediator.

(e) If, within fifteen (15) days of the conclusion of the mediation, either party notifies the City Clerk in writing that such person is dissatisfied with the results of the mediation, or if either party elects not to participate in mediation, the complaint shall be referred to a hearing officer as per section 80-4.

**Sec. 80-4. - Hearings, burden of proof.**

(a) All complaints not resolved by mediation shall be heard before the Judge of the Municipal Court of Statesboro, Georgia.

Upon receipt of the letter of dissatisfaction with the results of the mediation, or if either party elects not to participate in mediation, the City Clerk shall forward complaint to Clerk of Municipal Court, who shall schedule a hearing in the Municipal Court of Statesboro within thirty days.

(b) In all hearing officer proceedings under this section, the burden of proof shall be on the complaining party. Further, the quantum of proof required to establish a violation under this article shall be based on a preponderance of the evidence.

**Sec. 80-5. – Hearing Procedure.**

(a) The person violator charged in the complaint shall have fifteen (15) days to file an answer to the complaint provided, however, the alleged violator charged shall have no obligation to file an answer to any complaint.

(b) Upon the expiration of the fifteen-day answer period, the hearing officer shall review the complaint and answer, if any, to determine:

(i) whether the complaint is in conformity of the requirements of section 80-3 above,

(ii) whether upon consideration of the complaint and answer, the complaint is unjustified, frivolous, or patently unfounded, or

(iii) whether upon consideration of the complaint and answer, the complaint demonstrates facts sufficient to invoke disciplinary jurisdiction as set forth in this article.

(c) If the complaint fails based upon the requirements of the foregoing subsection (b), the complaint shall be dismissed stating the basis for said dismissal.

(d) Upon a determination that the complaint should not be dismissed pursuant to the foregoing subsection (c), the hearing officer shall be empowered to collect evidence and information concerning any complaint and to add the findings and results of its investigations to the file containing such complaint. In furtherance of this investigation, the hearing officer may:

(1) Seek such further information from the complainant or the alleged violator charged through inquiry or written questions, provided, however the alleged violator shall have no obligation to answer any inquiries, or

(2) Conduct a hearing regarding the allegations set forth in the complaint. At any hearing, the alleged violator who is the subject of inquiry shall have the right:

(i) to representation by counsel at all stages of these proceedings,

(ii) to written notice of the hearing at least ten (10) calendar days before the first hearing,

(iii) to hear and examine the evidence and witnesses,

(iv) to not testify, and

(v) to submit evidence and call witnesses to oppose or mitigate the allegations. In all hearings held under this section, the procedures and rules of evidence applicable in civil cases shall apply.

(e) All investigations under this section shall be completed within thirty (30) days of: receipt of the alleged violator's response or the expiration of the fifteen-day answer period. Should the investigation not be completed in said period, the complaint will be deemed dismissed as a failure to state facts sufficient to invoke the disciplinary jurisdiction of the City of Statesboro.

(f) Within seven (7) days of the completion of the investigation, the hearing officer shall either:

(1) Dismiss the complaint on the grounds that it is unjustified, frivolous, patently unfounded, or that it fails to state facts sufficient to invoke the disciplinary jurisdiction of the City of Statesboro, or

(2) Find that a violation of this article has occurred, and the hearing officer may apply a civil penalty in an amount up to five hundred dollars (\$500.00) for the first violation and \$1,000.00 and/or suspension/ revocation of the occupation tax certificate for subsequent violations. The hearing officer may recommend that the violator's occupation tax certificate be revoked. The recommendation for revocation must be voted upon by Mayor and Council within sixty (60) days of the hearing officer's recommendation.

(g) In addition, the mediator's fees shall be assessed to the non-prevailing party unless the hearing officer determines that the circumstances warrant assessing the costs in some other manner.

#### **Sec. 80-6. - Right to appeal.**

(a) Any party adversely affected by the findings or recommendations of the hearing officer may obtain judicial review of such decision as provided in this section.

(b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Bulloch County within thirty (30) days after the final action on a complaint pursuant to this article. The filing of such application shall act as supersedeas.

#### **Sec.80-7. -Retaliatory conduct prohibited**

It is an unlawful practice under this for any person, owner, employer, labor organization, employment agency, or joint labor-management committee to:

a. Aid, abet, incite, compel, or coerce the doing of any act defined in this chapter as an unlawful practice; or to intimidate, harass, retaliate, obstruct or discriminate against a person in any manner because such person has (i) complied with or proposes to comply with provisions of this chapter or (ii) has filed a complaint with the human relations commission pursuant to this article or (iii) has taken other legal action provided for by this article or (iv) has testified or assisted in any proceeding under this article, or any order issued thereunder or (v) has opposed any practice made an unlawful practice under this chapter; or to attempt, either directly or indirectly, to commit any act defined in this chapter to be an unlawful practice; or to apply any economic sanctions or to deny accommodations or membership privileges because of a person's compliance with the provisions of this chapter; or

b. Coerce, intimidate, threaten, or otherwise interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this chapter.

#### **Sec. 80-9 - Promulgation of Ordinance**

All businesses licensed by the City must provide a copy of this Ordinance to their respective employees, within 60 days of obtaining their business license from the City of Statesboro. Regarding current businesses, whose license has already been obtained at the time that this Ordinance becomes effective, those businesses shall provide a copy of this Ordinance to their respective employees within 90 days of the Ordinance's effective date. The City manager shall send a notice regarding this requirement to all affected businesses (as of the day this Ordinance becomes effective) within seven days of the Ordinance's effective date.

#### **Sec. 80-10. - Report of Hate Crimes**

Responsibilities of law enforcement and other officials.

a. The City of Statesboro shall develop guidelines for the identification, investigation, documentation, and reporting of hate crimes committed within the corporate limits of the City of Statesboro.

b. The City of Statesboro shall provide training to its law enforcement personnel on local, state, and federal laws involving hate crimes as well as departmental policies on proper identification, investigation, documentation, and reporting of hate crimes.

c. The City of Statesboro shall ensure that sufficient resources are made available to the Statesboro Police Department to develop and implement a standardized system for collecting and analyzing hate crimes committed within the corporate limits of the City.

d. The City of Statesboro shall provide annual statistical data regarding the occurrence of hate crimes and the groups or individuals targeted to the Federal Bureau of Investigation, pursuant to 28 U.S.C. 534, for entry into the national crime information databases.

e. Statesboro Police Department shall refer alleged hate crime violations to state and federal agencies pursuant to state and federal laws and mandates.

# 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:** July 13, 2020

**RE:** July 21, 2020 City Council Agenda Items

**Policy Issue:** Consideration of tower lease with T-Mobile regarding continued rent of space on City owned water tower at 620 Park Avenue for cellular infrastructure.

**Recommendation:** Approval

**Background:** The original lease was executed on 11/27/2001 and was (First) amended on 1/15/2002. The lease expired on 7/11/2017 and has been going on a month to month basis. The proposed Second Amendment will extend the lease to 2042. In exchange for the extension; On 7/11/2021 the City's Rent will increase from approximately \$30,000.00 to \$50,000.00 annually. The Rent will increase annually by 3%. The \$38,333.00 payment for 2020 is prorated based on the new Rent increase. Over the course of the extended agreement (25 years), the City will receive \$1,822,963.22.

T-Mobile would be required to pay a one-time lump sum termination fee equal to six (6) months of the rent in effect in the month immediately preceding the effective date of termination.

**Budget Impact:** Increase of \$20,000 annually in lease proceeds with escalator

**Council Person and District:** All

**Attachments:** Proposed lease

## SECOND AMENDMENT TO LEASE AGREEMENT

This Second Amendment to Lease Agreement (the "**Amendment**") is effective as of the date of execution by the last party to sign (the "**Effective Date**") by and between Mayor and City Council of Statesboro, a Georgia municipality, ("**Lessor**") and T-Mobile South, a Delaware limited liability corporation ("**Lessee**") (each a "**Party**", or collectively, the "**Parties**").

Lessor and Lessee (or their predecessors-in-interest) entered into that certain Lease Agreement dated November 27, 2001, including that certain First Amendment dated January 15, 2002 (including all amendments, collectively, the "**Lease**") regarding the leased premises ("**Premises**") located at 620 Park Ave, Statesboro, GA 30458 (the "**Property**").

The Lease expired on or about July 10, 2017, and Lessee has remained on the Property in holdover, with Lessor's permission, since that date.

For good and valuable consideration, Lessor and Lessee agree as follows:

1. The Lease is hereby reinstated in its entirety, as amended herein, and is ratified and affirmed in all respects as if the Lease never expired. The Lease is in full force and effect and neither Lessor nor Lessee is in breach under the terms of the Lease.
2. Commencing on July 11, 2017, the Term of the Lease will automatically be extended for five (5) additional and successive five (5) year terms (each a "**Renewal Term**"), provided, that Lessee may elect not to renew by providing Lessor thirty (30) days' notice prior to the expiration of the then current Renewal Term.
3. On July 11, 2020, Lessee shall pay Lessor the amount of Thirty Eight Thousand Three Hundred Thirty Three and 00/100 Dollars (\$38,333.00) (the "Rent"). Commencing on July 11, 2021, Lessee shall pay Lessor annual rent in the amount of Fifty Thousand and XX/100 Dollars (\$50,000.00) per year (the "Rent"). Where duplicate Rent would occur, a credit shall be taken by Lessee for any prepayment of Rent by Lessee. Throughout the Term, as hereinafter defined, the annual rental shall increase on the first anniversary of the Commencement Date and on each annual anniversary thereafter (including any extension terms) such that the annual rental shall equal 103% of the annual rental paid immediately preceding such anniversary.
4. Lessee may transmit and receive on any frequencies permitted by law.
5. Lessee may terminate the Lease without further liability, upon 30 days prior written notice to Lessor due to technological, regulatory, or economic reasons, or by providing Lessor 90 days' prior written notice for any or no reason. Upon such termination, Lessee shall pay Lessor, along with the notice of annual termination, a one-time lump sum termination fee equal to six (6) months of the rent in effect in the month immediately preceding the effective date of termination.



6. Lessee shall have the right to assign, or otherwise transfer the Lease, upon Lessee 's delivery to Lessor of written notice of any assignment or transfer by Lessee. Lessee shall be relieved of all liabilities and obligations and Lessor shall look solely to the assignee, or transferee for performance under the Lease. Upon receipt of a written request from Lessee, Lessor shall promptly execute an estoppel certificate. Lessee shall have the right to sublease the Lease without the need for Lessor consent.
7. All notices, requests, demands and other communications shall be in writing and shall be effective three (3) business days after deposit in the U.S. mail, certified, return receipt requested or upon receipt if personally delivered or sent via a nationally recognized courier to the addresses set forth below. Lessor or Lessee may from time to time designate any other address for this purpose by providing written notice to the other Party.

If to Lessee:

T-Mobile USA, Inc.  
 12920 SE 38th Street  
 Bellevue, WA 98006  
 Attn: Lease Compliance/ 8SV0756A

If to Lessor:

City of Statesboro  
 PO BOX 348  
 Statesboro, GA 30459

8. Lessor will execute a Memorandum of Lease at Lessee 's request. If the Property is encumbered by a deed, mortgage or other security interest, Lessor will also execute a subordination, non-disturbance and attornment agreement.
9. Except as expressly set forth in this Amendment, the Lease otherwise is unmodified. To the extent any provision contained in this Amendment conflicts with the terms of the Lease, the terms and provisions of this Amendment shall control. Each reference in the Lease to itself shall be deemed also to refer to this Amendment.
10. This Amendment may be executed in duplicate counterparts, each of which will be deemed an original. Signed electronic, scanned, or facsimile copies of this Amendment will legally bind the Parties to the same extent as originals.
11. Each of the Parties represents and warrants that it has the right, power, legal capacity and authority to enter into and perform its respective obligations under this Amendment. Lessor represents and warrants to Lessee that the consent or approval of a third party has either been obtained or is not required with respect to the execution of this Amendment.

12. This Amendment will be binding on and inure to the benefit of the Parties herein, their heirs, executors, administrators, successors-in-interest and assigns.

IN WITNESS, the Parties execute this Amendment as of the Effective Date.

**LESSOR:**

**Mayor and City Council of Statesboro, a Georgia municipality**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**LESSEE:**

**T-Mobile South, a Delaware limited liability corporation**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
T-Mobile Contract Attorney, as to form

# 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:** July 14, 2020

**RE:** July 21, 2020 City Council Agenda Items

**Policy Issue:** Consideration of Memorandum of Understanding with Boys and Girls Club of Bulloch County.

**Recommendation:** Consideration

**Background:** This MOU is to continue City support of Boys and Girls club provision of youth development services to underserved City populations. Boys and Girls Club will also allow certain facility access to City employees and cooperate and coordinate with the Statesboro Youth Commission.

**Budget Impact:** \$9,000.00 annually

**Council Person and District:** All

**Attachments:** Memorandum of Understanding

**PROVISION OF RECREATIONAL PROGRAMS TO  
UNDERSERVED JUVENILE CITIZENS OF THE CITY  
OF STATESBORO**

**MEMORANDUM OF UNDERSTANDING**

**THIS AGREEMENT**, made and entered into this 22nd day of July, 2020, by and between the CITY OF STATESBORO, a municipal corporation chartered under the laws of the State of Georgia, , and the BOYS AND GIRLS CLUB OF BULLOCH COUNTY hereinafter referred to as the “Parties”

WITNESSETH:

**WHEREAS** the City of Statesboro recognizes the need to provide summer and after school youth development services for the juvenile citizens of the City of Statesboro;

**WHEREAS** the Boys and Girls Club offers these services to underserved populations within the City of Statesboro at below cost; and

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

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

**Contract:** The Parties hereby agree to enter into this MOU for the mutual benefit of the Parties and the citizens of the City of Statesboro.

**Payment for Services:** City shall remit \$9,000.00 annually to the Boys and Girls Club of Bulloch County to subsidize programming offered to underserved juvenile populations in the City of Statesboro. These services are to be provided to families living in the City of Statesboro who meet Income Eligibility Requirements established by Georgia Department of Human Services.

Boys and Girls Club shall additionally coordinate and cooperate with the Statesboro Youth Commission for the benefit of Statesboro’s juvenile populace.

Boys and Girls Club shall continue to offer its facilities for the use of City employees on Monday evenings as part of an already existing City employee health initiative.

**Use of Proceeds:** The funding provided by the City of Statesboro is to be used to subsidize programs that benefit families living in the City of Statesboro who meet Income Eligibility Requirements established by Georgia Department of Human Services.

**Term:** This Agreement shall be valid through July 1, 2021, and shall automatically renew for another term of one year unless either Party gives written notice of non-renewal to the other Party not less than 30 days prior to the expiration of the then current term of this Agreement.

**Legal Construction.** In the event any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, such

invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

**Governing Law.** This Agreement shall be governed in all respects by the laws of the State of Georgia.

**Modification.** This Agreement may be modified at any time with the written mutual consent of all Parties.

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

---

Jonathan McCollar  
Mayor, City of Statesboro

---

Mike Jones  
CEO, Boys and Girls Club of BC

# 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:** July 14, 2020

**RE:** July 21, 2020 City Council Agenda Items

**Policy Issue:** Consideration of Memorandum of Understanding with BSD-Statesboro, LLC regarding installation of utilities infrastructure south along Highway 67/ Fair Road

**Recommendation:** Consideration

**Background:** MOU provides for cost sharing and delegation of duties to extend City water, gas, and sewer utilities infrastructure beyond its current termination point on Highway 67. Extension shall go through and beyond Kiwanis Fairgrounds to site of proposed Optim Orthopedics development further south on Highway 67.

**Budget Impact:** Up to approximately \$560,000.00 in enterprise funds.

**Council Person and District:** Shari Barr, District 5

**Attachments:** Memorandum of Understanding

**CITY OF STATESBORO/BSD-STATESBORO/OPTIM  
PROJECT  
MEMORANDUM OF UNDERSTANDING**

**THIS AGREEMENT**, made and entered into this \_\_\_ day of July, 2020, by and between the MAYOR AND COUNCIL OF THE CITY OF STATESBORO (“City”), a municipal corporation chartered under the laws of the State of Georgia and BSD- STATESBORO, LLC, (“BSD”), a Georgia limited liability company, hereinafter referred to as the “Parties”

WITNESSETH:

**WHEREAS** the Parties recognize the need to extend water, sanitary sewer, natural gas utilities (“Utilities”) offered by the City from its present termination point at or near Burkhalter Road near its intersection with GA Hwy 67 to and within the property of BSD located adjacent to GA Hwy 67 just south of Burkhalter Road on which is planned a commercial development to include a new medical facility for Optim Orthopedics, LLC, a Georgia Limited liability company as well as other medical facilities (the “Project”); and

**WHEREAS** the City utilities will not only benefit the Project but also other future development along the GA Hwy 67 corridor; and

**WHEREAS** due to the mutual benefit of extending such utilities along the GA Hwy 67 corridor, the City and BSD have agreed to share the anticipated cost of the engineering and installation of such utilities to the property of BSD; and

**WHEREAS** it is in the best interest of the Parties to come to an understanding about the cost sharing of City and BSD for such extension of utilities as described herein.

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

1. **Easement:** BSD agrees to obtain a temporary 20’ construction easement and a 20’ permanent easement (the “Easements”) for the installation and maintenance of Utilities along the boundary line of the property of Kiwanis Club of Statesboro, Inc. (“Kiwanis”) from the southern right-of-way of Burkhalter Road to the eastern right-of-way of GA Hwy 67 as shown and described on that certain plat of survey, a copy of which is attached hereto as Exhibit “A” for the benefit of the City.
2. **Installation of Utilities:** The City, either directly or through independent contracts, shall design, build and install within the platted area of the permanent easement using the area of the platted temporary construction easement, the pipes, lines, connections, pumps, stations, fittings, and other necessary parts and materials for the extension of water and sanitary sewer from its present termination point at or near Burkhalter Road near its intersection with GA Hwy 67 to the property of BSD located adjacent to GA Hwy 67 just south of Burkhalter Road for the non-exclusive use of BSD in connection with development of the Project.
3. **Cost Sharing:** With respect to the Easements from Kiwanis, the City agrees to provide to Kiwanis tap fee credits for one 6” sanitary sewer tap and one 2” water tap. BSD agrees to pay additional tap fees to increase the 6” sanitary sewer tap to an 8” sanitary sewer tap and the 2” water tap to one 4” water tap, in an amount up to the sum of Ten Thousand (\$10,000.00) dollars payable to or at the direction of Kiwanis. With respect to the engineering, design and installation expense of

extending the Utilities to and within the property of BSD, BSD will contribute the sum of Three Hundred Fifty Thousand (\$350,000.00) dollars to or at the direction of the City. The City will pay for all other costs to design, install and complete the extension of the Utilities to and including the sewer lift station within the property of BSD, such total cost estimated at Nine Hundred Thousand (\$900,000.00) dollars. BSD will provide the necessary easements for the gravity sewer and water mains as well as a site within its property for the proposed sewer lift-station. In addition, the cost of all mains and services internal to the development, other than the lift station and the line connecting it to City sewer, will be constructed and paid for by BSD. BSD shall execute a standard water and sewer agreement with the City, in particular those aspects of the standard agreement pertaining to annexation and the prohibition of opposition thereto, and shall pay all applicable tap fees and Aid to Construction fees for Utilities service to their real property on Hwy 67.

4. **Indemnification and Hold Harmless:** BSD agrees to indemnify and hold City harmless for the design and installation of the gravity sewer and water mains within its boundary lines, other than the design and installation of the sewer lift station and the line(s) connecting it to the City sewer. Likewise, the City agrees to indemnify and hold BSD harmless for the design and installation of the gravity sewer and water mains outside of the boundary lines of BSD's property as well as for the design and installation of the sewer lift station and the line(s) connecting it to the City sewer.
5. **Amendments to this Agreement.** This Agreement may be amended by the mutual agreement of the Parties hereto. Such Amendment shall be in writing to be attached to and incorporated into this Agreement.
6. **Legal Construction.** In the event any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
7. **Governing Law.** This Agreement shall be governed in all respects by the laws of the State of Georgia.
8. **Modification.** This Agreement may be modified at any time with the written mutual consent of the Parties.

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

MAYOR AND COUNCIL OF CITY  
OF STATESBORO

BSD-STATESBORO, LLC

By: \_\_\_\_\_  
Jonathan McCollar, Mayor

By: \_\_\_\_\_



Attest: \_\_\_\_\_  
Leah Harden, Clerk

Attest: \_\_\_\_\_

# 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:** John Washington, P.E., R.L.S., Director-Public Works and Engineering

**Date:** June 15, 2020

**RE:** Amendment to Contract – Scope Change to Intergovernmental Agreement (IGA)  
SRF Loan CW2019010 - Georgia Environmental Financing Authority (GEFA)

**Policy Issue:** Purchasing

### Recommendation:

I am respectfully submitting this resolution for consideration of an amendment to scope change in the current Intergovernmental Agreement (IGA) for the subject contract.

### Background:

The City of Statesboro (City) has retained a consultant to perform a Reservoir Environmental Feasibility Study for “Creek on the Blue Mile”. The consultant has determined from the Water Supply Yield Analysis to maintain necessary downstream flows the project can be designed to impound or store approximately 36 Million Gallons of raw water and produce an established yield in the amount of 0.1 MGD (the “Minimum Established Yield”).

The findings from FNI were shared and consulted with the author of the IGA section and obtained concurrence of the proposed storage capacity and minimum yield. This information was submitted to GEFA for consideration and approval of an amendment to scope change in the current Intergovernmental Agreement (IGA) for the subject project.

Enclosed are the original modification agreements. Each copy is an original counterpart and each must be executed by the Mayor. When all documents have been completed, please return them to me for submission to GEFA.

**Budget Impact:** None.

**Council Person and District:** D2 - Paulette Chavers

**Attachments:** Agreement and Resolution provided by GEFA

## MODIFICATION OF INTERGOVERNMENTAL AGREEMENT

**THIS MODIFICATION OF THE INTERGOVERNMENTAL AGREEMENT** (this made as of \_\_\_\_\_, 2020 by and between the **CITY OF STATESBORO**, a Georgia public body corporate and politic (the "**Local Government**"), and the **GEORGIA ENVIRONMENTAL FINANCE AUTHORITY**, a Georgia public corporation and instrumentality of the state of Georgia (the "**GEFA**"), (each a "**Party**" and collectively the "**Parties**").

### Statement of Facts

A. The Local Government and GEFA are parties to that certain Intergovernmental Agreement, dated **FEBRUARY 19, 2019**, as amended prior to the date hereof (as so amended, the "**Intergovernmental Agreement**"; all capitalized terms used in this Modification but not defined herein have the meanings given in the Intergovernmental Agreement).

B. The Local Government and GEFA desire to modify the Intergovernmental Agreement in certain respects in accordance with the terms and conditions set forth herein.

**NOW, THEREFORE**, in consideration of the premises, the covenants and agreements contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Local Government and GEFA further agree as follows:

### Statement of Terms

1. **Amendment of Intergovernmental Agreement** - Subject to the fulfillment of the conditions precedent to the effectiveness of this Modification that are set forth below, the Intergovernmental Agreement is hereby amended as follows:

**Section 301. Project Responsibility of Local Government** - Local Government shall acquire, design, construct, operate and manage the Project. The Project shall be designed to impound and store approximately 36 million gallons of raw water and to produce an Established Yield in the amount of 0.1 MGD (the "Minimum Established Yield").

2. **No Other Waivers or Amendments** - Except for the amendments expressly set forth and referred to in Section 1 above, the Note and the Loan Agreement shall remain unchanged and in full force and effect. Nothing in this Modification is intended, or shall be construed, to constitute a novation or an accord and satisfaction of any of the obligations created by the Note or the Loan Agreement.

3. **Representations and Warranties** - To induce GEFA to enter into this Modification, the Local Government does hereby warrant, represent, and covenant to GEFA that: (a) each representation or warranty of the Local Government set forth in the Intergovernmental Agreement is hereby restated and reaffirmed as true and correct on and as of the date hereof as if such representation or warranty were made on and as of the date hereof (except to the extent that any such representation or warranty expressly relates to a prior specific date or period), (b) the Local Government has the power and is duly authorized to enter into, deliver, and perform this Modification, and this Modification is the legal, valid, and binding obligation of the Local Government enforceable against it in accordance with its terms.

**4. Conditions Precedent to Effectiveness of this Modification** - The effectiveness of this Modification is subject to the truth and accuracy in all material respects of the representations and warranties of the Local Government contained in Section 3 above and to the fulfillment of the following additional conditions precedent:

- (a) GEFA shall have received one or more counterparts of this Modification duly executed and delivered by the Local Government; and
- (b) GEFA shall have received (1) a certified copy of the resolution adopted by the Local Government's governing body, substantially in the form of Exhibit A attached hereto.

**5. Counterparts** - This Modification may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which when taken together shall constitute one and the same instrument.

[Signatures and Seals To Follow]

**IN WITNESS WHEREOF**, the parties hereto have caused this Modification to be duly executed and delivered as of the date specified at the beginning hereof.

**CITY OF STATESBORO**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to Form:

(SEAL)

Attest: \_\_\_\_\_

\_\_\_\_\_  
Local Government's Attorney

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**GEORGIA ENVIRONMENTAL  
[FINANCE AUTHORITY] [LOAN  
ACQUISITION CORPORATION]**

By: \_\_\_\_\_

Kevin Clark  
Executive Director

(SEAL)

**EXHIBIT A**

**RESOLUTION 2020-22: A RESOLUTION AMENDING THE  
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF  
STATESBORO AND GEORGIA ENVIRONMENTAL FINANCE AUTHORITY  
(GEFA)**

**Local Government: CITY OF STATESBORO**

At a duly called meeting of the governing body of the City of Statesboro government identified above (the "**Local Government**") held on the 21 day of July 2020, the following resolution was introduced and adopted.

**WHEREAS**, the Local Government and GEFA have determined to amend and modify the Intergovernmental Agreement, pursuant to the terms of a Modification of the Intergovernmental Agreement (the "**Modification**") between the Local Government and GEFA, the form of which has been presented to this meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Local Government that the form, terms, and conditions and the execution, delivery, and performance of the Modification are hereby approved and authorized.

**BE IT FURTHER RESOLVED** by the governing body of the Local Government that the terms of the Modification are in the best interests of the Local Government, and the governing body of the Local Government designates and authorizes the following persons to execute and deliver, and to attest, respectively, the Modification, and any related documents necessary to the consummation of the transactions contemplated by the Modification.

**CITY OF STATESBORO, GEORGIA**

\_\_\_\_\_  
Jonathan McCollar, Mayor

\_\_\_\_\_  
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 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:** John Washington, P.E., R.L.S., Director-Public Works and Engineering

**Date:** July 7, 2020

**RE:** Modification of Promissory Note  
Georgia Environmental Financing Authority (GEFA) / SRF Loan CW2019010

**Policy Issue:** Purchasing

### Recommendation:

I am respectfully submitting this resolution for consideration of a modification of promissory note in the current SRF Loan CW2019010.

### Background:

The City of Statesboro (City) has obtained a GEFA SRF Loan CW2019010, to assist in funding of design and construction of the reservoir. GEFA is offering financial relief in the form of an interest-free period starting June 1, 2020 and ending November 30, 2020. Also being offered is a payment-free period starting July 1, 2020 and ending December 31, 2020.

The modification of the note was not requested of GEFA; nonetheless, the action has been provided to the City for consideration and approval of a modification of promissory note for the subject project.

Enclosed are the original modification agreements. Each copy is an original counterpart and each must be executed by the Mayor. When all documents have been completed, please return them to me for submission to GEFA.

**Budget Impact:** None.

**Council Person and District:** D2 - Paulette Chavers

**Attachments:** Modification of Promissory Note provided by GEFA

---

**GEORGIA ENVIRONMENTAL FINANCE AUTHORITY**

(a public corporation duly created and  
existing under the laws of  
the State of Georgia)  
as Lender

and

**CITY OF STATESBORO**

(a public body corporate and politic duly created and existing  
under the laws of the State of Georgia)  
as Borrower

---

**MODIFICATION OF PROMISSORY NOTE**

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## MODIFICATION OF PROMISSORY NOTE

**THIS MODIFICATION OF PROMISSORY NOTE** (this "**Modification**") is made as of **JULY 1, 2020**, by and between **CITY OF STATESBORO** a Georgia public body corporate and politic (the "**Borrower**"), and the **GEORGIA ENVIRONMENTAL FINANCE AUTHORITY**, a Georgia public corporation (the "**Lender**").

### Statement of Facts

A. The Lender and the Borrower are parties to that certain Loan Agreement, numbered Loan No. **CW2019010**, as amended prior to the date hereof (as so amended, the "**Loan Agreement**"; all capitalized terms used in this Modification but not defined herein have the meanings given in the Loan Agreement), pursuant to which the Lender or the Lender's assignor made a loan to the Borrower in accordance with the terms and conditions thereof. The Borrower's obligation to repay such loan is evidenced by that certain Promissory Note, numbered Loan No. **CW2019010**, as amended prior to the date hereof (as so amended, the "**Note**").

B. The Lender and the Borrower desire to modify the Note in certain respects in accordance with the terms and conditions set forth herein.

**NOW, THEREFORE**, in consideration of the premises, the covenants and agreements contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Lender and the Borrower further agree as follows:

### Statement of Terms

1. **Amendment of Note.** Subject to the fulfillment of the conditions precedent to the effectiveness of this Modification that are set forth below, the Note is hereby amended by adding the following two paragraphs:

Notwithstanding anything to the contrary contained in this Note, (1) the unpaid principal balance of this Note shall not bear any interest during the period commencing on **JUNE 1, 2020** and ending on **NOVEMBER 30, 2020** (the "**Interest-Free Period**") and (2) no principal, interest, or fees shall be due or payable pursuant to this Note during the period commencing on **JULY 1, 2020** and ending on **DECEMBER 31, 2020** (the "**Payment-Free Period**").

Monthly payments of principal of and interest on this Note shall recommence on **JANUARY 1, 2021**. If the Amortization Commencement Date occurred prior to the Payment-Free Period, the Maturity Date shall be extended by six (6) months, and principal of and interest on this Note shall continue to be payable after the original Maturity Date in consecutive monthly installments equal to the amounts specified in this Note, from the first day of the calendar month following the original Maturity Date and continuing to be due on the first day of each succeeding calendar month

thereafter until the extended Maturity Date. If the Amortization Commencement Date would have occurred during the Interest-Free Period, the Amortization Commencement Date shall be extended to **DECEMBER 1, 2020**.

2. **No Other Waivers or Amendments.** Except for the amendments expressly set forth and referred to in Section 1 above, the Note and the Loan Agreement shall remain unchanged and in full force and effect. Nothing in this Modification is intended, or shall be construed, to constitute a novation or an accord and satisfaction of any of the obligations created by the Note or the Loan Agreement.

3. **Representations and Warranties.** To induce the Lender to enter into this Modification, the Borrower does hereby warrant, represent, and covenant to the Lender that: (a) each representation or warranty of the Borrower set forth in the Loan Agreement is hereby restated and reaffirmed as true and correct on and as of the date hereof as if such representation or warranty were made on and as of the date hereof (except to the extent that any such representation or warranty expressly relates to a prior specific date or period), and no Event of Default has occurred and is continuing as of this date under the Loan Agreement; and (b) the Borrower has the power and is duly authorized to enter into, deliver, and perform this Modification, and this Modification is the legal, valid, and binding obligation of the Borrower enforceable against it in accordance with its terms.

4. **Conditions Precedent to Effectiveness of this Modification.** The effectiveness of this Modification is subject to the truth and accuracy in all material respects of the representations and warranties of the Borrower contained in Section 3 above and to the fulfillment of the following additional conditions precedent:

- (a) the Lender shall have received one or more counterparts of this Modification duly executed and delivered by the Borrower; and
- (b) the Lender shall have received (1) a certified copy of the resolution adopted by the Borrower's governing body, substantially in the form of Exhibit A attached hereto, and (2) a signed opinion of counsel to the Borrower, substantially in the form of Exhibit B attached hereto.

5. **Counterparts.** This Modification may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which when taken together shall constitute one and the same instrument.

[Signatures and Seals To Follow]

**IN WITNESS WHEREOF**, the parties hereto have caused this Modification to be duly executed and delivered as of the date specified at the beginning hereof.

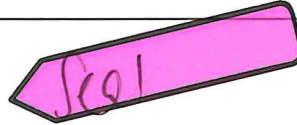
**CITY OF STATESBORO**

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

(SEAL)



Attest Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Borrower's Attorney



**GEORGIA ENVIRONMENTAL  
FINANCE AUTHORITY**

Signature: \_\_\_\_\_

Kevin Clark  
Executive Director

(SEAL)

**OPINION OF BORROWER'S COUNSEL**  
(Please furnish this form on Attorney's Letterhead)

\_\_\_\_\_, 2020

Georgia Environmental Finance Authority  
233 Peachtree Street, N.E.  
Harris Tower, Suite 900  
Atlanta, Georgia 30303

Ladies and Gentlemen:

A legal opinion of [LAW FIRM] was delivered to you, dated [LEGAL LETTER DATE] (the "**Closing Opinion**"), relating to the Loan Agreement, numbered Loan No. **CW2019010** (the "**Loan Agreement**"), between **CITY OF STATESBORO** (the "**Borrower**") and the **GEORGIA ENVIRONMENTAL FINANCE AUTHORITY** (the "**Lender**"), and the Promissory Note, numbered Loan No. **CW2019010** (the "**Note**"), of the Borrower. As counsel for the Borrower, I have examined a duly executed original of the Modification of Promissory Note, dated **JULY 1, 2020** (the "**Modification**"), between the Borrower and the Lender; the proceedings taken by the Borrower to authorize the Modification; the Closing Opinion; and such other documents, records, and proceedings as I have deemed relevant or material to render this opinion. Based upon such examination, I hereby reconfirm as of the date hereof the opinions contained in the Closing Opinion, subject to the modification that all references to the Note (as defined in the Closing Opinion) shall be deemed to include a reference to the Modification. Nothing has come to my attention, after due investigation, that in any way might question the continuing validity and accuracy of the Closing Opinion, as modified above.

Very truly yours,

\_\_\_\_\_  
[Attorney Name]

EXTRACT OF MINUTES  
RESOLUTION OF GOVERNING BODY

Recipient: CITY OF STATESBORO  
Loan Number: CW2019010



At a duly called meeting of the governing body of the Borrower identified above (the "Borrower") held on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, the following resolution was introduced and adopted.

**WHEREAS**, the Borrower has borrowed \$15,559,000.00 from the **GEORGIA ENVIRONMENTAL FINANCE AUTHORITY** (the "Lender") or the Lender's assignor, pursuant to the terms of a Loan Agreement, numbered Loan No. **CW2019010** (the "Loan Agreement"), between the Borrower and the Lender; and

**WHEREAS**, the Borrower's obligation to repay the loan made pursuant to the Loan Agreement is evidenced by a Promissory Note, numbered Loan No. **CW2019010** (the "Note"), of the Borrower; and

**WHEREAS**, the Borrower and the Lender have determined to amend and modify the Note, pursuant to the terms of a Modification of Promissory Note (the "Modification") between the Borrower and the Lender, the form of which has been presented to this meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borrower that the form, terms, and conditions and the execution, delivery, and performance of the Modification are hereby approved and authorized.

**BE IT FURTHER RESOLVED** by the governing body of the Borrower that the terms of the Modification are in the best interests of the Borrower, and the governing body of the Borrower designates and authorizes the following persons to execute and deliver, and to attest, respectively, the Modification, and any related documents necessary to the consummation of the transactions contemplated by the Modification.

\_\_\_\_\_  
(Name of Person to Execute Documents)

\_\_\_\_\_  
(Title)



\_\_\_\_\_  
(Name of Person to Attest Documents)

\_\_\_\_\_  
(Title)

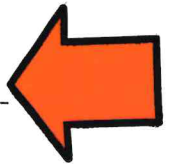
The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect.

Date: \_\_\_\_\_ 20.



\_\_\_\_\_  
Secretary/Clerk

(SEAL)



# 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:** John Washington, Director of Public Works and Engineering

**Date:** July 9, 2020

**RE:** Recommendation of Low Bidder  
CIP - Herty Drive/Edgewood Drive Sidewalk Improvements

**Policy Issue:** Purchasing

### **Recommendation:**

The low bidder, Preferred Site Construction, meets the requirements of the bid package and submitted an acceptable bid bond. Staff recommends awarding this contract to Preferred Site Construction in the amount of \$153,644.00 and requests approval to spend up to the amount of \$200,000.00 for additional work to be based on contractor's unit bid prices.

### **Background:**

The work in this contract includes sidewalk construction, but is not limited to, 1,113 SY of 4" thick concrete sidewalk, 243 SY of 6" thick concrete driveway, 1,240 LF of 24" curb and gutter, 8 LF of 6" concrete curb, 72 LF of 1' colored concrete, galvanized steel pipe handrails, 211 LF of 8" thermoplastic crosswalk striping, 24" thermoplastic stop bars, and appurtenances.

The low bidder is Preferred Site Construction with a base bid of \$153,644.00. Please see the attached Engineer/Consultant Recommendation Letter for all bid results.

### **Budget Impact:**

The low bid submitted by Preferred Site Construction is below the budgeted amount of \$346,365.00. The project is to be paid for from the 2018 TSPLOST fund. The remainder of the budget will be retained to construct the bridge at Edgewood Park which will be bid under separate contract later this month.

**Council Person and District:** District 4, Council Member Boyum

Attachments: Engineer/Consultant - Recommendation Letter

CC: Darren Prather, Director of Central Services



July 8<sup>th</sup>, 2020

Mr. David Moyer  
City of Statesboro  
50 East Main Street  
Statesboro, GA 30458

RE: Letter of Recommendation – Herty Drive/Edgewood Drive Sidewalk Improvements (PE18209)

Dear Mr. Moyer,

As you are aware, bids were received and opened for the above referenced project on July 7<sup>th</sup>, 2020. We have checked and tabulated the bids received. We have determined that Preferred Site Construction is the low bidder for this project when evaluated on the basis of the base bid amount.

Since the low bidder appears to have adequate experience and technical ability to complete this project, Parker Engineering recommends the project be awarded to Preferred Site Construction in an amount equal to the base bid in an amount of \$153,644.00.

We are enclosing one copy of the “Bid Tabulation” for your file. We are also enclosing a copy of the Notice of Award for this project and a sample resolution for your use. Please execute the Notice of Award and return it and the resolution to our office as soon as possible. We will prepare three (3) sets of contract documents and forward them to you when the Contractor has executed the Agreement and delivered all the necessary bonds, insurance, etc.

If you have any questions or need any additional information, please call us.

Sincerely,

A handwritten signature in blue ink that reads "Wesley Parker".

G. Wesley Parker, P.E.

encl: Bid Tabulation, Notice of Award, Resolution

cc: John Washington, City of Statesboro  
Darren Prather, City of Statesboro  
Robert Seamans, City of Statesboro

BID TABULATION FOR ALL BIDS  
 RECEIVED AT 50 East Main Street, Statesboro, GA 30458  
 ON July 7th, 2020 at 3:00 PM

PARKER ENGINEERING, LLC  
 36 COURTLAND STREET, SUITE B  
 STATESBORO, GA 30458

PROJECT:				BIDDERS:																															
City of Statesboro Herty Drive/Edgewood Drive Sidewalk Improvements PROJECT NO.: PE18209				Preferred Site Construction 9521 Hwy 301 South Statesboro, GA 30458				Y-Delta, Inc. 5657 Lakeview Road Statesboro, GA 30459				Platinum Paving & Concrete 100 Timber Trail Suite 101 Richmond Hill, GA 31324				Jerry Rushing Construction 2271 Middle Ground Road Statesboro, GA 30461				Swindell Construction 3772 Arian Brannen Road Glennville, GA 30427				AD Williams Construction 4125 Ogeechee Road Savannah, GA 31405				Blount & Sons Concrete Finishing 401 2nd Street NE/PO Box 2002 Moultrie, GA 31776				Horizon Construction & Assoc. PO Box 798 Evans, GA 30809			
ITEM NO.	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE														
<b>ITEM 1 - Herty Drive/Edgewood Drive Sidewalk Improvements</b>																																			
a.	1	LS	Demolition	\$ 4,020.00	\$ 4,020.00	\$ 10,000.00	\$ 10,000.00	\$ 15,450.00	\$ 15,450.00	\$ 20,000.00	\$ 20,000.00	\$ 11,000.00	\$ 11,000.00	\$ 2,500.00	\$ 2,500.00	\$ 15,000.00	\$ 15,000.00	\$ 35,000.00	\$ 35,000.00																
b.	2	EA	Remove Tree	\$ 1,300.00	\$ 2,600.00	\$ 1,500.00	\$ 3,000.00	\$ 2,500.00	\$ 5,000.00	\$ 500.00	\$ 1,000.00	\$ 250.00	\$ 500.00	\$ 1,500.00	\$ 3,000.00	\$ 2,000.00	\$ 4,000.00	\$ 1,200.00	\$ 2,400.00																
c.	72	SY	6" Colored Concrete (6" Thick)	\$ 76.00	\$ 5,472.00	\$ 50.00	\$ 3,600.00	\$ 95.90	\$ 6,904.80	\$ 75.00	\$ 5,400.00	\$ 112.50	\$ 8,100.00	\$ 200.00	\$ 14,400.00	\$ 100.00	\$ 7,200.00	\$ 60.00	\$ 4,320.00																
d.	1	LS	Temporary and Permanent Grassing	\$ 3,500.00	\$ 3,500.00	\$ 2,500.00	\$ 2,500.00	\$ 6,887.05	\$ 6,887.05	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,600.00	\$ 2,600.00	\$ 10,000.00	\$ 10,000.00	\$ 7,500.00	\$ 7,500.00																
e.	1	EA	PVC Sleeves for Mailboxes	\$ 300.00	\$ 300.00	\$ 350.00	\$ 350.00	\$ 250.00	\$ 250.00	\$ 100.00	\$ 100.00	\$ 150.00	\$ 150.00	\$ 50.00	\$ 50.00	\$ 2,000.00	\$ 2,000.00	\$ 250.00	\$ 250.00																
f.	11	EA	Remove and Reset Existing Signs/Mailboxes	\$ 250.00	\$ 2,750.00	\$ 350.00	\$ 3,850.00	\$ 500.00	\$ 5,500.00	\$ 500.00	\$ 5,500.00	\$ 150.00	\$ 1,650.00	\$ 150.00	\$ 1,650.00	\$ 500.00	\$ 5,500.00	\$ 300.00	\$ 3,300.00																
g.	1	EA	Relocate Fire Hydrant	\$ 3,250.00	\$ 3,250.00	\$ 3,500.00	\$ 3,500.00	\$ 5,689.90	\$ 5,689.90	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 3,500.00	\$ 1,500.00	\$ 1,500.00	\$ 4,000.00	\$ 4,000.00	\$ 3,500.00	\$ 3,500.00																
h.	1,240	LF	24" Curb and Gutter	\$ 17.75	\$ 22,010.00	\$ 26.00	\$ 32,240.00	\$ 14.87	\$ 18,438.80	\$ 15.00	\$ 18,600.00	\$ 23.50	\$ 29,140.00	\$ 23.00	\$ 28,520.00	\$ 30.00	\$ 37,200.00	\$ 32.00	\$ 39,680.00																
i.	8	LF	6" Concrete Curb	\$ 20.00	\$ 160.00	\$ 100.00	\$ 800.00	\$ 25.00	\$ 200.00	\$ 50.00	\$ 400.00	\$ 24.00	\$ 192.00	\$ 95.00	\$ 760.00	\$ 100.00	\$ 800.00	\$ 35.00	\$ 280.00																
j.	1,113	SY	4" Thick Concrete Sidewalk	\$ 42.00	\$ 46,746.00	\$ 45.00	\$ 50,085.00	\$ 31.00	\$ 34,503.00	\$ 35.00	\$ 38,955.00	\$ 42.00	\$ 46,746.00	\$ 45.00	\$ 50,085.00	\$ 45.00	\$ 50,085.00	\$ 51.00	\$ 56,763.00																
k.	224	SY	6" Thick Concrete Driveway	\$ 46.00	\$ 10,304.00	\$ 55.00	\$ 12,320.00	\$ 44.00	\$ 9,856.00	\$ 50.00	\$ 11,200.00	\$ 66.50	\$ 14,896.00	\$ 67.00	\$ 15,008.00	\$ 63.00	\$ 14,112.00	\$ 62.00	\$ 13,888.00																
l.	211	LF	653-1804 - 8" Thermoplastic Crosswalk Striping	\$ 8.00	\$ 1,688.00	\$ 5.00	\$ 1,055.00	\$ 6.34	\$ 1,337.74	\$ 15.00	\$ 3,165.00	\$ 6.00	\$ 1,266.00	\$ 23.50	\$ 4,958.50	\$ 25.00	\$ 5,275.00	\$ 8.00	\$ 1,688.00																
m.	38	LF	653-1704 - 24" Thermoplastic Stop Bars	\$ 14.00	\$ 532.00	\$ 35.00	\$ 1,330.00	\$ 19.89	\$ 755.82	\$ 30.00	\$ 1,140.00	\$ 14.00	\$ 532.00	\$ 10.00	\$ 380.00	\$ 100.00	\$ 3,800.00	\$ 20.00	\$ 760.00																
n.	15	LF	550-1150 - 15" RCP	\$ 45.00	\$ 675.00	\$ 77.57	\$ 1,163.55	\$ 98.23	\$ 1,473.45	\$ 50.00	\$ 750.00	\$ 90.00	\$ 1,350.00	\$ 50.00	\$ 750.00	\$ 100.00	\$ 1,500.00	\$ 51.00	\$ 765.00																
o.	24	LF	550-1180 - 18" RCP	\$ 48.00	\$ 1,152.00	\$ 81.83	\$ 1,963.92	\$ 102.56	\$ 2,461.44	\$ 100.00	\$ 2,400.00	\$ 105.00	\$ 2,520.00	\$ 50.00	\$ 1,200.00	\$ 150.00	\$ 3,600.00	\$ 60.00	\$ 1,440.00																
p.	6	EA	636-1014/636-2070 - Signs and Steel Posts	\$ 400.00	\$ 2,400.00	\$ 250.00	\$ 1,500.00	\$ 400.00	\$ 2,400.00	\$ 350.00	\$ 2,100.00	\$ 500.00	\$ 3,000.00	\$ 250.00	\$ 1,500.00	\$ 600.00	\$ 3,600.00	\$ 150.00	\$ 900.00																
q.	2,600	LF	652-2502 - Solid Traffic Stripe, 5"	\$ 0.90	\$ 2,340.00	\$ 0.62	\$ 1,612.00	\$ 1.05	\$ 2,730.00	\$ 3.10	\$ 8,060.00	\$ 1.70	\$ 4,420.00	\$ 1.70	\$ 4,420.00	\$ 2.00	\$ 5,200.00	\$ 4.00	\$ 10,400.00																
r.	1	LS	Grading Complete	\$ 32,250.00	\$ 32,250.00	\$ 7,500.00	\$ 7,500.00	\$ 20,555.00	\$ 20,555.00	\$ 28,765.00	\$ 28,765.00	\$ 60,000.00	\$ 60,000.00	\$ 65,950.50	\$ 65,950.50	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00																
s.	1	LS	Traffic Control	\$ 3,500.00	\$ 3,500.00	\$ 4,500.00	\$ 4,500.00	\$ 12,890.00	\$ 12,890.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 11,000.00	\$ 11,000.00	\$ 15,000.00	\$ 15,000.00	\$ 8,000.00	\$ 8,000.00																
t.	1	LS	Testing	\$ 3,500.00	\$ 3,500.00	\$ 4,350.00	\$ 4,350.00	\$ 5,589.00	\$ 5,589.00	\$ 495.00	\$ 495.00	\$ 2,800.00	\$ 2,800.00	\$ 3,000.00	\$ 3,000.00	\$ 7,500.00	\$ 7,500.00	\$ 4,000.00	\$ 4,000.00																
u.	100	SY	Temporary GAB Driveway	\$ 11.20	\$ 1,120.00	\$ 45.00	\$ 4,500.00	\$ 30.60	\$ 3,060.00	\$ 30.00	\$ 3,000.00	\$ 5.00	\$ 500.00	\$ 30.00	\$ 3,000.00	\$ 25.00	\$ 2,500.00	\$ 25.50	\$ 2,550.00																
v.	15	EA	ADA Detectable Warnings	\$ 225.00	\$ 3,375.00	\$ 862.50	\$ 12,937.50	\$ 400.00	\$ 6,000.00	\$ 600.00	\$ 9,000.00	\$ 300.00	\$ 4,500.00	\$ 450.00	\$ 6,750.00	\$ 400.00	\$ 6,000.00	\$ 800.00	\$ 12,000.00																
<b>TOTAL BASE BID</b>				\$	153,644.00	\$	164,656.97	\$	167,932.00	\$	171,030.00	\$	204,262.00	\$	222,982.00	\$	233,872.00	\$	239,384.00																
<b>BID TOTAL SUPPLIED BY CONTRACTOR</b>				\$	153,644.00	\$	164,656.97	\$	167,932.00	\$	171,030.00	\$	204,262.00	\$	221,482.00	\$	233,872.00	\$	239,384.00																

\*Contractor errors are in red.

I hereby certify that this Bid Tabulation is a true and accurate representation of all Bids received on July 7th, 2020.

  
 Lindsey Thomas, Parker Engineering, LLC