



CITY OF STATESBORO
COUNCIL MINUTES
AUGUST 01, 2023

Regular Meeting

50 E. Main St. City Hall Council Chambers

9:00 AM

1. Call to Order

Mayor Jonathan McCollar called the meeting to order

2. Invocation and Pledge

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

ATTENDANCE

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

Other staff present: 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:

A) Recognition of Statesboro Fire Department personnel for their life-saving actions during a house fire on June 2nd 2023.

Fire Chief Tim Grams recognized and awarded a unit Citation to Captain Rayon Hutchinson, Lieutenant Spencer Rowe, Lieutenant Jason Barrs, Fire Apparatus Operator Ben Adams, Fire Apparatus Operator Spencer Johnson, Fire Apparatus Operator Ryan Marrow, Fire Apparatus Operator Casey Perkins, Fire Apparatus Operator Justin Easton, Firefighter Valiant Lyte, Firefighter Bradley Scott, Firefighter Bradley Sapp, and Firefighter Hunter Swinford. Chief Grams also presented the medal of Valor to Spencer Johnson, Ryan Marrow and Valiant Lyte.

4. Public Comments (Agenda Item): None

5. Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) 07-18-2023 Council Minutes

b) 07-18-2023 Executive Session Minutes

B) Consideration of a motion for approval of surplus and disposition for a Case tractor and a Massey Ferguson tractor in the Public Utilities Department.

Councilmember Phil Boyum stated the Council minutes of July 18, 2023 need to be amended to show that item #12 did not pass in accordance with the voting section of the City of Statesboro Charter 4-1 (a) as it was a 2-1 vote.

City Attorney Cain Smith stated his reliance comes from section 2-5 (b) of the charter which involves meetings, minutes, and proceedings of council. Which states three members of council shall constitute a quorum and shall be authorized to conduct business. There is not a definite answer because both sections say, or as otherwise provided.

Councilmember Phil Boyum made a motion to approve the consent agenda with an amendment to the council minutes of July 18, 2023 showing that agenda item #12 failed due to the lack a unanimous vote.

The motion failed due to the lack of a second.

A motion was made to approve the consent agenda.

RESULT:	Approved 3-1
MOVER:	Councilmember Venus Mack
SECONDER:	Councilmember Paulette Chavers
AYES:	Chavers, Mack, Barr
ABSENT:	Councilmember John Riggs
NAYS:	Councilmember Phil Boyum

6. Public Hearing and Consideration of a motion to approve application for an alcohol license in accordance with the City of Statesboro alcohol ordinance 6-13 (a):

**Red Claw
6581 Northside Drive East #117
Statesboro, Ga 30458
License Type: Restaurant**

A Motion was made to open the public hearing.

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

No one spoke for or against the request.

A Motion was made to close the public hearing.

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

A Motion was made to approve application for an alcohol license in accordance with the City of Statesboro alcohol ordinance 6-13 (a): issued to Red Claw, located at 6581 Northside Drive East #117 Statesboro, Ga 30458, License Type: Restaurant.

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

7. Consideration of a motion to approve Resolution 2023-38: A Resolution reclassifying six Lieutenant (Fire) positions to Captain (Fire).

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

8. Consideration of a motion to approve Resolution 2023-39: A Resolution approving application for funding from the U.S. Department of Transportation (US DOT) Rural and Tribal Assistance Pilot Program for the Brannen Street Corridor Plan Study.

A motion was made to approve Resolution 2023-39: A Resolution approving application for funding from the U.S. Department of Transportation (US DOT) Rural and Tribal Assistance Pilot Program for the Brannen Street Corridor Plan Study.

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

9. Consideration of a motion to approve a Development agreement with Downtown Statesboro Development Authority to use \$55,380 in TAD funds for installation of a signature BORO marker within the development commonly known as the Art Park located at the intersections of East Main and Railroad Streets within the South Main Tax Allocation District.

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

10. Consideration of a motion to award a contract to Solid Waste Applied Technology (SWAT) for the purchase of a New Way Automated Residential Side Arm Refuse Collation Body with a Peterbilt 520 CNG cab and chassis per Sourcewell contract in the amount of \$449,000.00. This item will be purchased with Solid Waste Collection revenue funds.

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

11. Consideration of a motion to award a contract to Yancy CAT in the amount of \$158,969.00 for the purchase of a new Caterpillar 289D3 Skid Steer with attachments for the Streets Division in the Public Works & Engineering Department per Sourcewell contract. Funding is from 2018 TSPLOST.

A motion was made to approve an award of contract to Yancy CAT in the amount of \$158,969.00 for the purchase of a new Caterpillar 289D3 Skid Steer with attachments for the Streets Division in the Public Works & Engineering Department per Sourcewell contract. Funding is from 2018 TSPLOST.

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

12. Other Business from City Council:

Mayor Pro Tem Shari Barr announced “First Friday” will be a Downtown Pep Rally, held this Friday August 4, 2023 beginning at 5:30 pm.

13. City Managers Comments

City Manager Charles Penny stated the Downtown live series had its last concert on July 20th he thanked City Council, DSDA, SCVB, and Bulloch Solutions who was the signature sponsor for the series. Planning has started for next year’s series and includes eight concerts beginning in May.

Mr. Penny also brought up the alcohol application for the Elks Lodge located on 335 James Street. He stated that council passed a resolution allowing the application to be accepted for consideration even though it is located in a residential area. However the application cannot be processed due to a proximity issue. In accordance with the City of Statesboro alcohol ordinance the proposed location is too close to a church.

City Attorney Cain Smith stated the applicant has applied for license type “bar with kitchen” and the way our ordinance under 6-5 council can grant proximity waivers for restaurants, pubs, and low-volume establishments. Proximity waivers are not available for bars or bars with kitchen. Proximity as it relates to by the drink sales is solely a local function. So, in order for this application to move forward a resolution would need to be approved allowing the application to move forward allowing for a proximity waiver despite the fact they are not eligible.

Councilmember Phil Boyum stated the issue we have with bars downtown is we have churches going into commercial retail establishments and they’re really not churches as a stand-alone facility.

City Manager Charles Penny stated staff will look into other options and come back to you with those options, because we want to be careful about setting a precedent.

Councilmember Phil Boyum asked why we are doing all this legwork for a private business. The business should hire an attorney to figure out a way to get around our regulations. We should not be trying to accommodate our regulations for a single entity. We can’t write ordinances for everybody that comes and says, this ordinance doesn’t fit my business. Mr. Penny stated this came up because this entity has been operational for years and except for a fire they would still be able to be operational.

14. Public Comments (General):

Marshall Webster signed up to speak about his concerns with a contract that was approved in June with Condrey and Associates without taking bids from other firms. Mr. Webster voiced his concern with a contract awarded in 2021 to InSite Planning and Development to administer a housing renewal program stating they were not the lowest bidder on the project.

Yvonne Pryor Executive Director of the inner City Night Shelter in Savannah spoke about a Federal Grant opportunity for Inner City to apply for. The grant would be used for acquisition of property and to construct a non-congregate shelter for the homeless in Statesboro. Ms. Pryor stated they are looking at the property of 31 East Olliff Street and would be seeking a letter of support from the City of Statesboro.

City Manager Charles Penny stated he would like to have some conversations with the nonprofit organizations operating in our community and then report back to Mayor and Council.

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

At 10:04 am a motion was made to enter into executive session.

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

At 10:34 am a motion was made to exit executive session.

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

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

Mayor Pro Tem Shari Barr asked for clarification from Councilmember Phil Boyum regarding his concerns about the legality of action taken last month.

Councilmember Phil Boyum reiterated that he looks to the “voting” section of the Charter which states a need for an affirmative vote of three members however, somewhere else in the charter there is a contradictory statement. If there is a problem with the charter, it’s time to clean it up.

16. Consideration of a Motion to Adjourn

A motion was made to adjourn.

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

The meeting was adjourned at 10:36 am.

Jonathan McCollar, Mayor

Leah Harden, City Clerk