



September 17, 2019 5:30 pm

1. Call to Order by Mayor Jonathan McCollar
2. Invocation and Pledge of Allegiance by Councilman Sam Jones
3. Public Oath of Office Ceremony administered by Mayor Jonathan McCollar to City Clerk, Leah Harden.
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 09-03-2019 Council Minutes
 - b) 09-03-2019 Executive Session Minutes
 - c) Consideration of a Motion to Declare Surplus and Dispose of a 1979 GMC Dump Truck in Streets Division of Public Works & Engineering Department in accordance with the City's Purchasing Policy Section 3: Vehicle and Equipment Surplus and Disposal.
6. Second Reading and Consideration of a Motion to approve **Ordinance 2019-08**: An Ordinance amending Chapter 38 of the Statesboro Code of Ordinances adding Article VII and establishing the Community Redevelopment Tax Incentive Program.
7. Presentation regarding City special event permit requirements by Travis Pryor.
8. Public Hearing & Consideration of a Motion to approve application for an alcohol license Sec. 6-5
 - A) The Hangout
Voncellies Allen
67 Gata Dr
Statesboro, GA 30458
 - B) Five Points Store
Lindsay Martin
2855 Northside Dr W
Statesboro, GA 30458

8. Public Hearing & Consideration of a Motion to approve application for Sec.6-17(d) exemptions to open container prohibition:

A) Eagle Creek Brewing Company
106 Savannah Ave Ste B
Franklin Dismuke
Type of Event: Chi Omega Date Night event
Date of Event: 9/24/2019
8pm-11pm

B) The Blue Room
1830 Chandler Rd
Statesboro, Ga 30458
Kaleo Lyles - Manager
Type of Event: Outdoor concert, in the parking lot
Date of Event: 10/3/2019
6pm-10:30 pm

9. Public Hearing and Consideration of a Motion to Approve:

- A) APPLICATION V 19-08-01: Jason Wager requests a variance from Article XI, Section 1102(G) to reduce the minimum lot size requirements for property to be considered for the HOC (Highway Oriented Commercial) zoning district in order to utilize the existing commercial building as an automotive services repair shop on 0.36 acres located at 137 East Parrish Street (Tax Parcel S37 000004 000).
- B) APPLICATION RZ 19-07-02: Jason Wager requests a zoning map amendment of 0.36 acres located at 137 East Parrish Street from CR (Commercial Retail) to the HOC (Highway Oriented Commercial) zoning district in order to utilize the existing commercial building as an automotive services repair shop (Tax Parcel S37 000004 000).
- C) APPLICATION V 19-08-03: Jason Wager requests a variance from Article XI, Section 1102(C) to reduce the required front yard setback in order to utilize the existing commercial building as an automotive services repair shop on 0.36 acres located at 137 East Parrish Street (Tax Parcel S37 000004 000).

10. Public Hearing and Consideration of a Motion to Approve: APPLICATION V 19-08-04: Jacqueline Heyward requests a variance from Article VII-C, Section 703-C(A) to reduce the minimum lot size requirements for property to be considered for the R-10 (Single Family Residential) zoning district in order to allow the placement of a mobile home on 0.20 acres located at 436 Tremble Lane (Tax Parcel S46 000001 000).

11. Public Hearing and Consideration of a Motion to Approve: APPLICATION V 19-08-06: Rick's Glass Company requests a variance from Article XXX, Section 3012(E) regarding tree protection within any required setback or buffer area in the Downtown District for 0.737 acres of property located at 301 South Main Street (Tax Parcels S20 000090 000 & S20 000092 000).

12. Public Hearing and Consideration of a Motion to Approve:

- A) APPLICATION V 19-08-08: Josh Whitfield requests a variance from Article VII, Section 703(A) to reduce the required left side yard setback in order to allow the development of residential units to serve the West District project on 0.43 acres located at 110 Bulloch Street (Tax Parcel S19 000119 000).
- B) APPLICATION RZ 19-08-09: Josh Whitfield requests a zoning map amendment of 0.43 acres located at 110 Bulloch Street from R-8 (Single Family Residential) to the R-4 (High Density Residential) zoning district in order to allow the development of residential units to serve the West District project (Tax Parcel S19 000119 000).
- C) APPLICATION RZ 19-08-10: Josh Whitfield requests a zoning map amendment of 1.06 acres located at 116 Bulloch Street from R-8 (Single Family Residential) to the R-4 (High Density Residential) zoning district in order to allow the development of residential units to serve the West District project (Tax Parcel S19 000117 000).

13. Public Hearing and Consideration of a Motion to Approve: APPLICATION SUB 19-08-11: Continental Road, LLC requests preliminary plat approval for a 6-lot commercial subdivision for phase I of the Continental Road subdivision on 33.348 acres located at 7130 Veterans Memorial Parkway (Tax Parcel MS42 000007 000).

14. First reading and Consideration of a Motion to move forward with **Ordinance 2019-09**: An Ordinance amending Chapter 6 of the Statesboro Code of Ordinances revising license classifications, changing types of alcoholic beverages allowed to be served by licensees, changing licenses to run for the calendar year, and streamlining language involving applicant background checks.

15. Consideration of a Motion for Award of Bid to SETCO Sales Company, LLC for purchase of 4 new solid tire/wheel assemblies for the transfer station loader in the amount of \$24,180.00. This item will be paid from Solid Waste Disposal Fund revenues.

16. Consideration of a Motion to Award a Sole Source Contract to Yancey Brothers for repairs to the CAT loader in the Solid Waste Disposal Division of Public Works & Engineering Department not to exceed \$45,000. This item will be paid from Solid Waste Disposal Fund revenues.

17. Consideration of a Motion to award a Professional Services Contract to Wood Engineering in the amount of \$40,000.00 to provide a computer model and pressure study for the Natural Gas System with funds approved in the 2020 CIP Budget Item #NGD-86.

18. Consideration of a Motion to approve **Resolution #2019-31**: A Resolution to adopt the first 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

19. Consideration of a Motion to Adopt **Resolution #2019-32**: A resolution to adopt the first amendment to the six-year capital improvements program for the fiscal year 2019-2020 through 2024-2025 for the City of Statesboro, Georgia.
20. Consideration of a motion for Council to Authorize the Mayor to enter into contract agreement with Freese and Nichols, Inc. in the amount of \$832,417.00 for engineering and surveying services to conduct an environmental feasibility study for the Creek on the Blue Mile project.
21. Consideration of a Motion to Approve an Employment Agreement with City Clerk, Leah Harden.
22. Other Business from City Council
23. City Managers Comments
24. Public Comments (General)
25. 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)
26. Consideration of a Motion to Adjourn

Agenda Item 5



1. Call to Order

Mayor Jonathan McCollar called the meeting to order

2. Invocation and Pledge

Councilman Phil Boyum gave the Invocation and Pledge of Allegiance.

ATTENDENCE

Attendee Name	Title	Status	Arrived
Jonathan McCollar	Mayor	Present	
Phil Boyum	Councilmember	Present	
Sam Jones	Councilmember	Present	
Jeff Yawn	Councilmember	Present	
John Riggs	Councilmember	Absent	
Derek Duke	Councilmember	Present	

Other staff present was: City Manager Charles Penny, Assistant City Manager Jason Boyles, City Attorney Cain Smith and Records Manager Leah Harden. Absent was Councilman John Riggs.

3. Recognitions/Public Presentations

A) Presentation of a Proclamation for Adult Education and Family Literacy Week.

Samantha Smith, Dean of Adult Education at Ogeechee Technical College presented to Mayor and Council information about Adult Education and the impact it has on the community.

Mayor McCollar read a presented the Proclamation to Samantha Smith, Dean of Adult Education at Ogeechee Technical College.

B) Recognition of the Finance Department for receiving the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for the City of Statesboro's FY2018 Comprehensive Annual Financial Report.

Director of Finance Cindy West explained about this award stating this is the 14th year receiving this award.

Mayor McCollar presented the Finance Department with this award.

C) Recognition of the Finance Department for receiving the Government Finance Officers Association (GFOA) Award for outstanding Achievement in Popular Annual Financial Reporting for the City of Statesboro's FY2018 Popular Achievement in Popular Annual Financial Report.

Director of Finance Cindy West explained this award and this is our 3rd year receiving this award.

Mayor McCollar presented this award to the Finance Department.

4. Public Comments (Agenda Item): None

5. Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) 08-20-2019 Council Minutes

b) 08-27-2019 Public Hearing Minutes (9:00 am)

c) 08-27-2019 Public Hearing Minutes (6:00 pm)

B) Consideration of a Motion to approve the due date of December 20, 2019 for the City of Statesboro Property Tax Bills.

C) Consideration of a Motion to dispose of surplus equipment in accordance with the City's Purchasing Policy Section 3: Vehicle and Equipment Surplus and Disposal.

A motion was made to approve the consent agenda

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

6. Public Hearing and Consideration of a Motion to Approve Resolution 2019-29: A Resolution setting the millage rate for Ad Valorem (Property) Taxes for the 2019 Calendar Year for the City of Statesboro at 7.308.

A motion was made to open the public hearing.

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

No one spoke for or against the resolution.

A motion was made to close the public hearing.

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

A motion was made to approve Resolution 2019-29.

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

7. Public Hearing and Consideration of a Motion to approve application for an alcohol license per Sec. 6-5

**A) The Hangout
Voncellies Allen
67 Gata Drive
Statesboro, Ga 30458**

A motion was made to open the public hearing.

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

Mayor McCollar inquired of the Planning Department – no issues, Fire Department – no issues, Police Department – deny application due to events involving the Police Department personnel, City Attorney no legal bars but concurs with the Police Department assessment.

Voncellies Allen stated he does not agree with the Police Department assessment.

No one spoke against the request.

A motion was made to close the public hearing.

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

After discussion by Council,

A motion was made to deny the alcohol application

RESULT:	3-1
MOVER:	Councilman Jeff Yawn
SECONDER:	Councilman Derek Duke
AYES:	Boyum, Yawn, Duke
NAYS:	Jones
ABSENT:	Absent Councilman John Riggs

After further discussion regarding this item Councilman Jones made a motion to rescind the previous motion and to table this item until the next Council Meeting.

A motion was made to rescind and table this application.

RESULT:	3-2
MOVER:	Councilman Sam Jones
SECONDER:	Councilman Phil Boyum
AYES:	Boyum, Jones, Mayor McCollar as tie breaker
NAYS:	Yawn, Duke
ABSENT	Councilman John Riggs

Mayor McCollar voted in favor of the Motion the Motion passed. This item will be brought back on the next Council Meeting of September 17, 2019.

**B) Southern City Lounge
Shyra Hunter/ Jason Williams
25 West Main Street
Statesboro, Ga 30458**

A motion was made to open the public hearing.

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

Mayor McCollar inquired of approval from the Planning Department – no issues; Fire Department – no issues; Police Department – no issues and Legal Department – no issues.

No one spoke for or against the application request.

A motion was made to close the public hearing.

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

A motion was made to approve the alcohol application for Southern City Lounge.

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

8. Public hearing and First Reading of Proposed Ordinance 2019-08: An Ordinance amending Chapter 38 of the Statesboro Code of Ordinances adding Article VII and establishing the Community Redevelopment Tax Incentive Program.

A motion was made to open the public hearing.

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

City Attorney Cain Smith explained about this ordinance.

Marcus Toole and Cathy Jenkins with Habitat for Humanity spoke in favor the Ordinance.

No one spoke against.

A motion was made to close the Public Hearing.

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

Mayor McCollar noted he very concerned about doubling taxes on properties that are already in areas of distress.

A motion was made to approve the first reading of Ordinance 2019-08

RESULT:	3-1
MOVER:	Councilman Phil Boyum
SECONDER:	Councilman Derek Duke
AYES:	Boyum, Jones, Duke
NAYS:	Councilman Yawn
ABSENT	Councilman John Riggs

Note: any significant changes between the first and second reading of this ordinance will revert it back to a first reading.

9. Public Hearing and First Reading of Proposed Resolution 2019-30: A Resolution of the Mayor and Council of the City of Statesboro, Georgia to put in effect a six-month Moratorium on issuance of conditional use variances in order to exceed City Zoning Occupancy Limits and to Commission a six-month Comprehensive study on the Community Residences and Land Use Restrictions in the City.

This item was changed from a Public Hearing and First Reading to Consideration of a Motion to approve.

A Motion was made to approve Resolution 2019-30

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

10. Other Business from City Council

Councilman Derek Duke wants to know if City Manager Charles Penny has any concerns regarding the upcoming hurricane and the City’s capability to beat this. Mr. Penny he does not have any concern about the City being able to meet the demands from the storm. We do need to have a written plan for emergency operations so as staff changes, they can go to the plan and know how to roll out the Emergency Operations Center.

11. City Managers Comments: None

12. Public Comments (General): None

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

A motion was made to enter into Executive Session at 10:04 am.

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

A motion was made to exit Executive Session 10:26 am.

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

Mayor McCollar called the regular meeting back to order.

A motion was made to appoint Leah Harden as the new City Clerk for the City of Statesboro.

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

Councilman Boyum wants for the City Manager to separate Utility Billing from the City Clerks department.

Mayor McCollar stated there will be a Council Work Session on September 14, 2019 at 7:30 am in the Council Chambers, another Council Work Session will be held on September 17, 2019 at 4:00 pm at Joe Brannen Hall.

14. Consideration of a Motion to Adjourn

A motion was made to adjourn the meeting at 10:29 am.

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

CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5

Jonathan McCollar, Mayor
Randy Wetmore, City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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

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

From: Robert Seamans, Streets and Parks Superintendent

Date: September 9, 2019

RE: Asset Surplus and Disposition

Policy Issue: Purchasing Policy Section 3: Surplus and Disposition

Recommendation:

Surplus and disposition of the following item in Public Works & Engineering:
a) 1979 GMC Dump Truck ID # 3812 in the Streets Division

Background:

The vehicle listed above is 40 years of age and has exceeded its useful life.

Budget Impact:

Decrease in maintenance costs

Council Person and District: N/A

Attachments: None

CC: Darren Prather;

Agenda Item 6

CITY OF STATESBORO

COUNCIL

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



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

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

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

From: Cain Smith, City Attorney

Date: September 12, 2019

RE: September 17, 2019 City Council Agenda Items

Policy Issue: *Second reading of proposed amendment to Chapter 38 of the Statesboro Code of Ordinances adding Article VII and establishing the Community Redevelopment Tax Incentive Program*

Recommendation: N/A

Background: On August 20, 2019 Council voted 5-0 in support of Councilman Phil Boyum's motion to have attached proposed amendment prepared and considered at the September 3, 2019 meeting of Mayor and Council.

Budget Impact: None

Council Person and District: All

Attachments: Proposed amendment

Ordinance 2019-08

Statesboro, Georgia, Code of Ordinances – Community Redevelopment Tax Incentive Program

Chapter 38, Article VII. – COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM

Section 38-160 – Purpose.

Section 38-161 – Definitions.

Section 38-162 – Levy of increase ad valorem tax on blighted real property.

Section 38-163 – Official identification of property maintained in blighted condition.

Section 38-164 – Remediation or redevelopment to remove designation of blighted condition.

Section 38-165 – Decreased rate of taxation to be applied after successful remedial action or redevelopment of blighted property.

Section 38-166 – Duty of code official to provide notice to county tax commissioner.

Section 38-160 – Purpose.

The existence of real property which is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

In furtherance of its objective to eradicate conditions of slum and blight within the City, the Mayor and Council in exercise of the powers granted to municipal corporations at Chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated those areas of the City where conditions of slum and blight are found or are likely to spread.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

Section 38-161 – Definitions.

Blighted property, blighted, or blight means any urbanized or developed property which:

(A) Presents two or more of the following conditions:

(1) Uninhabitable, unsafe, or abandoned structure;

- (2) Inadequate provisions for rain, ventilation, light, air, or sanitation;
- (3) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
- (4) A site identified by the federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;
- (5) Repeated illegal activity on the individual property of which the property owner knew or should have known; or
- (6) The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and

(B) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property. Property shall not be deemed blighted solely because of esthetic conditions.

'Building Inspector' means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

'Code official' means the City Manager or such officer or employee of the City as designated by the City Manager to perform the duties and responsibilities hereafter set forth in this article.

'Community redevelopment' means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or thorough local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

'Governing authority' means the Mayor and Council of the City of Statesboro, a Georgia municipal corporation.

'Millage' or 'millage rate' means the levy, in mills, which is established by the governing authority for purposes of financing, in whole or part, the levying jurisdiction's general fund expenses for the fiscal year.

'Person' means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.

Section 38-162 – Levy of increase ad valorem tax on blighted real property.

There is hereby levied on all real property within the City which has been officially identified as maintained in a blighted condition an increased ad valorem tax by adding a factor of seven (7.0) to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law; provided, however, real property on which there is situated a dwelling house which is being occupied as the primary residence of one or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increase taxation.

Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted.

Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the City Manager and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the City's program to close, repair, or demolish unfit buildings and structures.

Section 38-163 – Official identification of property maintained in blighted condition.

(A) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:

(1) An inspection must be performed on the parcel of property. In order for an inspection to be performed,

- a. A request may be made by the code official or by at least one resident of the City for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or
- b. The code official may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.

(2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the code official. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the City are in question, the inspection shall be conducted by an inspector possessing the requisite qualifications to determine minimal code compliance.

(3) Following completion of the inspection report, the code official shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.

(4) The code official shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of Bulloch County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the code official that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.

(B) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the code official's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the code official's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice in which to request a hearing before the Municipal Court. Written request for hearing shall be filed with the code official and shall be date stamped upon receipt. Upon receipt of a request for hearing, the code official shall notify the Municipal Court and the building inspector or person who performed the inspection and prepared the inspection report.

- (C) Within 30 days of receipt of a request for hearing, the Municipal Court Clerk shall set a date, time, and location for the hearing and shall give at least ten business days' notice to the person(s) requesting the hearing, the code official and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the Statesboro Herald, or other designated legal organ in Bulloch County, at least five days prior to the hearing. Hearings may be continued by the Municipal Court judge upon request of any party, for good cause.
- (D) At the hearing, the code official shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The Municipal Court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the code official and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the Judge of Municipal Court shall make a determination either affirming or reversing the determination of the code official. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the Tax Commissioner of Bulloch County, who shall include the increased tax on the next regular tax bill rendered on behalf of the City.
- (E) Persons aggrieved by the determination of the court affirming the determination of the code official may petition the Superior Court of Bulloch County for a writ of certiorari within 30 days of issuance of the court's written determination.

Section 38-164 – Remediation or redevelopment to remove designation of blighted condition.

- (A) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this article as property maintained in a blighted condition may petition the code official to lift the designation, upon proof of compliance with the following:
- (1) Completion of work required under a plan of remedial action or redevelopment approved by the City's Director of Planning and Development which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
 - (2) Completion of work required under a court order entered in a proceeding brought pursuant to Article II of this Chapter.

(B) Before action on a petition to lift the designation, the code official shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the code official shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the Tax Commissioner of Bulloch County.

(C) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the City's Director of Planning and Development, and contain the following:

1. The plan shall be consistent with the City's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the properties lies;
2. The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization, and landscaping of the property;
3. On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.
4. The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;
5. The plan shall contain a timetable for completion of required work; and
6. Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

Section 38-165 – Decreased rate of taxation to be applied after successful remedial action or redevelopment of blighted property.

- (A) Real property which has had its designation as maintained in a blighted condition removed by the code official, as provided in Section 38-164(B) of this article, shall be eligible for a decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every \$25,000.00 or the portion thereof equaling one year of tax reduction; provided, however, that no property shall be entitled to reduction in City ad valorem taxes for more than four successive years.
- (B) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a notarized affidavit to the building official, supported by receipts or other evidence of payment, of the amount expended.

Section 38-166 – Duty of code official to provide notice to county tax commissioner.

It shall be the duty of the building official to notify the Tax Commissioner of Bulloch County in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the Bulloch County Tax Assessor's Office. The code official shall cooperate with the tax commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this article.

Agenda Item 8

RECEIVED
7/19/15

REG

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.

APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES
CITY OF STATESBORO, GEORGIA

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 TWO HUNDRED dollar (\$200.00) application fee must be tendered with the application. (cash, credit card, certified check, or money order, checks should be made payable to the City of Statesboro.)

1. BUSINESS TRADE NAME: The Hangout Sports Bar & Grill
D/B/A Name

2. APPLICANT'S NAME: Voncellies Allen
(Name of partnership, lic. corporation, or individual)

3. BUSINESS LOCATION ADDRESS: 67 Gata Dr Statesboro, GA STE# _____

4. BUSINESS MAIL ADDRESS: 2906 Arrowwood Circle

CITY: Hephzibah STATE: GA ZIP CODE: 30815

5. LOCAL BUSINESS TELEPHONE NUMBER: (706) 495-3100

CORPORATE OFFICE TELEPHONE NUMBER: _____

6. CONTACT NAME FOR BUSINESS: Voncellies Allen

TELEPHONE NUMBER FOR CONTACT PERSON: _____

7. NAME OF MANAGER: Travis Roberts
(Person responsible for Alcohol Licensing issues)

TELEPHONE NUMBER FOR MANAGER _____

ADDRESS OF MANAGER: _____
(Street, Road, RFD No., P. O. Box No.)

CITY: _____ COUNTY: _____ STATE: _____ ZIP: _____

8. PURPOSE OF APPLICATION IS: (CHECK ALL THAT APPLY) Re-apply, deemed abandoned

NEW MANAGER _____ NEW BUSINESS: _____ NEW OWNER: _____

PREVIOUS OWNER'S NAME: _____

BUSINESS NAME CHANGE: _____ PREVIOUS BUSINESS NAME: _____

ADDRESS CHANGE: _____ PREVIOUS ADDRESS: _____

LICENSE CLASS CHANGE: BEER _____ WINE _____ LIQUOR _____ OTHER _____

9. INDICATE WHERE BUSINESS WILL BE LOCATED:

Above Ground Street or Ground Floor Level

SEC. 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 LICENSEE. 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 OR HIS DESIGNEE.

DOES ANY EMPLOYEE DESCRIBED IN THE ABOVE PARAGRAPH HAVE AN ALCOHOLIC BEVERAGE SECURITY PERMIT? YES NO (PERMIT SHALL BE OBTAINED FROM THE STATESBORO POLICE DEPARTMENT)

CALCULATION OF BASIC LICENSE FEE: FOR CALENDAR YEAR 2019-2020

<u>CLASSIFICATION</u>	(Mark All That Apply)	<u>LICENSE FEE</u>
Class B. Retail Beer Package	<input type="checkbox"/>	875.00
Class C. Retail Wine Package	<input type="checkbox"/>	875.00
Class D. Retail Liquor by the Drink	<input checked="" type="checkbox"/>	1,425.00
Class E. Retail Beer by the Drink	<input checked="" type="checkbox"/>	1,425.00
Class F. Retail Wine by the Drink	<input type="checkbox"/>	1,425.00
Class G. Wholesale Liquor	<input type="checkbox"/>	1,500.00
Class H. Wholesale Beer	<input type="checkbox"/>	1,500.00
Class I. Wholesale Wine	<input type="checkbox"/>	1,500.00
Class J. Licensed Alcoholic Beverage Caterer	<input type="checkbox"/>	200.00
Class K. Brewer, Manufacturer of Malt Beverages Only	<input type="checkbox"/>	1,750.00
Class L. Broker	<input type="checkbox"/>	1,750.00
Class M. Importer	<input type="checkbox"/>	1,750.00
Class O. Manufacture on Wine Only	<input type="checkbox"/>	1,750.00
Sunday Sales Permit	<input checked="" type="checkbox"/>	300.00
In Room Service Permit	<input type="checkbox"/>	150.00

Georgia Law (O.C.G.A. Section 3-3-7) states: "The sale of alcoholic beverages is lawful for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging."

Sunday sales permit holders are subject to audit for compliance with State Law. Each establishment is required to maintain Financial Records on food sales and alcohol sales by separate business location to demonstrate compliance with State and Local Law.

TOTAL ANNUAL LICENSE FEE: \$ 3,150

PARTIAL YEAR CALCULATION IF APPLICABLE: \$ _____

Special Event Permit 50.00
 Distance Waiver Application Fee 150.00
 Alcohol Beverage Control Security Permit(Permit Shall Be Obtained From The Statesboro Police Department) 50.00

10. TYPE OF BUSINESS: (CHECK ONE) Individual Corporation Partnership L.L.C

(COMPLETE EITHER NUMBERS 11, 12 AND 13, AND/OR 14, 15 AND 16 IN THE SECTION BELOW)

11. IF APPLICANT IS AN INDIVIDUAL: Attach copy of trade name affidavit.

FULL LEGAL NAME: Voncellis A. Allen PHONE# _____
 HOME ADDRESS: _____
 CITY: _____ STATE: _____ ZIP CODE: _____
 RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____
 HAVE YOU COMPLETED THE FINANCIAL AFFIDAVIT ATTACHED TO THIS APPLICATION? _____

12. IF APPLICANT IS A PARTNERSHIP, L.L.C. 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 AND ADDRESS OF PARTNERSHIP, L.L.C. or LLP: _____

DO YOU HAVE AN OPERATING AGREEMENT OR PARTNERSHIP AGREEMENT FOR THE LLC, LLP OR PARTNERSHIP? _____

IF NOT, WHAT DOCUMENTS ESTABLISH THE OWNERSHIP RIGHTS OF THE MEMBERS OR PARTNERS? _____

13. MEMBERS OF L.L.C. and/or PARTNERS:

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NUMBER _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

17. If there is any individual or officer, who has resided at his current address less than five (5) years, complete information below.

NAME: _____ PHONE# _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

FULL NAME: _____ PHONE# _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

18. State name and address of owner of the property (Land and Building) where the business will be located.

Farid Gharacharibo

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

Answer: YES NO If yes, state name of lessor or landlord and address, and provide a copy of the lease with this application.

20. 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 or receipts from the proposed business with any persons, firm, company, corporation, or other entity.

Answer: YES NO If yes, give name of person or firm and address and amount of percentage of profits or receipts to be split.

21. Is there anyone connected with this business that is not a legal resident of the United States and at least twenty-one (21) years of age?

Answer: YES NO If yes, give full details on separate sheet.

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

Answer: YES NO N/A If yes, explain on a separate sheet and submit copies of eligibility.

22. 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 or County in the State of Georgia, or other state or political subdivision and been denied such?

Answer: YES NO If yes, give full details on separate sheet.

23. Is there anyone connected with this business who holds another alcohol license in any retail category or any license under any wholesale category?
 Answer: YES _____ NO If yes, give full details on separate sheet
24. Is there anyone connected with this business that has been convicted within fifteen 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?
 Answer: YES _____ NO If yes, give full details on separate sheet, including dates, charges and disposition.
25. Is there anyone connected with this business that has been convicted within five years immediately prior to the filing of this application of the violation (i) 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 thereof; (ii) of a crime involving moral turpitude; or (iii) 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?
 Answer: YES _____ NO If yes, give full details on separate sheet, including dates, charges and disposition.
26. Is there anyone connected with this business that has been convicted for selling alcohol to an under-age person within the last three (3) year period?
 Answer: YES _____ NO If yes, give full details on separate sheet.
27. 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?
 Answer: YES _____ NO If yes, give full details on separate sheet.
28. 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 United States for the reason the same was being used or intended for use in criminal activities.
 Answer: YES _____ NO If yes, give full details on separate sheet.
29. Will live nude performances or adult entertainment be a part of this business' operations?
 Answer: YES _____ NO If yes, the City of Statesboro Ordinance 6-164 prohibits alcohol in an establishment having adult entertainment.

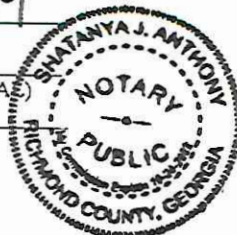
I, Voncellies Allen, solemnly swear, subject to the penalties O.C.G.A. §16-10-20 as provided above which I have read and understood, that all information required in this APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES and supporting documents is true and correct to the best of my knowledge and I 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.

Voncellies A. Allen
 Print Full Name As Signed Below

[Signature] owner 7/8/17
 Signature of Applicant Title Date

SWORN TO AND SUBSCRIBED BEFORE ME THIS

8th DAY OF July 2019
[Signature]
 NOTARY PUBLIC (SEAL)
 My Commission Expires: 10-24-22



The Hangout Sports Bar & Grill
67 Gata Dr
Statesboro, Ga 30458

Please enter your recommendations and comments with your full name.

Alcohol License Review

Department Full Name Recommendation Comments

Planning & Development	Justin Williams	Approve	See Memo
Fire Department	Carlos Nevarez	Approve	
Police Department	Jared Akins	Denial	See Memos
Legal	Cain Smith	Consider	See PD Memos



STATESBORO POLICE DEPARTMENT

Ph 912-764-9911

25 West Grady Street, Statesboro, Georgia 30458

Fx 912-489-5050

TO: Charles Penny, City Manager
FROM: Mike Broadhead, Chief of Police
DATE: September 4, 2019
RE: Alcohol License Review: The Hangout

As you are aware, at the City Council meeting on September 3, 2019, the Council voted to “table” a discussion regarding the alcohol license application for The Hangout. They asked that staff return to the Council meeting on the 17th with some additional information regarding statements made by the applicant, Mr. Allen.

Specifically, Mr. Allen made the following statements in the public meeting:

1. He was cited for staying open “One minute late”
2. Some of the incidents referred to by the police department occurred in the parking lot, which he shares with another alcohol establishment, with the obvious implication that some of those incidents were unrelated to The Hangout
3. He applied for his alcohol license “One day late”
4. That the police description of his staff as “uncooperative” during a shooting investigation was due to the fact that the police wanted video of the scene, but their cameras were not working.

I will attempt to provide more specific information on each of these points. This information was taken directly from police reports filed by the officers who responded to each incident.

1. On January 20, 2019, an officer in the parking lot observed that The Hangout was still full of patrons. As he approached, the bar emptied out in short order. The officer listed the time of his arrival as “2:01am”. It should be noted that according to city code, the bar is to be empty of all patrons by 1:45am. The Hangout still had patrons inside the establishment 16 minutes late, not one minute as asserted by Mr. Allen.
2. There is another alcohol establishment in the direct vicinity of The Hangout (Southern Social) and the two share a common parking area. Each has a separate street address. There were four case numbers (police reports filed) associated with Southern Social during FY18-19 (the period of an alcohol license):
 - A. January 7, 2019, An officer found an unsecured window
 - B. April 18, 2019 a man misplaced his cell phone (later located at a different location)



STATESBORO POLICE DEPARTMENT

Ph 912-764-9911

25 West Grady Street, Statesboro, Georgia 30458

Fx 912-489-5050

- C. May 30, 2019 the sign at the edge of the shared parking lot was damaged and apparently struck by a hit and run driver
- D. June 24, 2019 a female reported she lost her identification

During the same time period, there were 13 case numbers pulled at The Hangout address:

- A. September 27, 2018. A female was arrested in the parking lot for being intoxicated. There is no reference in the report as to where she had been drinking, but the officer listed The Hangout's address
 - B. September 29, 2018, a man reported he had been drinking in The Hangout when another patron threatened to kill him
 - C. October 4, 2018, a female reported she had misplaced her wallet at The Hangout or at her apartment
 - D. October 13, 2018, security at The Hangout asked a man to leave for smoking marijuana inside the establishment. The man left, then attempted to return and was denied entry. The man stated that words were exchanged, and a bouncer choked him (no charges were filed, the man was referred to magistrate court)
 - E. December 16, 2018, a female advised that she was drinking in The Hangout, and when she walked outside she was assaulted by an unknown female
 - F. December 30, 2018, a female advised she left the Hangout and observed a fight outside. Someone pulled a knife, and she cut her hand attempting to disarm that person.
 - G. January 20, 2019, this is the case number related to the after-hours violation
 - H. January 27, 2019, security at The Hangout asked a patron to leave, he went outside to a car, retrieved a handgun, and fired at least 6 shots into the side of the bar
 - I. February 17, 2019, a couple was drinking and dancing at The Hangout when the male became jealous and angry. The female attempted to leave, the male followed her outside and choked her
 - J. February 20, 2019, an officer on patrol observed a man in the parking lot with an active warrant. No connection to The Hangout was listed other than the address
 - K. February 23, 2019, officers received a report of a disturbance in the parking lot. The crowd dispersed and a bag of marijuana was left behind. No direct connection to The Hangout listed other than the address
 - L. April 6, 2019, ten members of the security staff at The Hangout were cited for not having bouncer permits
 - M. May 3, 2019 a female reported her wallet missing after drinking at The Hangout and her credit card was later used fraudulently
3. According to the City Clerk, they ask all holders of liquor licenses to be turned in for renewal by May 1st for processing. By ordinance, license holders have until June 30th to



STATESBORO POLICE DEPARTMENT

Ph 912-764-9911

25 West Grady Street, Statesboro, Georgia 30458

Fx 912-489-5050

file a renewal. Mr. Allen came to City Hall on July 1st and was told that the clerk's office could not process a renewal after June 30 and he would need to apply for a new license. He turned in that paperwork on July 9th.

4. The initial responding officers to the scene of the shooting incident were initially denied access to the building by security. The security was then unhappy with the police for needing to cordon off part of the bar as a crime scene. Once they understood that bullets had entered the bar, they were more cooperative. There was a discussion regarding cameras, and the staff showed the officers that they have video cameras in place, but they were not functioning at that time.

I hope that this information is useful in the future discussion by Council.



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.

APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES
CITY OF STATESBORO, GEORGIA

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 TWO HUNDRED dollar (\$200.00) application fee must be tendered with the application. (cash, credit card, certified check, or money order, checks should be made payable to the City of Statesboro.)

1. BUSINESS TRADE NAME: Five Points Store
D/B/A Name

2. APPLICANT'S NAME: Lindsay Robert Martin
(Name of partnership, llc, corporation, or individual)

3. BUSINESS LOCATION ADDRESS: 2855 Northside Drive West STE# _____

4. BUSINESS MAIL ADDRESS: 236 North Main Street

CITY: Statesboro STATE: GA ZIP CODE: 30458

5. LOCAL BUSINESS TELEPHONE NUMBER: 912 254-9135

CORPORATE OFFICE TELEPHONE NUMBER: 912 484-6608

6. CONTACT NAME FOR BUSINESS: Laura Thompson

TELEPHONE NUMBER FOR CONTACT PERSON: 912 515-6951

7. NAME OF MANAGER: Lindsay Martin
(Person responsible for Alcohol Licensing issues)

TELEPHONE NUMBER FOR MANAGER: _____

ADDRESS OF MANAGER: _____
(Street Road, RFD No., P. O. Box No.)

CITY: _____ COUNTY: _____ STATE: _____ ZIP: _____

8. PURPOSE OF APPLICATION IS: (CHECK ALL THAT APPLY)
- NEW MANAGER _____ NEW BUSINESS: _____ NEW OWNER: _____
- PREVIOUS OWNER'S NAME: _____
- BUSINESS NAME CHANGE: _____ PREVIOUS BUSINESS NAME: _____
- ADDRESS CHANGE: _____ PREVIOUS ADDRESS: _____
- LICENSE CLASS CHANGE: BEER _____ WINE _____ LIQUOR _____ OTHER _____

9. INDICATE WHERE BUSINESS WILL BE LOCATED:

Above Ground Street or Ground Floor Level

SEC. 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 LICENSEE. 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 OR HIS DESIGNEE.

DOES ANY EMPLOYEE DESCRIBED IN THE ABOVE PARAGRAPH HAVE AN ALCOHOLIC BEVERAGE SECURITY PERMIT? YES NO (PERMIT SHALL BE OBTAINED FROM THE STATESBORO POLICE DEPARTMENT)

CALCULATION OF BASIC LICENSE FEE: **FOR CALENDAR YEAR** _____

<u>CLASSIFICATION</u>	(Mark All That Apply)	<u>LICENSE FEE</u>
Class B, Retail Beer Package	<input checked="" type="checkbox"/>	875.00
Class C, Retail Wine Package	<input checked="" type="checkbox"/>	875.00
Class D, Retail Liquor by the Drink	<input type="checkbox"/>	1,425.00
Class E, Retail Beer by the Drink	<input type="checkbox"/>	1,425.00
Class F, Retail Wine by the Drink	<input type="checkbox"/>	1,425.00
Class G, Wholesale Liquor	<input type="checkbox"/>	1,500.00
Class H, Wholesale Beer	<input type="checkbox"/>	1,500.00
Class I, Wholesale Wine	<input type="checkbox"/>	1,500.00
Class J, Licensed Alcoholic Beverage Caterer	<input type="checkbox"/>	200.00
Class K, Brewer, Manufacturer of Malt Beverages Only	<input type="checkbox"/>	1,750.00
Class L, Broker	<input type="checkbox"/>	1,750.00
Class M, Importer	<input type="checkbox"/>	1,750.00
Class O, Manufacture on Wine Only	<input type="checkbox"/>	1,750.00
Sunday Sales Permit	<input checked="" type="checkbox"/>	300.00
In Room Service Permit	<input type="checkbox"/>	150.00

Georgia Law (O.C.G.A. Section 3-3-7) states: "The sale of alcoholic beverages is lawful for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging."

Sunday sales permit holders are subject to audit for compliance with State Law. Each establishment is required to maintain Financial Records on food sales and alcohol sales by separate business location to demonstrate compliance with State and Local Law.

TOTAL ANNUAL LICENSE FEE: \$ _____

PARTIAL YEAR CALCULATION IF APPLICABLE: \$ _____

Special Event Permit 50.00
 Distance Waiver Application Fee 150.00
 Alcohol Beverage Control Security Permit(Permit Shall Be Obtained From The Statesboro Police Department) 50.00

10. TYPE OF BUSINESS: (CHECK ONE) Individual Corporation Partnership LLC

(COMPLETE EITHER NUMBERS 11, 12 AND 13, AND/OR 14, 15 AND 16 IN THE SECTION BELOW)

11. IF APPLICANT IS AN INDIVIDUAL: Attach copy of trade name affidavit.
 FULL LEGAL NAME: London B. Martin PHONE# _____
 HOME ADDRESS: _____
 CITY: _____ STATE: _____ ZIP CODE: _____
 RACE: [redacted] SEX: [redacted] BIRTHDATE: _____ SOCIAL SECURITY NO: _____ *
 HAVE YOU COMPLETED THE FINANCIAL AFFIDAVIT ATTACHED TO THIS APPLICATION? URS

12. IF APPLICANT IS A PARTNERSHIP, L.L.C. or L.L.P.: 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 AND ADDRESS OF PARTNERSHIP, LLC, or LLP: _____

DO YOU HAVE AN OPERATING AGREEMENT OR PARTNERSHIP AGREEMENT FOR THE LLC, LLP OR PARTNERSHIP? _____

IF NOT, WHAT DOCUMENTS ESTABLISH THE OWNERSHIP RIGHTS OF THE MEMBERS OR PARTNERS? _____

13. MEMBERS OF L.L.C. and/or PARTNERS:

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NUMBER _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

HAS EACH MEMBER OR 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 address 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.

14. **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: _____
(Name shown exactly as in Articles of Incorporation or Charter)

HOME OFFICE: _____

MAIL ADDRESS IF DIFFERENT: _____

DATE AND PLACE OF INCORPORATION: _____

DO YOU HAVE A SHAREHOLDERS AGREEMENT? _____

IF NOT, WHAT DOCUMENTS ESTABLISH THE OWNERSHIP RIGHTS OF THE SHAREHOLDERS? _____

15. **OFFICERS:**

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

16. STOCKHOLDERS (If Different from Officer Names)

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

FULL LEGAL NAME: _____ PHONE# _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY NO: _____

% STOCK OWNED: _____ OFFICE HELD: _____

HAS EACH OFFICER AND SHAREHOLDER COMPLETED THE FINANCIAL AFFIDAVIT ATTACHED TO THIS APPLICATION?

(ATTACH ADDITIONAL PAGES IF NECESSARY)

17. If there is any individual or officer, who has resided at his current address less than five (5) years, complete information below.

NAME: _____ PHONE# _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

FULL NAME: _____ PHONE# _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

(ATTACH ADDITIONAL PAGES IF NECESSARY)

18. State name and address of owner of the property (Land and Building) where the business will be located.

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

Answer: YES _____ NO If yes, state name of lessor or landlord and address, and provide a copy of the lease with this application.

20. 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 or receipts from the proposed business with any persons, firm, company, corporation, or other entity.

Answer: YES _____ NO If yes, give name of person or firm and address and amount of percentage of profits or receipts to be split.

21. Is there anyone connected with this business that is not a legal resident of the United States and at least twenty-one (21) years of age?

Answer: YES _____ NO If yes, give full details on separate sheet.

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

Answer: YES _____ NO N/A _____ If yes, explain on a separate sheet and submit copies of eligibility.

22. 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 or County in the State of Georgia, or other state or political subdivision and been denied such?

Answer: YES _____ NO If yes, give full details on separate sheet.

**Five Points Store
2855 Northside Dr W
Statesboro, GA 30458**

Please enter your recommendations and comments with your full name.

Alcohol License Review

Department Full Name Recommendation Comments

Planning & Development	Justin Williams	Approve	See Memo
Fire Department	Carlos Nevarez	Approve	
Police Department	Mike Broadhead	Approve	
Legal	Cain Smith	Approve	

Agenda Item 9

RECEIVED
9/4/19



City Of Statesboro
50 E Main St • P.O. Box 348
Statesboro, GA 30458
P:912-764-5468 • F:912-764-4691
www.statesboroga.gov

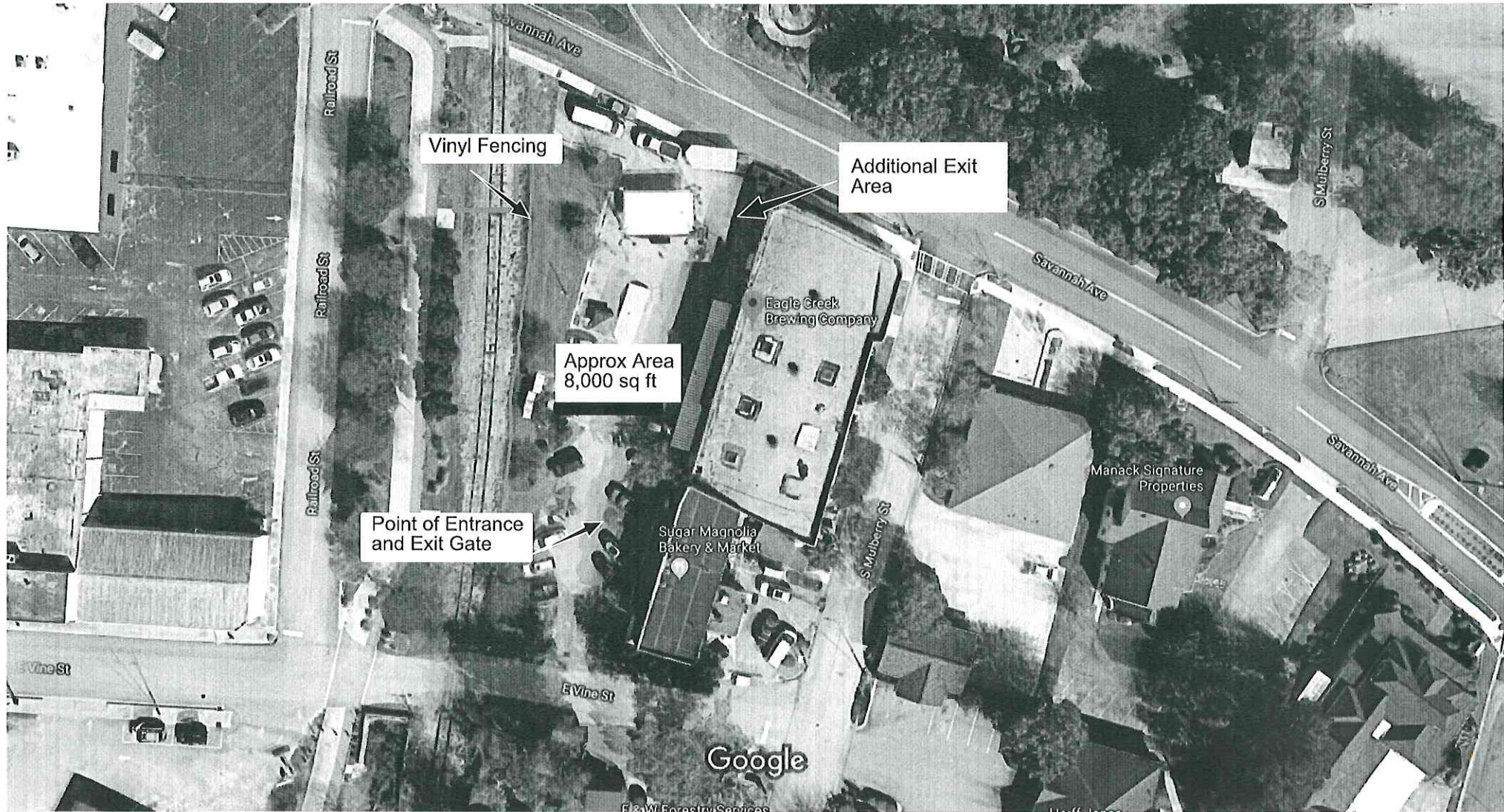
APPLICATION FOR SEC. 6-17(D) EXEMPTIONS TO OPEN CONTAINER PROHIBITION

****20 DAY NOTICE IS REQUIRED BEFORE THE EVENT****

****You must attach an 8.5 X 11" map of the area being closed off****

1. Date of application: September 3rd, 2019
2. Name of applicant: Eagle Creek Brewing Company
3. Applicant's physical address: 106 Savannah Ave, Ste B
Statesboro, GA 30458
4. Applicant's phone number: 912-678-1738
5. Date of event: September 24th, 2019
6. Time of event: 8pm - 11pm
7. Location of event: Eagle Creek Brewing Company Parking Lot
8. Type of event (detailed description): Chi Omega Date Night Event
9. Products to be served: X Beer X Wine X Liquor
10. Description of the area, including the size and the maximum number of persons for such area:
We will section off the entire Eagle Creek Brewing Company's front parking lot,
we will provide security, and the maximum number of persons will be 450.

Google Maps Eagle Creek Brewing Company



Imagery ©2018 Google, Map data ©2018 Google 100 ft

No Stage will be present for this event.

Eagle Creek Brewing Company
Franklin Dismuke
106 Savannah Ave Ste B
9/24/2019
8pm-11pm

Please enter your recommendations and comments with your full name.

Exemptions To Open Container Prohibition

Department Full Name Recommendation Comments

Fire Department	Carlos Nevarez	Approve	
Public Works	Robert Seamans	Approve	
Police	Mike Broadhead	Approve	
Legal	Cain Smith	Approve	No previous issues with prior similar exemptions

RECEIVED
8/8/19



City Of Statesboro
50 E Main St · P.O. Box 348
Statesboro, GA 30458
P:912-764-5468 · F:912-764-4691
www.statesboroga.gov

**APPLICATION FOR SEC. 6-17(D) EXEMPTIONS TO OPEN CONTAINER
PROHIBITION**

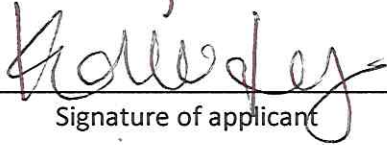
****20 DAY NOTICE IS REQUIRED BEFORE THE EVENT****

****You must attach an 8.5 X 11" map of the area being closed off****

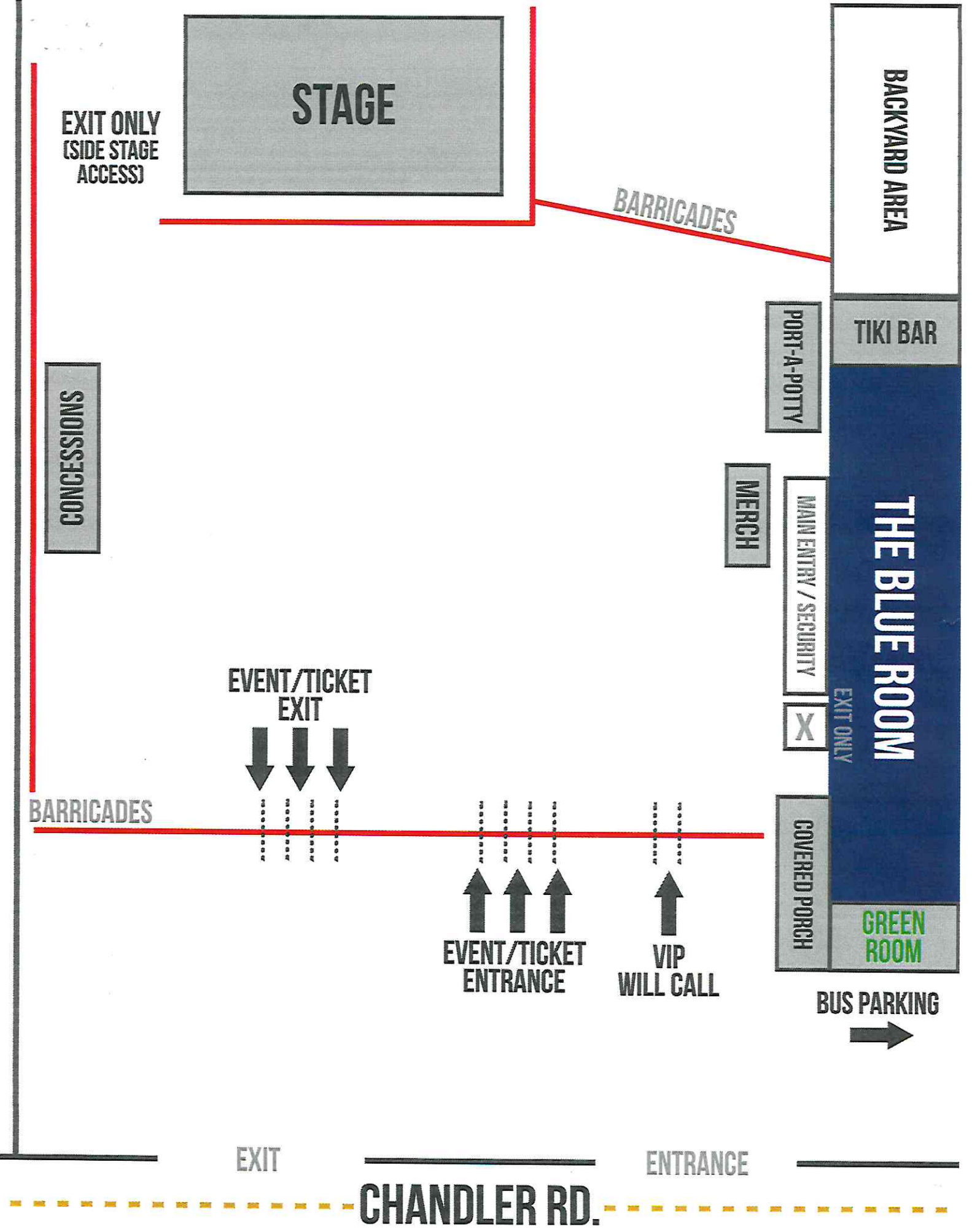
1. Date of application: 8-8-19
2. Name of applicant: Kaleo Lyies
5. Date of event: 10-3-19
6. Time of event: 6:00 pm to 10:30 pm
7. Location of event: 1830 Chandler Rd
8. Type of event (detailed description): Outdoor parking lot concert
9. Products to be served: Beer Wine Liquor
10. Description of the area, including the size and the maximum number of persons for such area:
Parking lot of The Blue Room, roughly
50ft x 250ft. 8ft² given per person
alots for roughly 1509 people

11. Description of the method and structures that will be used to secure and separate such area from other public areas: Crowd control gates w/ line

fencing around perimeter of parking lot


Signature of applicant

8-8-19
Date



STAGE

**EXIT ONLY
(SIDE STAGE
ACCESS)**

BARRICADES

BACKYARD AREA

TIKI BAR

PORT-A-POTTY

CONCESSIONS

MERCH

MAIN ENTRY / SECURITY

THE BLUE ROOM

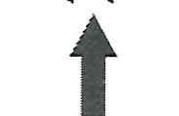
**EVENT/TICKET
EXIT**



BARRICADES



**EVENT/TICKET
ENTRANCE**



**VIP
WILL CALL**

EXIT ONLY

COVERED PORCH

GREEN ROOM

BUS PARKING



EXIT

ENTRANCE

CHANDLER RD.

The Blue Room
Kaleo Lyles
1830 Chandler Road
10/3/2019
6pm-10:30 pm

Please enter your recommendations and comments with your full name.

Exemptions To Open Container Prohibition

Department Full Name Recommendation Comments

Fire Department	Carlos Nevarez	Approve	
Public Works	Robert Seamans	Approve	
Police	Mike Broadhead	Approve	
Legal	Cain Smith	Approve	

Agenda Item 10

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
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: September 6, 2019

RE: September 17, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance Request*

Recommendation: Staff recommends approval of the zoning variance requested by application V 19-08-01 with conditions.

Background: Jason Wager requests a variance from Article XI, Section 1102(G) to reduce the minimum lot size requirements for property to be considered for the HOC (Highway Oriented Commercial) zoning district in order to utilize the existing commercial building as an automotive services repair shop on 0.36 acres located at 137 East Parrish Street (Tax Parcel S37 000004 000).

Budget Impact: None

Council Person and District: Boyum (District 1)

Attachments: Development Services Report V 19-08-01, RZ 19-07-02 & V 19-08-03.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
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 Sue Starling, City Clerk

From: Owen Dundee, City Planner II

Date: September 6, 2019

RE: September 17, 2019 City Council Agenda Items

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

Recommendation: Staff recommends approval of the zoning map amendment requested by application RZ 19-07-02 with conditions.

Background: Jason Wager requests a zoning map amendment of 0.36 acres located at 137 East Parrish Street from CR (Commercial Retail) to the HOC (Highway Oriented Commercial) zoning district in order to utilize the existing commercial building as an automotive services repair shop (Tax Parcel S37 000004 000).

Budget Impact: None

Council Person and District: Boyum (District 1)

Attachments: Development Services Report V 19-08-01, RZ 19-07-02 & V 19-08-03.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
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: September 6, 2019

RE: September 17, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance Request*

Recommendation: Staff recommends approval of the zoning variance requested by application V 19-08-03 with conditions.

Background: Jason Wager requests a variance from Article XI, Section 1102(C) to reduce the required front yard setback in order to utilize the existing commercial building as an automotive services repair shop on 0.36 acres located at 137 East Parrish Street (Tax Parcel S37 000004 000).

Budget Impact: None

Council Person and District: Boyum (District 1)

Attachments: Development Services Report V 19-08-01, RZ 19-07-02 & V 19-08-03.



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

P.O. Box 348
 Statesboro, Georgia 30458

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

V 19-08-01, RZ 19-07-02, V 19-08-03 ZONING MAP AMENDMENT & ZONING VARIANCE REQUESTS 137 EAST PARRISH STREET	
LOCATION:	137 East Parrish Street
REQUEST:	Zoning map amendment from CR (Commercial Retail) to HOC (Highway Oriented Commercial); Variance from Article XI, Section 1102(G) regarding lot area requirements; Variance from Article XI, Section 1102(C) regarding the building setback from the street line.
APPLICANT:	Jason Wager
OWNER(S):	Jason Wager
ACRES:	0.36 acres (15,681.6 sq. ft.)
PARCEL TAX MAP #:	S37 000004 000
COUNCIL DISTRICT:	1 (Boyum)



PROPOSAL:

The applicant is proposing the utilization of an existing commercial building as a tire repair shop, which is not an allowed use under the subject property's current CR (Commercial Retail) zoning. Automotive services, such as service stations, repair shops, and automotive parts and accessory sales are allowable uses specific to the HOC (Highway Oriented Commercial) district. Therefore, the applicant requests a variance from **Article XI: Section: 1102(G)** of the Statesboro Zoning Ordinance, which requires a minimum lot area of twenty thousand (20,000) square feet per structure in the HOC district. The applicant is proposing a lot size of approximately 15,682 square feet. Next, the applicant requests a zoning map amendment from the CR (Commercial Retail) zoning district to the HOC (Highway Oriented Commercial) zoning district in order to utilize the existing commercial building as a tire repair shop, which is not an allowed use under the subject property's current CR (Commercial Retail) zoning designation. Lastly, the applicant is requesting a variance from **Article XI: Section 1102 (C)** of the Statesboro Zoning Ordinance, which requires that there be a minimum building setback distance of 60 feet from the street line in the HOC district. The applicant is proposing no front setback distance from the street line to the existing building. Per the recorded plat of record with the Bulloch County Clerk of Courts, the existing commercial building's front canopy structure encroaches over the subject site's front property line abutting U.S. Highway 301 (See **Exhibit D** – Recorded Plat).

BACKGROUND:

The parcel is currently occupied by a commercial building, which has been vacant for the past 3 months per the applicant. The building was last utilized as a painting contractor business. Historical uses have included contracting businesses, glass fabrication, and automotive service uses. The parcel was originally developed as a gas and automotive services station in 1950.

ATTACHMENTS: Exhibit A (Location Map), Exhibit B (Future Development Map) Exhibit C (Photos of Subject Site), Exhibit D (Recorded Plat), Exhibit E (Surrounding Zoning Map), Exhibit F (Historical Property Photo)

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R4 (High Density Residential) & CR (Commercial Retail)	Radio Tower & Vacant Land
SOUTH:	LI (Light Industrial)	BF Goodrich Tire Service
EAST:	R4 (High Density Residential) & CR (Commercial Retail)	Little Red House Addiction Hotline Center & Vacant Land
WEST	R4 (High Density Residential) & CR (Commercial Retail)	Vacant Land

The subject property is located in the CR (Commercial Retail) zoning district. Surrounding properties include vacant land, a radio tower, BF Goodrich automotive services center, and a vacant commercial building previously used as "The Little Red House Addiction Hotline" center. (See **Exhibit C** – Photos of Subject Site).

COMPREHENSIVE PLAN:

The subject site lies within the "Residential Redevelopment" character area as identified by the City of Statesboro 2014 Future Development Map (See **Exhibit B—2014 Future Development Map**) within the City of Statesboro 2014 Comprehensive Plan Update.

Vision:

This character area has most of its original housing stock in place, but has worsening housing conditions due to low rates of homeownership and neglect of property maintenance. There may be a lack of neighborhood identity and gradual invasion of different type and intensity of use that may not be compatible with the neighborhood residential use, or a neighborhood that has declined sufficiently that housing conditions are bad, there may be large areas of vacant land or deteriorating, unoccupied structures.

- Single-Family detached housing
- Lower density, Single Family attached housing

Suggested Development & Implementation Strategies

- Focus on strategic public investments to improve conditions, appropriate infill development on scattered vacant sites, and encouraging more homeownership and maintenance or upgrade of existing properties.
- Public investment in sidewalks, right of way improvements, and redevelopment incentives should be focused where needed to ensure that the neighborhood becomes more stable, mixed income community with a larger percentage of owner occupied housing.
- The redevelopment strategy for the area should focus on preserving what remains of the original housing stock, while rebuilding on the remaining land, a new, attractive neighborhood following the principles of traditional neighborhood development.
- Strengthen code enforcement, property maintenance, and the demolition of dilapidated structures in area.
- The neighborhood should include a well-designed new neighborhood activity center at the appropriate location, which would provide a focal point for the neighborhood, while also providing a suitable location for a grocery store, hardware store, school, and similar appropriately scaled retail establishments serving neighborhood residents.
- Strong pedestrian and bicycle connections should also be provided to encourage residents to walk/bike to work, shopping, or other destinations in the area.
- New streets should be connected (i.e., minimize or prohibit cul-de-sacs, to disperse traffic, shorten walking/biking trips.
- Design features that encourage safe, accessible streets should be employed- such as, narrower streets, on street parking, sidewalks, street trees, and landscaped raised median for minor collectors and wider streets.

Statesboro 2014 Comprehensive Plan Update, Community Agenda page 21.

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.

ENVIRONMENTAL:

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

ANALYSIS:

Current Zoning Compared to Requested Zoning

CR – The Commercial Retail district permits health care facilities, to include hospitals and nursing homes, as well as all uses permitted in the CBD district to include general retail, wholesale, office, personal service establishments, and apartments on upper floors. Major commerce is also allowed in this district.

HOC – The Highway Oriented Commercial district permits services to the public, commercial recreation, automotive sales, miscellaneous sales, banks, and single-family detached dwellings. Also, this district allows all uses that are permissible in the Commercial Retail (CR) and Central Business (CBD) districts to include general retail, wholesale, office, personal service establishments, health care uses and apartments on upper floors. Additionally, this district allows for the development of major commerce.

ZONING CONSIDERATIONS:

Whether or not to grant a zoning map amendment for the property currently listed as CR (Commercial Retail) to HOC (Highway Oriented Commercial).

The request to rezone the subject property should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's primary land use policies: *The Statesboro Comprehensive Plan*, the *Statesboro Downtown Master Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed HOC (Highway Oriented Commercial) zoning district for uses as set forth in the *Statesboro Zoning Ordinance*.

The subject parcel is currently zoned CR (Commercial Retail) and the applicant has immediate plans to open a tire service business utilizing the existing, vacant commercial building. Additionally, the applicant is not proposing any lot line revisions, building expansion and/or construction at this time.

STANDARDS: ZONING MAP AMENDMENT

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 and "balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property." Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council's consideration of the application:

- (1) Existing uses and zoning or (of) property nearby;
 - a. The northern adjacent property, zoned R-4 (High Density Residential), is currently undeveloped and contains substantial flood plain and wetland impacts. The surrounding properties to the south are zoned LI (Light Industrial) and consist of various automotive repair businesses and warehouses. Currently vacant land, adjacent property to the west is zoned CR (Commercial Retail) and R4 (High Density Residential). The adjacent property to the east of the subject parcel is zoned CR (Commercial Retail) & R4 (High Density Residential) and has a small, vacant commercial building fronting on U.S. Highway 301.
- (2) The extent to which property values are diminished by the particular zoning restrictions.
 - a. The proposed use is not expected to have an adverse effect on property values in the area given the surrounding uses. Please note that staff has not consulted a professional appraiser regarding the impact of the requested zoning map amendment on property value.
- (3) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.
- (4) The relative gain to the public, as compared to the hardship imposed upon the property owner.
 - a. While the current CR zoning of the parcel supports commercial development and limited Residential development, the zoning designation does not support the development and use of highway oriented commercial businesses. The location of the parcel supports travelers and sits along an Urban Corridor Gateway, which would help to promote entry into the Downtown District.

- (5) **The suitability of the subject property for the zoned purposes.**
 - a. The property contains a commercial building that is suitable for the proposed use and has been utilized for such in the property's history.
- (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 parcel currently is occupied by a commercial building, which has been vacant for the past three (3) months per the applicant. There have been no major recent commercial developments surrounding the property. Historically this property has served as multiple business types, with primary historical uses as an automotive services business.
- (7) **The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;**
 - a. Impacts on local traffic should be considered.
 - b. Positive impact on the existing and future land use patterns as the proposed use is compatible with the surrounding area as well as consistent with the 2014 Future Development Map and the *Statesboro Comprehensive Plan*.
- (8) **Consistency with other governmental land use, transportation, and development plans for the community.**
 - a. The Comprehensive Plan recommends that whenever possible, existing structures should be preserved and/or renovated to accommodate changing land uses in order to protect both the neighborhood and overall community character. Any new structures should be located on the lot with similar setbacks as surrounding development and designed in a way which complements the existing immediate area.

VARIANCE ANALYSIS

- I. **Application V 19-08-01: Variance from Article XI: Section 1102(G): Lot area. A lot area of not less than 20,000 square feet shall be provided per structure to be located. A structure shall be permitted to have multiple units of businesses in the structure.**

The applicant is requesting a variance from **Article XI: Section 1102(G)** to reduce the **minimum lot area requirements from 20,000 square feet to 15,681.6 square feet**. This variance in question is regarding the total area of the subject site, which is proposed to be 0.36 acres (15,681.6 sq. ft.). The subject property is approximately 4,319 square feet less than the minimum 20,000 square feet required for a parcel to be considered for the HOC (Highway Oriented Commercial) zoning district (see **Exhibit D - Recorded Plat**).

- II. **Application V 19-08-03: Variance from Article XI, Section 1102(C): Building setback from street line. There shall be a minimum setback of 60 feet from the street line. This distance may be reduced if no front of structure parking is contemplated, however, in any case a unified setback for the entire HOC district is encouraged.**

The applicant is requesting a variance from **Article XI: Section 1102(C)** to reduce the **minimum front yard setback from 60 feet to 0 feet**. This variance is specifically being requested to allow for a zoning map amendment change in order to utilize an existing commercial building for an automotive services use. A portion of the commercial building's canopy will be located in the area where the normal 60 foot building setback would be regulated in the HOC (Highway Oriented Commercial) zoning district.

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

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

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

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

The applicant did not take action to result in the subject property's current zoning classification.

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

The existing commercial building was originally developed for an automotive services use. Since the building was constructed, the City of Statesboro's zoning map has been revised, thus creating a non-conforming structure on this parcel. In order for the existing commercial building to operate as an automotive service use similar to past historical uses of the subject property, the applicant will require the approval of zoning variances and a zoning map amendment to do so.

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

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

RECOMMENDATION:

Staff recommends approval of the variances and zoning map amendment requested by applications **V 19-08-01, RZ 19-07-02, & V 19-08-03** with conditions.

At the regularly scheduled meeting held on September 3, 2019 at 5:00 PM, the Planning Commission voted 4-0 to recommend approval of the zoning map amendment and zoning variances requested by applications **V 19-08-01, RZ 19-07-02 & V 19-08-03** with the following condition(s):

1. Approval of this Zoning Map Amendment does not grant site and/or building plan approval. Any future renovations to the existing building and/or the new construction of structures on the subject property will be required to meet all City Ordinances and applicable building codes.
2. Permissible uses shall be restricted to those allowed by right as regulated by the City of Statesboro's Zoning Ordinance and the HOC (Highway Oriented Commercial) zoning district.
3. The existing building's canopy structure shall not encroach further into the building setback area unless authorized by variance.



Case # V 19-08-01, RZ 19-07-02 & V 19-08-03
137 E Parrish St

Parcel: S37 000004 000



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

City of Statesboro
Department of Planning and Development



EXHIBIT B: FUTURE DEVELOPMENT MAP

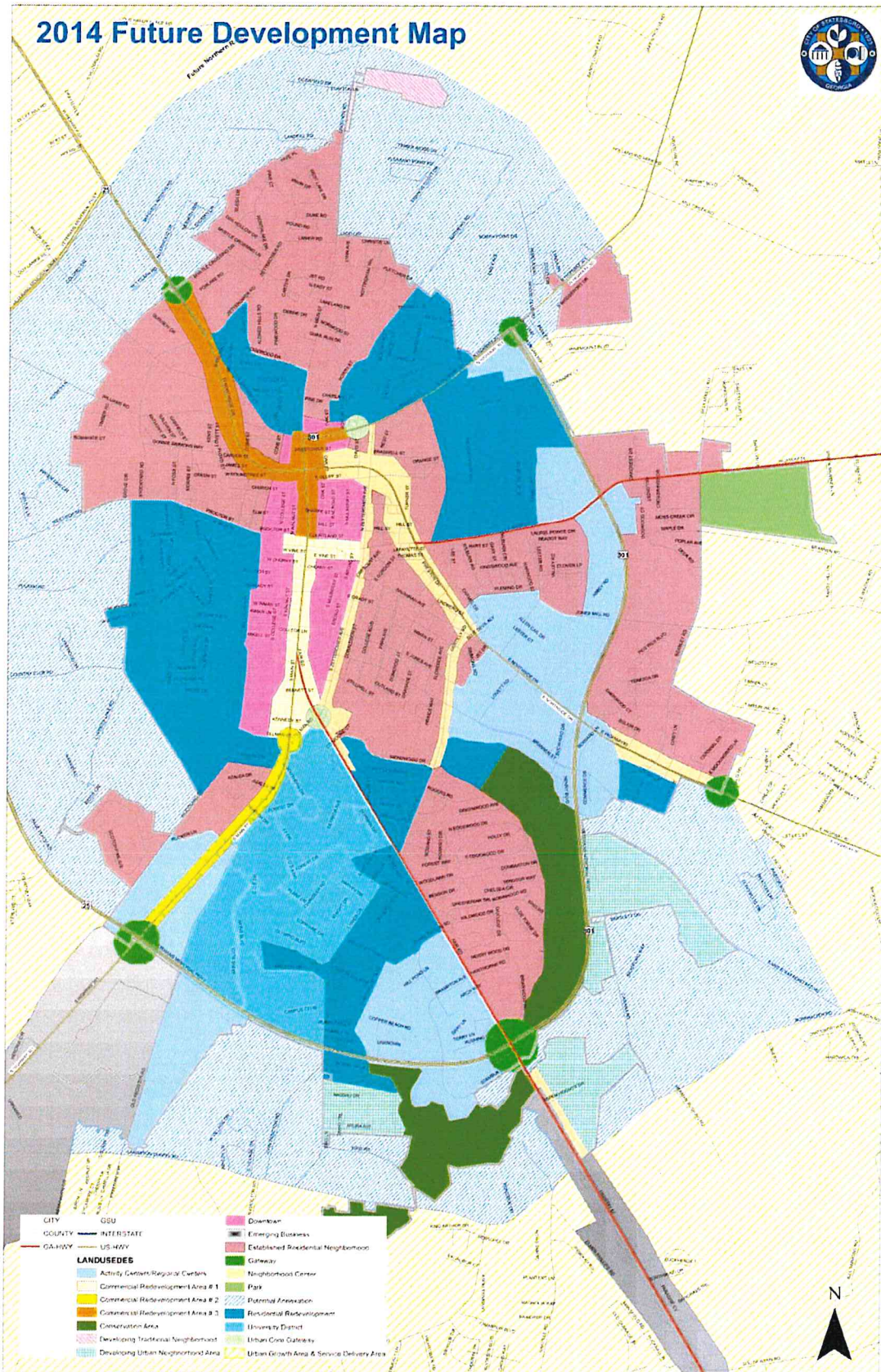


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject site – 137 East Parrish Street, looking west from East Parrish Street. Also, a view of the area where V 19-08-01, RZ 19-07-02, & V 19-08-03 are being requested.



Picture 2: View of the surrounding properties, looking South from the subject property and East Parrish Street.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 3: View of the adjacent commercial property to east of the subject property, located along E. Parrish Street.



Picture 4: View of the adjacent property to the west of the subject site from East Parrish Street, currently vacant land.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 5: View of the surrounding properties, looking east along East Parrish Street.



Picture 6: View of surrounding properties, looking west along East Parrish Street.



Exhibit E: Surrounding Zoning Map

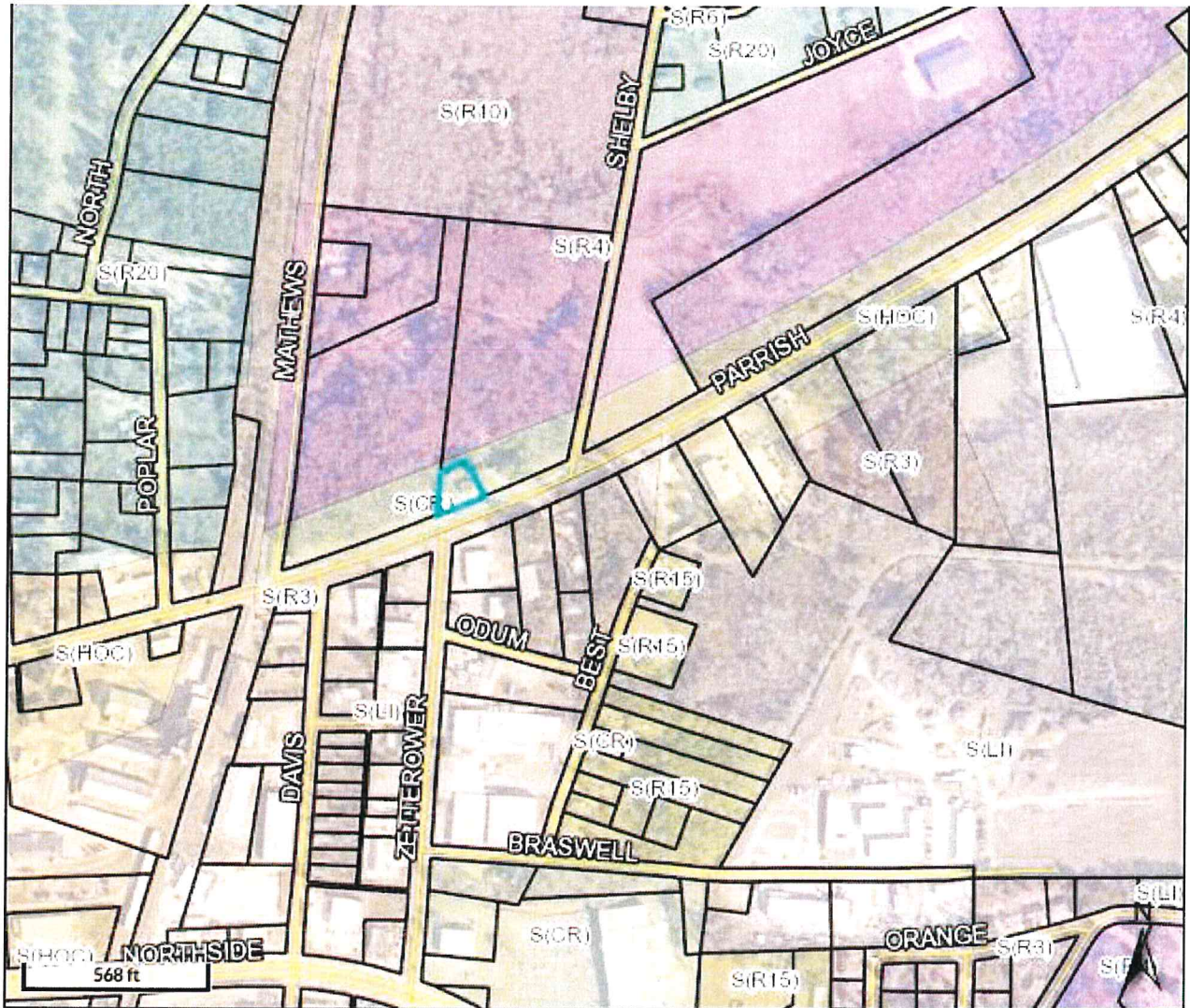


Exhibit F: Historical Photo of the Subject Property



Agenda Item 11

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
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: September 6, 2019

RE: September 17, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance Request*

Recommendation: Staff recommends approval of the zoning variance requested by application V 19-08-04 with conditions.

Background: Jacqueline Heyward requests a variance from Article VII-C, Section 703-C(A) to reduce the minimum lot size requirements for property to be considered for the R-10 (Single Family Residential) zoning district in order to allow the placement of a mobile home on 0.20 acres located at 436 Tremble Lane (Tax Parcel S46 000001 000).

Budget Impact: None

Council Person and District: Boyum (District 1)

Attachments: Development Services Report V 19-08-04.



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

P.O. Box 348
 Statesboro, Georgia 30458

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

V 19-08-04	
ZONING VARIANCE REQUEST	
436 Tremble Lane	
LOCATION:	436 Tremble Lane
REQUEST:	Variance from Article VII-C Section 703-C(A) regarding the minimum lot area requirements for the R-10 (Single Family Residential) zoning district.
APPLICANT:	Jacqueline Heyward
OWNER(S):	Jacqueline Heyward
ACRES:	0.20 acres
PARCEL TAX MAP #:	S46 000001 000
COUNCIL DISTRICT:	District 1 (Boyum)
<div style="border: 1px solid black; padding: 5px;"> <p style="font-size: small;">Case # V 19-08-04 436 Tremble Lane Parcel: S46 000001 000</p> </div>	

PROPOSAL:

The applicant requests a variance from Article VII-C: Section: 703-C(A) of the *Statesboro Zoning Ordinance*, which requires a minimum lot area of 10,000 square feet. The applicant is proposing a minimum lot size of 8,712 square feet in order to allow for the placement of a mobile home residence. Per Article VII-C: Section 703-C(A), "a lot held in single and separate ownership on the effective date of this ordinance, having an area of less than 10,000 square feet, or a width less than 70 feet, a dwelling may be built thereon when authorized as a variance". (See **Exhibit F** – Architectural Renderings & Floor Plan).

BACKGROUND:

The parcel is currently vacant land with heavy overgrowth and a portion of a fire damaged structure. The land uses in the immediate area are primarily dominated by single family residences, which include mobile, manufactured, and stick-built homes. The applicant previously owned a mobile home located at this address. However, the home suffered severe fire damage over three years ago and has since been mostly removed from the property. Since the home did not start reconstruction within one year from the date the home was destroyed, the property owner has exceeded the twelve-month grandfather clause (See Article XXI, Section 2104), therefore a zoning variance will be required in order to allow a residential dwelling on the subject property.

ATTACHMENTS: **Exhibit A** (Location Map), **Exhibit B** (Future Development Map), **Exhibit C** (Photos of Subject Site), **Exhibit D** (Sktech Site Plan), **Exhibit E** (Proposed Architectural Renderings & Floor Plan)

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	LI (Light Industrial)	Metal Storage/Office Buildings and Warehouses.
SOUTH:	R-10 (Single Family Residential)	Single Family Residences.
EAST:	R-10 (Single Family Residential)	Single Family Residences.
WEST	R-10 (Single Family Residential)	Single Family Residences.

The subject property is located within the R-10 (Single Family Residential) district. Surrounding parcels consists primarily of single family residences with some light industrial uses to the north of the subject property (See **Exhibit A** –Location Map, **Exhibit B**—Future Development Map & **Exhibit C**—Photos of Subject Site).

COMPREHENSIVE PLAN:

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

<u>“Residential Redevelopment Area”</u>	
<i>Vision</i>	<i>Suggested Development & Implementation Strategies</i>
This character area has most of its original housing stock in place, but has worsening housing conditions due to low rates of homeownership and neglect of property maintenance. There may be a lack of neighborhood identity and gradual invasion of different type and intensity of use that may not be compatible with the neighborhood residential use, or a neighborhood that has declined sufficiently that housing conditions are bad, there may be large areas of vacant land or deteriorating, unoccupied structures.	<ul style="list-style-type: none"> • Focus on strategic public investments to improve conditions, appropriate infill development on scattered vacant sites, and encouraging more homeownership and maintenance or upgrade of existing properties. • The redevelopment strategy for the area should focus on preserving what remains of the original housing stock, while rebuilding on the remaining land, a new attractive neighborhood following the principles of traditional neighborhood development. • Strengthen code enforcement, property maintenance, and the demolition of dilapidated structures in the area. <p><i>Statesboro Comprehensive Master Plan, Community Agenda page 21.</i></p>

In addition, the *Statesboro Comprehensive Master Plan* and “*Issues and Opportunities Narrative*” states the following in regards to *Revitalization of Declining Neighborhoods*:

“Dilapidated housing, vacant lots, and poor maintenance can be elements which lead to the overall decline of entire neighborhoods. Once a neighborhood begins to decline, the problems can be self-perpetuating, as there is a lack of security in making investments in the community. Problems associated with declining areas may include low real estate values, deteriorated or poorly maintained housing stock, high unemployment rates, and a greater percentage of the population below the poverty level.”

Statesboro Comprehensive Master Plan, Community Agenda page 67

ANALYSIS

I. Variance from Article VII-C: Section 703-C(A): Lot Area and Width.

The applicant is requesting a variance from Article VII-C: Section 703-C(A), which states a minimum required lot area of 10,000 square feet and a minimum lot width of 70 feet beginning at the front setback line and continuing for the entire depth of the lot to the rear lot line shall be provided for every building hereafter erected, altered or used in whole or in part as a dwelling. The subject site is located in the R-10 (Single Family Residential) zoning district and is regulated by Article VII-C of the *Statesboro Zoning Ordinance*. The ordinance states that "in the case of a lot held in single and separate ownership on the effective date of this ordinance, having an area of less than 10,000 square feet, or a width less than 70 feet, a dwelling may be built thereon when authorized as a variance".

The variance in question is regarding the proposed minimum lot size of the subject property, which the applicant has proposed a reduced lot size of approximately 8,712 square feet. The subject site is approximately 1,288 square feet less than the minimum 10,000 square feet required to be considered for the R-10 (Single Family Residential) zoning district. The applicant is requesting the minimum lot size to be reduced to 8,712 square feet to allow for the placement of a mobile home residence.

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

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

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

Article VII-C of the Statesboro Ordinance specifically prohibits mobile home dwelling types from occupying any lot with the R-10 (Single Family Residential) zoning district.

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

Per the requirements of Article XXV, Section 2502, the placement of a mobile home on the subject property shall be permitted as the dwelling compares favorably to site built and other housing in the immediate general area within the same zoning district or area. The proposed mobile home is similar in size, siding material, roof material, foundation and general aesthetic appearance to existing development.

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 requesting zoning variance on property value.

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

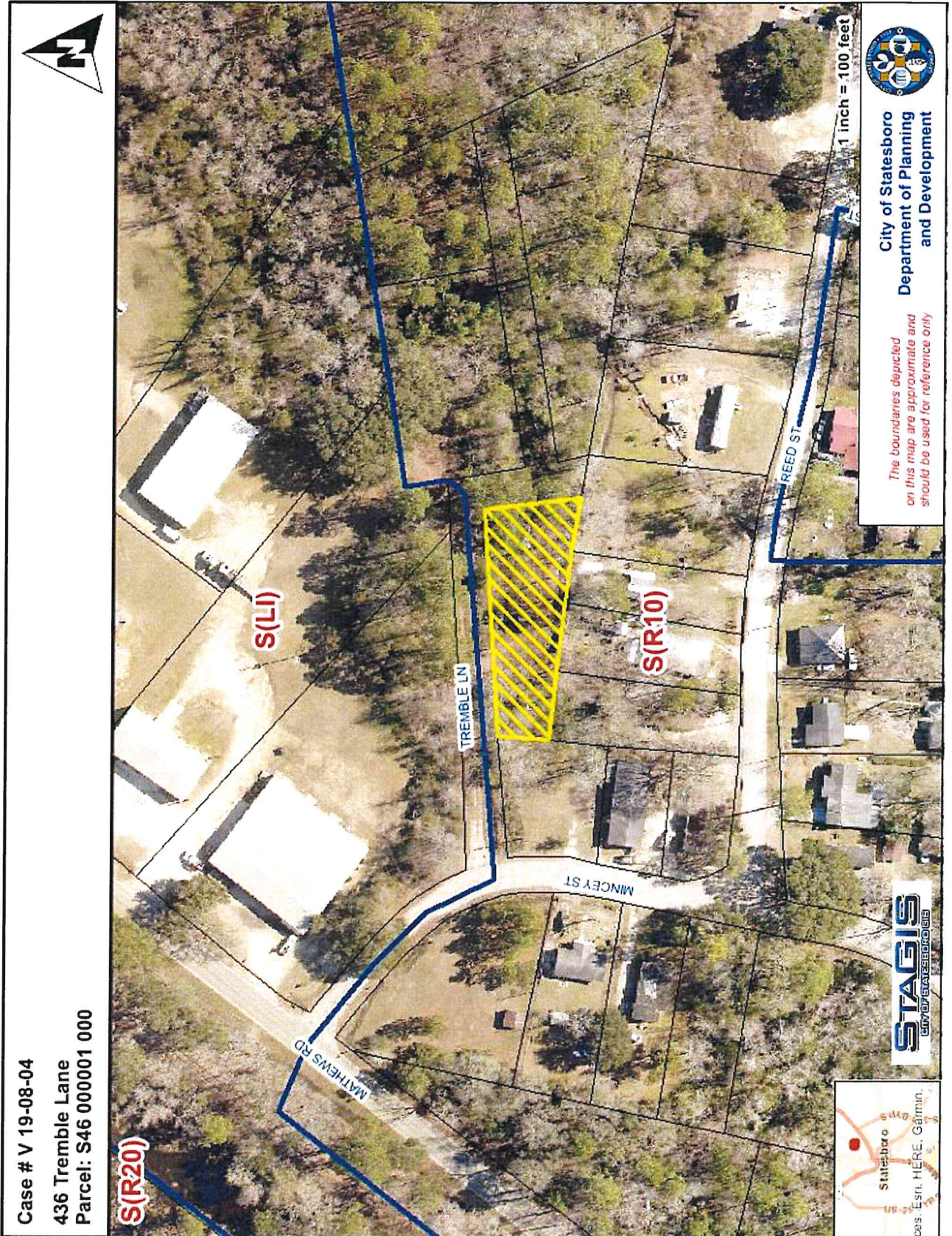
RECOMMENDATION

Staff recommends approval of this variance requested by application **V 19-08-04** with conditions.

At the regularly scheduled meeting held on September 3, 2019 at 5:00 PM, the Planning Commission voted 4-0 to recommend approval of the variance requested by application **V 19-08-04** with the following staff condition(s):

- (a) Approval of this variance does not grant site and/or building plan approval as submitted. Project will be required to meet all City Ordinances and applicable building codes.
- (b) Proposed mobile home dwelling shall maintain all area, width and yard regulations of the R-10 single family zoning district, which is regulated by Article VII-C of the *Statesboro Zoning Ordinance*.
- (c) The mobile home must bear the seal of compliance with the Federal Manufactured Home Construction and Safety Standards issued by the Department of Housing and Urban Development.
- (d) The mobile home will be required to meet the following minimum requirements:
 - 1. All towing devices, wheels, axles and hitches must be removed.
 - 2. At each exit door there must be a landing that is a minimum of 36 inches by 36 inches.
 - 3. The roof shall have a minimum of 2:12 roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, or other materials approved by the Zoning Administrator.
 - 4. The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance.
 - 5. Mobile home shall be constructed to qualify for the wind zone 2 rating.
- (e) The proposed dwelling unit shall be required to obtain a certificate of occupancy from the Zoning Code Administrator or his designee, who shall before issuing a Certificate of Occupancy determine that the structure is in compliance with all other zoning requirements and city ordinances.

EXHIBIT A: LOCATION MAP



Case # V 19-08-04
436 Tremble Lane
Parcel: S46 000001 000

EXHIBIT B: FUTURE DEVELOPMENT MAP

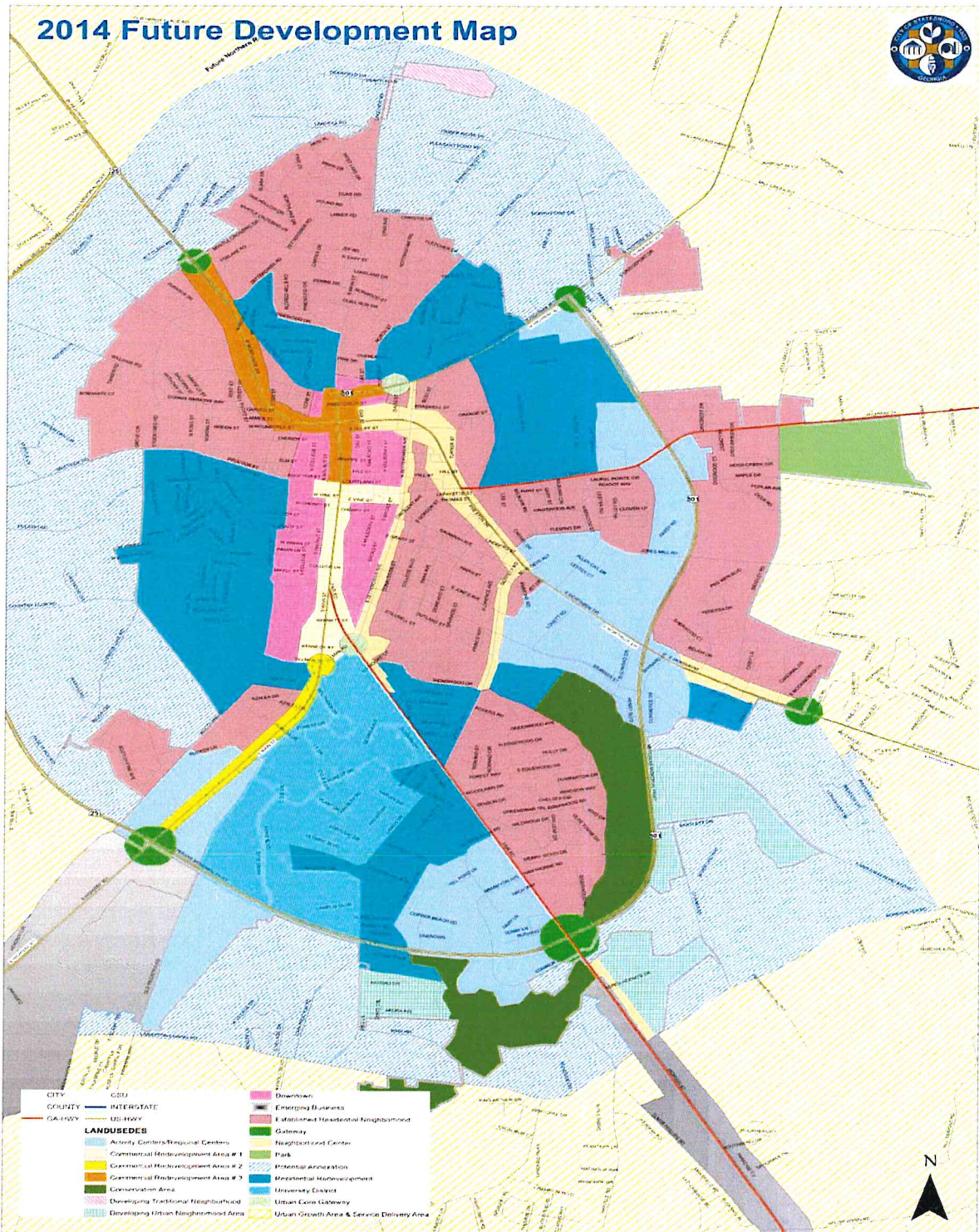


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject site and the variance being requested under V 19-08-04, looking south from Tremble Lane.



Picture 2: View of the subject property, an historical google earth image taken May 2014.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 3: View of the surrounding properties to the west of the subject site, currently single family residences.



Picture 4: View of surrounding properties to the southwest of the subject site, currently single family residences.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 5: View of the surrounding properties to the south of the subject site, currently single family residences.



Picture 6: View of surrounding properties to the southwest of the subject site, currently single family residences.



EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (Continued)

Picture 7: View of the surrounding properties to the north of the subject parcel, currently light industrial uses.



EXHIBIT D: Sktech Site Plan

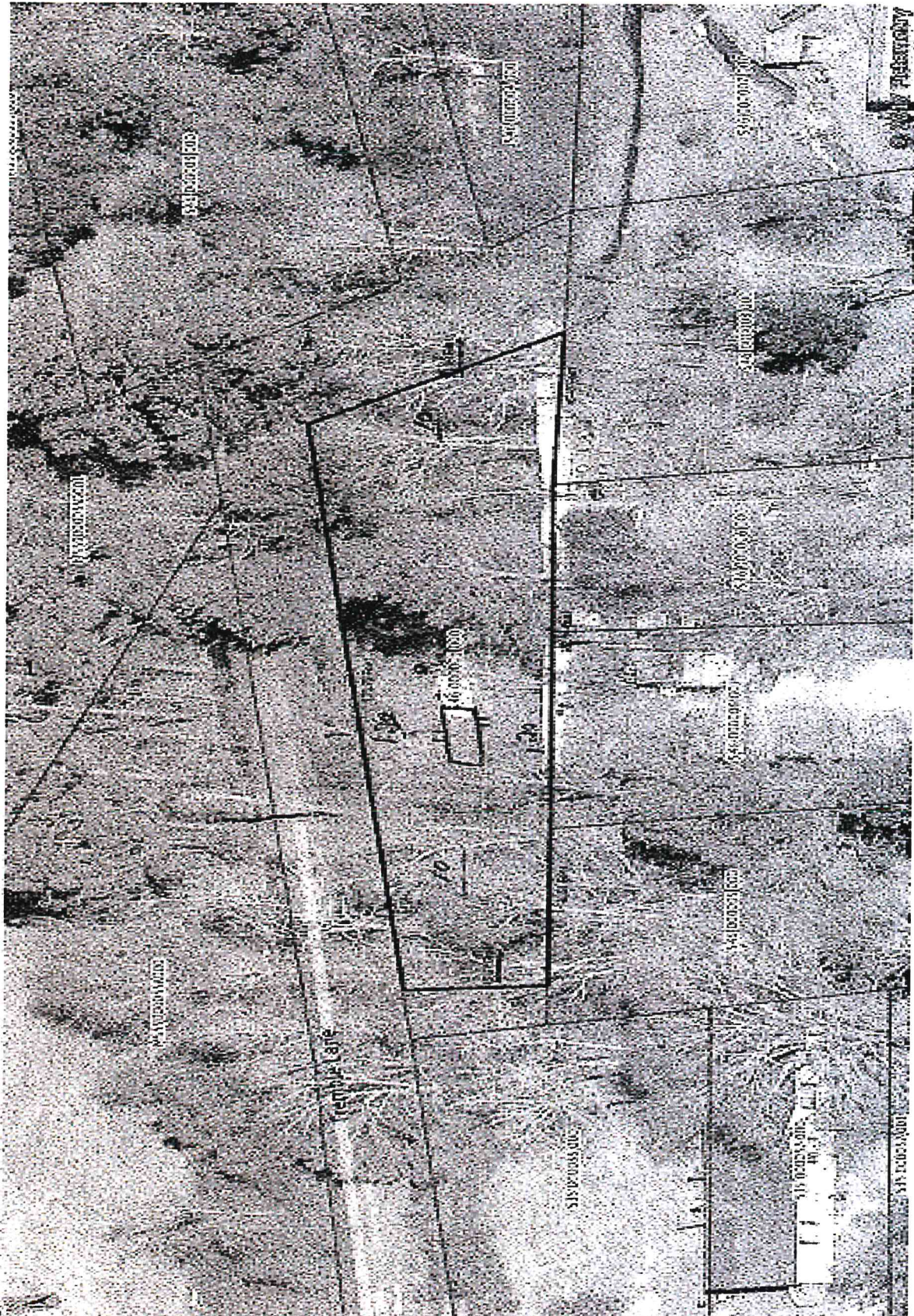
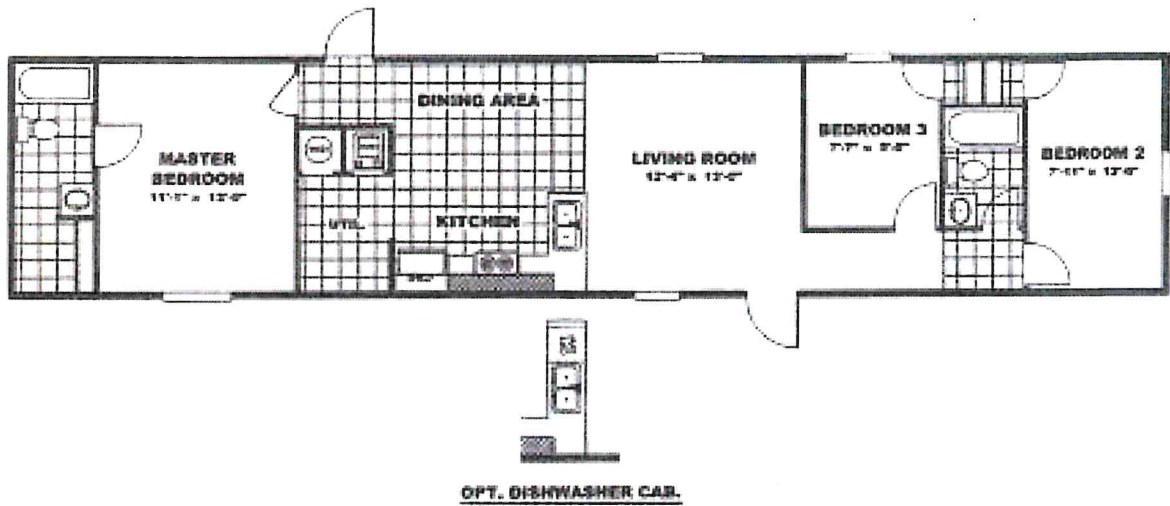
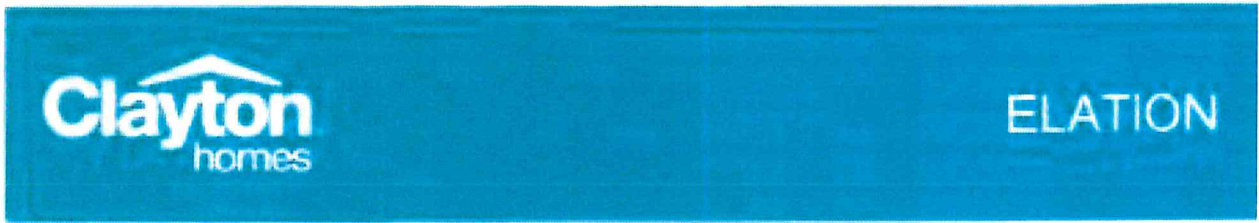


Exhibit E – Proposed Architectural Renderings



Exhibit E – Proposed Floor Plans



Agenda Item 12

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
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: September 6, 2019

RE: September 17, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance Request*

Recommendation: Staff recommends approval of the zoning variance requested by application V 19-08-06 with conditions.

Background: Rick's Glass Company requests a variance from Article XXX, Section 3012(E) regarding tree protection within any required setback or buffer area in the Downtown District for 0.737 acres of property located at 301 South Main Street (Tax Parcels S20 000090 000 & S20 000092 000).

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report V 19-08-06.



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

*P.O. Box 348
 Statesboro, Georgia 30458*

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

V 19-08-06 ZONING VARIANCE REQUEST 301 Main Street	
LOCATION:	301 South Main Street
REQUEST:	Variance from Article XXX Section 3012(E) regarding tree protection within any required setback or buffer area in the Downtown District.
APPLICANT:	Rick's Glass Company
OWNER(S):	Rick's Auto Glass & Store Front Inc.
ACRES:	0.49 & 0.23 acres
PARCEL TAX MAP #:	S20 000092 000 & S20 000090 000
COUNCIL DISTRICT:	District 2 (Jones)

Case # V 19-08-06
 301 South Main St
 Parcel: S20 000090 000 & S20 000092 000

PROPOSAL & BACKGROUND:

The applicant is proposing a 1,320 sq. ft. addition to an existing commercial building, an alternative access drive, landscaping improvements, sidewalk facilities, and associated site improvements. In order to allow for the proposed expansion of the commercial building on the subject property, the applicant is requesting a variance in order to come into conformance with the design standards of Article XXX of the Statesboro Zoning Ordinance.

In November of 2017, the applicant was issued Demolition Permit #56 for a single family residence located directly adjacent and to the west of the Rick's Glass building. An historical image of the single family residence prior to demolition has been included under **Exhibit C**—Photos of Subject Site. The applicant was unaware that the demolition permit did not authorize certain land clearing activities, such as tree removal. Since the issuance of the demolition permit, the applicant has removed the single family residence and cleared the entire lot.

Under Article XXX, Section 3012(E): trees greater than 20 inches in diameter shall be known as a Heritage Tree. Further, any Heritage Tree which is removed shall be replaced with a minimum of two four-inch caliper shade trees. Prior to clearing the lot, staff has estimated ten to fifteen trees classified as a Heritage Tree were in existence. Prior to the approval of the building permit for this project, City Staff, Parker's Engineering, and Hawk Construction combined efforts to form a landscaping and tree plan, which conforms to the spirit of Article XXX, Section 3012(E) as well as meets and exceeds the Urban Forest Beautification and Conservation Ordinance of the City of Statesboro.

Therefore, the applicant requests the following:

- 1) Application **V 19-08-06**, a variance from Article XXX: Section 3012(E) regarding tree protection within any required setback or buffer area in the Downtown District.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	HOC (Highway Oriented Commercial)	Vacant Commercial Building
SOUTH:	HOC (Highway Oriented Commercial)	Georgia Department of Labor & Workforce Solutions
EAST:	HOC (Highway Oriented Commercial)	High Density Residential – Apartment Buildings
WEST	CR (Commercial Retail)	Single family residential.

The subject property is located in an area that is surrounded by property with the HOC (Highway Oriented Commercial) and CR (Commercial Retail) zoning district designation. The surrounding land uses include a vacant commercial building, apartments, gas station, Georgia Department of Labor, and other highway oriented commercial uses. (See **Exhibit A** –Location Map, **Exhibit B**—Future Development Map, & **Exhibit C**—Photos of Subject Site).

ATTACHMENTS: **Exhibit A** (Location Map), **Exhibit B** (Future Development Map) **Exhibit C** (Photos of Subject Site), **Exhibit D** (Proposed Landscape Plan dated August 12, 2019), **Exhibit E** (Recorded Plat)

COMPREHENSIVE PLAN:

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

<u>“Commercial Redevelopment Area”</u>	
<i>Vision</i>	<i>Suggested Development & Implementation Strategies</i>
<p>The Commercial Redevelopment areas are currently in decline with vacant or underutilized properties. These areas are characterized by a high degree of access by vehicular traffic; onsite parking; and a low degree of open space. It is the desire of the community to identify and target these areas for redevelopment and investment, thus returning these areas to their intended state of thriving commercial and/or mixed use district.</p>	<ul style="list-style-type: none"> • Upgrading the appearance of existing older commercial buildings with façade improvements, new architectural elements, or awnings. • Adding landscaping and other appearance enhancements, trees and landscaping in parking lots to provide shade and help reduce storm water runoff. • Landscaping of parking areas to minimize visual impact on adjacent streets and uses. <p><i>Statesboro Comprehensive Plan, Community Agenda pages 26-27.</i></p>

As the subject property is located along an **Urban Corridor**, the “Future Development Map & Defining Narrative” section of the 2014 Comprehensive Plan states the following in regards to the subject site’s location:

“Urban Corridors provide highly visible access to the most intensely developed properties in Statesboro. As connectors through and between downtown and the majority activity centers, these corridors should place high priority on pedestrian and bicycle accommodations. Transitions to Urban Corridors should serve as a gateway into the Statesboro Urban Core”. The planting of shades trees is encouraged.

Statesboro Comprehensive Master Plan, Future Development Map Narrative page 34

Additionally, the “Future Development Map & Defining Narrative” of the 2014 Comprehensive Plan states the following:

“In a variety of settings, images with abundant trees consistently ranked higher than those without. Overwhelming support has been expressed throughout the process for the protection of existing trees as well as the establishment of new trees.”

Statesboro Comprehensive Master Plan, Future Development Map Narrative page 10

ANALYSIS

- Variance from Article XXX: Section 3012(E): *Landscaping*.** In order to protect significant trees within the District, the following shall apply to any tree on property that is greater than 20 inches in diameter, which shall be known as a Heritage Tree, and to any tree that is greater than 30 inches in diameter, which shall be known as a Historic Tree, that is located within any required setback or buffer area.

The applicant is requesting a variance from Article XXX: Section 3012(E) regarding tree protection within any required setback. This variance is specifically being requested in order to allow for the expansion of an existing commercial building, Rick's Glass Company. The applicant is proposing the replacement of twenty-two new trees consisting of six different species and additional landscaping as shown under **Exhibit D (Proposed Landscaping Plan)**. Under Article XXX, the applicant would normally have been required to replant approximately twenty to thirty trees with a minimum of a four — 4" caliper shade tree classification, which would have been detrimental to the health of the trees.

ZONING VARIANCE CONSIDERATIONS

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

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

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

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

The applicant did remove protected significant trees without written approval from the City of Statesboro as required under Article XXX, Section 3012(E)(e).

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

Per Article XXX of the *Statesboro Zoning Ordinance*, the applicant would have been required to replant a much larger number of trees, which would have risked the health of the trees by placing such a large number of 4" caliper shade trees within a confined area, such as the subject property.

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

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

RECOMMENDATION:

Staff recommends approval of the variance requested by application **V 19-08-06** with conditions.

At the regularly scheduled meeting held on September 3, 2019 at 5:00 PM, the Planning Commission voted 4-0 to recommend approval of the variance requested by application **V 19-08-06** with the following staff condition(s):

- (1) Approval of this variance does not grant site and/or building plan approval as submitted. Project will be required to meet all City Ordinances and applicable building codes.
- (2) Development shall adhere to the design standards for the Downtown District, specifically the regulations of Article XXX of the Statesboro Zoning Ordinance.
- (3) Staff Approval of the Landscape Plan prepared by Parker Engineering and dated August 12, 2019.
- (4) Prior to the final issuance of a certificate of occupancy, staff shall inspect and approve of all landscaping improvements per the approved landscaping and tree plan.

EXHIBIT A: LOCATION MAP



EXHIBIT B: FUTURE DEVELOPMENT MAP

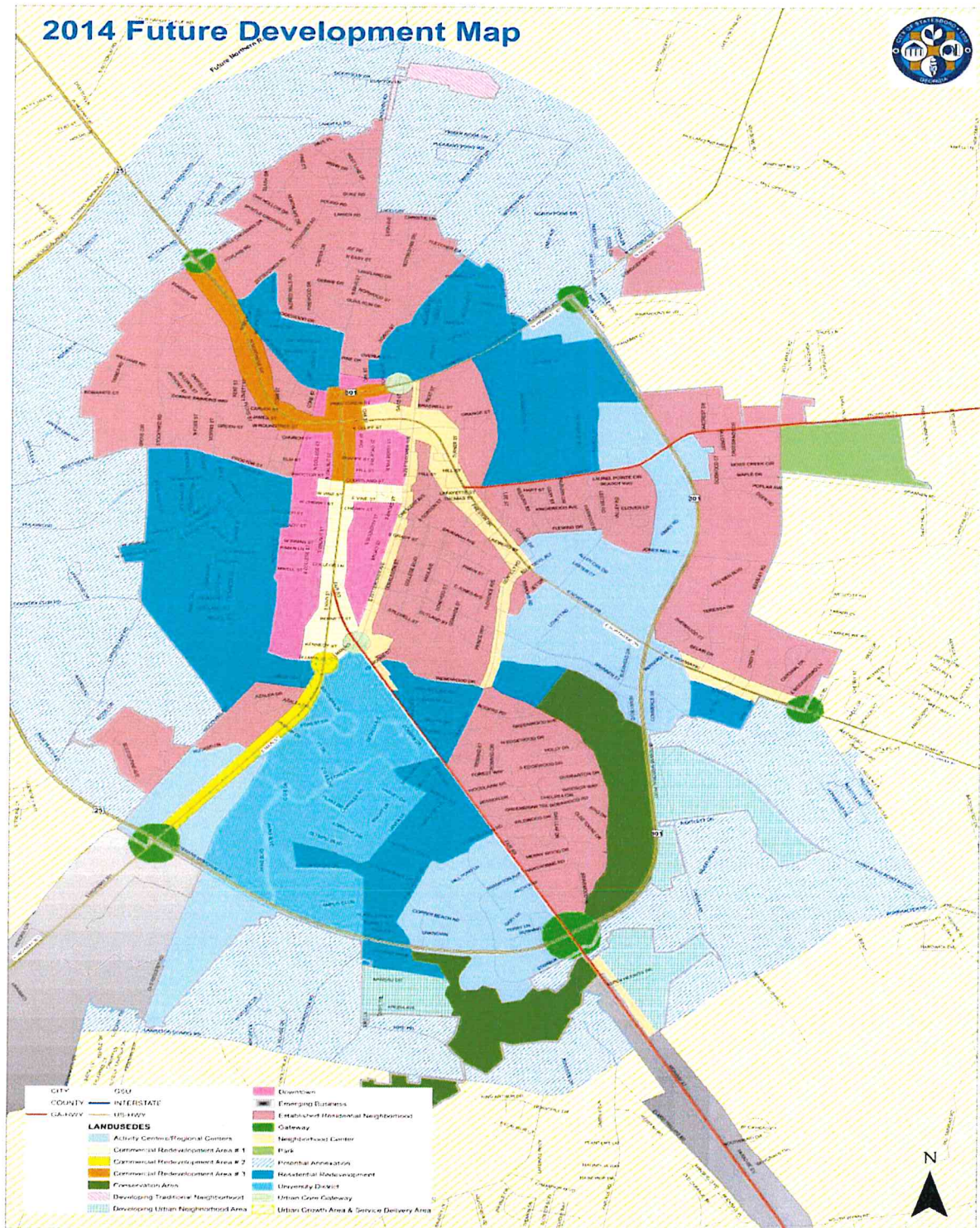


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject site, looking west from South Walnut Street. Also, a view of the area where V 19-08-06 is being requested.



Picture 3: Historical Property Photo taken prior to land clearing and demolition activities, looking south from West Jones Avenue.

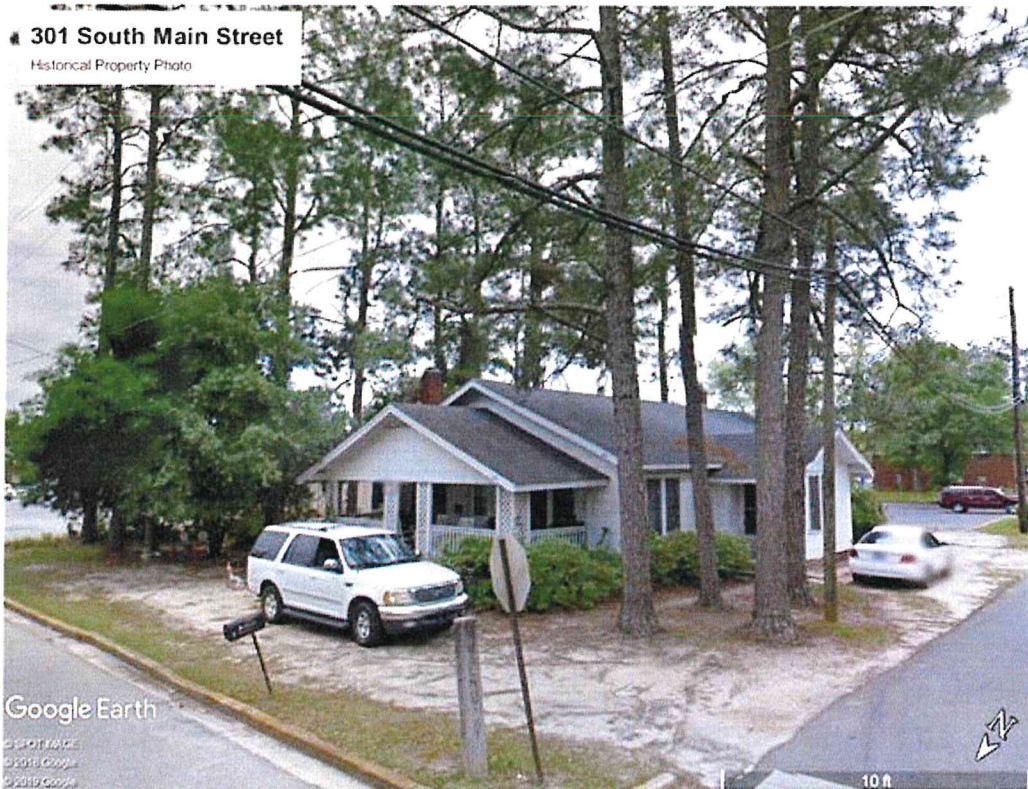


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS (CONT'D)

Picture 3: View of the subject property (Rick's Glass Building), looking east from South Main Street.



Picture 4: View of the surrounding properties to the west of the subject site, a single family residence.



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

Picture 5: View of the surrounding properties to the northwest of the subject site, commercial retail and single family uses.



Picture 6: View of the surrounding properties to the north of the subject property, currently a vacant commercial building and associated site improvements.



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

Picture 7: View of the surrounding properties to the northeast of the subject site, currently commercial retail uses.



Picture 8: View of the surrounding properties to the east of the subject property located along South Main Street, currently an apartment building.



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

Picture 9: View of the adjacent property to the south of the subject site, currently the Georgia Department of Labor and Workforce Solutions Offices.



Agenda Item 13

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
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: September 6, 2019

RE: September 17, 2019 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Variance Request*

Recommendation: Staff recommends approval of the zoning variance requested by application V 19-08-08 with conditions.

Background: Josh Whitfield requests a variance from Article VII, Section 703(A) to reduce the required left side yard setback in order to allow the development of residential units to serve the West District project on 0.43 acres located at 110 Bulloch Street (Tax Parcel S19 0001 19 000).

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report V 19-08-08, RZ 19-08-09 & RZ 19-08-10.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
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: September 6, 2019

RE: September 17, 2019 City Council Agenda Items

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

Recommendation: Staff recommends approval of the zoning map amendment requested by application RZ 19-08-09 with conditions.

Background: Josh Whitfield requests a zoning map amendment of 0.43 acres located at 110 Bulloch Street from R-8 (Single Family Residential) to the R-4 (High Density Residential) zoning district in order to allow the development of residential units to serve the West District project (Tax Parcel S19 000119 000).

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report V 19-08-08, RZ 19-08-09 & RZ 19-08-10.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
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: September 6, 2019

RE: September 17, 2019 City Council Agenda Items

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

Recommendation: Staff recommends approval of the zoning map amendment requested by application RZ 19-08-10 with conditions.

Background: Josh Whitfield requests a zoning map amendment of 1.06 acres located at 116 Bulloch Street from R-8 (Single Family Residential) to the R-4 (High Density Residential) zoning district in order to allow the development of residential units to serve the West District project (Tax Parcel S19 000117 000).

Budget Impact: None

Council Person and District: Jones (District 2)

Attachments: Development Services Report V 19-08-08, RZ 19-08-09 & RZ 19-08-10.



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

*P.O. Box 348
 Statesboro, Georgia 30458*

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

**V 19-08-08, RZ 19-08-09 & RZ 19-08-10
 ZONING VARIANCE AND ZONING MAP AMENDMENT REQUESTS
 110 & 116 Bulloch Street**

LOCATION:	110 Bulloch Street & 116 Bulloch Street
REQUEST:	Zoning map amendment from R-8 (Single Family Residential) to R-4 (High Density Residential); Variance from Article VII, Section 703(A) side yard regulations.
APPLICANT:	Josh Whitfield
OWNER(S):	Robert Stewart Marion & Martha Stewart
ACRES:	0.43 acres & 1.06 acres
PARCEL TAX MAP #:	S19 000119 000 (0.43 acres) S19 0000117 000 (1.06 acres)
COUNCIL DISTRICT:	District 2 (Jones)



PROPOSAL:

The applicant requests a zoning map amendment from the R-8 (Single Family Residential) zoning district to the R-4 (High Density Residential) zoning district in order to develop multi-unit residential buildings, which is not an allowed use in the existing zoning designation. Additionally, this zoning map amendment request will require a zoning variance as the side yard setbacks are more strictly regulated in the R-4 district than the subject property's current R-8 zoning designation. The 110 Bulloch Street property contains an existing multi-unit residential building, which currently does not encroach into the side yard setback under the R-8 zoning regulations (See **Exhibit D – Conceptual Site Plan**). If this parcel were to be re-zoned to the R-4 district, this building would encroach into the side yard setback, thus requiring the approval of a variance prior to the applicant's requested zoning map amendment. The developer is proposing to rezone and subsequently combine a 0.43 acre parcel (Tax ID# S19 0000119 000) and a 1.06 acre parcel (Tax ID#S19 000117 000) in order to allow for the construction of single-family and two-family residential dwellings serving the West District Development project. The developer is proposing a total of fourteen (14) new residential units.

Therefore, the applicant has requested the following:

- (1) Application **V 19-08-08**, a variance from Article VII: Section 703(A) to reduce the left side yard setback from 20 feet to 13.96 feet;
- (2) Application **RZ 19-08-09 & RZ 19-08-10**, zoning map amendments from the R-8 (Single Family Residential) zoning district to the R-4 (High Density Residential) for two parcels of land in order to allow the construction of residential units to serve the West District Development.

BACKGROUND:

Both parcels are currently occupied by various single family structures, which include two-family dwellings, a detached single family dwelling, carports, and storage sheds. Per the Bulloch County tax assessor's website, the residential buildings were built between 1925 and 1960.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	LI (Light Industrial)	Whitfield Signs Building and the West District Development
SOUTH:	R-8 (Single Family Residential)	The City of Statesboro Police Department
EAST:	R-8 (Single Family Residential)	Single Family Residence
WEST:	R-8 (Single Family Residential)	Single Family Residence.

The subject property is located within the R-8 (Single Family Residential) district. The subject property is primarily surrounded on either side by single family residential uses, the West District Development, and the Statesboro Police Station (See **Exhibit A** – Location Map, **Exhibit B** — Future Development Map, & **Exhibit C** —Photos of Subject Site).

ATTACHMENTS: Exhibit A (Location Map #1 & #2), **Exhibit B** (Future Development Map), **Exhibit C** (Photos of Subject Site), **Exhibit D** (Conceptual Site Plan), **Exhibit E** (Architectural Renderings)

COMPREHENSIVE PLAN:

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

<u>"Urban Core/Downtown"</u>	
Vision:	Downtown is the historic core of the city and should remain the activity and cultural hub of the region. In the <i>Urban Core</i> , traditional development patterns of buildings along the sidewalk and a lively streetscape should be respected and promoted. Historic buildings should be protected from demolition or inappropriate restoration which can degrade the architectural details of the structures. Additional residential opportunities, especially in the form of lofts or other residential over retail, should be promoted. Street-level uses should be reserved for retail, entertainment, or similar high-activity uses.
Suggested Development & Implementation Strategies:	<ul style="list-style-type: none"> • Appropriate land uses include: (1) Range of housing styles and price points, (2) Multifamily Residential; (3) Loft, mixed use, and urban residential, including small lot single-family residential along secondary streets. • New developments that contain a mix of residential, commercial and/or community facilities at small enough scale and proximity to encourage walking between destinations should be encouraged. • Encourage mixed-use infill and redevelopment. Uses should typically transition across the rear of properties instead of across the street to soften the transition and maintain appropriate streetscapes. • Economic development strategies should continue to nurture thriving commercial activity. • Redevelop warehouses for major employment/tenant to build critical mass downtown. <p style="text-align: right;"><i>Statesboro Comprehensive Master Plan, Community Agenda pages 14-16.</i></p>

The subject area lies between “Commercial Redevelopment Area #1” and the “Residential Redevelopment” character areas.

<u>“Commercial Redevelopment”</u>	<u>“Residential Redevelopment Area”</u>
<p><i>Vision:</i> The Commercial Redevelopment areas are currently in decline with vacant or underutilized properties. These areas are characterized by a high degree of access by vehicular traffic; onsite parking; and a low degree of open space. It is the desire of the community to identify and target these areas for redevelopment and investment, thus returning these areas to their intended state of a thriving commercial and/or mixed use district. .</p>	<p><i>Vision:</i> This character area has most of its original housing stock in place, but has worsening conditions due to low rates of homeownership and neglect of property maintenance. There may be a lack of neighborhood identity and gradual invasion of different type and intensity of use that may not be compatible with the neighborhood residential use, or a neighborhood that has declined sufficiently that housing conditions are bad, there may be large areas of vacant land or deteriorating, unoccupied structures.</p>

As the subject property is located in the **Urban Core/Downtown** character area, the “Future Development Map & Defining Narrative” section of the 2014 Comprehensive Plan states the following:

“It is envisioned that the existing central business district may extend beyond its current boundaries to accommodate more commercial and high density residential development. Promotion walkability and vibrant street life should be a high priority in downtown.”

‘Housing should be strongly encouraged and supported in the Downtown area to increase downtown destination points and night time population.”

“There are also three former warehouse areas within downtown which offer great opportunity for redevelopment and adaptive reuse, These warehouse could provide the ideal site for locating major employers in the downtown area and for introducing live/work units or loft-style residential units. Specific visions and redevelopment strategies could be identified through the creation of a downtown master plan.”

Per Article VII, Section 700, the *City of Statesboro Zoning Ordinance* states:

High density residential purposes shall be “in accordance with the objectives, policies, and proposals of the future land use plan; to permit a variety of housing; to assure the suitable design of apartments in order to protect the surrounding environment of adjacent and nearby neighborhoods; and to insure that the proposed development will constitute a residential environment of sustained desirability and stability and not produce a volume of traffic in excess of the capacity for which access streets are designed”.

ANALYSIS

COMMUNITY FACILITIES AND TRANSPORTATION:

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

ENVIRONMENTAL:

Per Exhibit D and Bulloch County GIS, the subject property does not contain wetlands. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ZONING CONSIDERATIONS:

Whether or not to grant a zoning map amendment from the R-8 (Single Family Residential) zoning district to the R-4 (High Density Residential) zoning district.

The request should be considered in light of:

- the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*
- the vision and community policies articulated within the *Statesboro Comprehensive Plan*

- the 2035 Bulloch County/City of Statesboro Long Range Transportation Plan
- the potential for the property to develop and be utilized in conformance with the requirements of the proposed R-4 (High Density Residential) district as set forth in the *Statesboro Zoning Ordinance*.

<p>Current Zoning</p> <p>The R-8 (Single Family Residential) zoning district can accommodate single-family detached residential, educational, religious, municipal, and some accessory uses. However, "High Density Residential", is not listed as a permissible use allowable by right in the R-8 district. Those uses are explicitly permitted in the R-4 district.</p>	<p>Requested Zoning</p> <p>The R-4 (High Density Residential) district allows for detached and attached single-family/two-family residential dwelling units, which is the applicant's intended land use for the subject property.</p>
--	--

STANDARDS: ZONING MAP AMENDMENT

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

- (1) **Existing uses and zoning or (of) property nearby**
 - a. Existing uses and zoning of property nearby varies. **The surrounding lots are zoned LI (Light Industrial), R-8 (Single Family Residential), and CBD (Central Business District)**, and are occupied by the Whitfield Signs Building, West District Development, Two-family residences, Single Family Residences, and the City of Statesboro Police Department.
- (2) **The extent to which property values are diminished by the particular zoning restrictions.**
- (3) **The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
- (4) **The relative gain to the public, as compared to the hardship imposed upon the property owner.**
 - a. The subject site is currently zoned R-8 (Single Family Residential). Per Article VII-B, Section 701-B, this parcel can currently be occupied by single family detached dwelling units, educational institutions, municipal uses, and professional offices/home occupations. However, high density residential developments are specifically restricted to R-4 zoned properties. Under the proposed zoning, the applicant would be able to develop a high density residential project. This request gives the applicant an opportunity to serve members of the community and neighborhood by contributing additional housing options in the Downtown area, which will assist in increasing downtown destination points and night time population as encouraged by the *Comprehensive Plan*.
- (5) **The suitability of the subject property for the zoned purposes.**
 - a. The residential buildings abutting Bulloch Street are encroaching into the front yard setback area (regulated at 20 feet from the property line) per the property's current R-8 (Single Family Residential) zoning district regulations. The requested R-4 zoning has an identical front yard setback requirement of 20 feet, therefore the requested zoning map amendment would not require a front yard setback variance as both the requested and current zoning district have identical front yard setback requirements. If either residential building were to propose improvements further encroaching into the front yard setback area, then a variance would be required prior to construction commencement. The side yard variance for the 110 Bulloch Street property is necessary as the applicant's requested R-4 zoning district has a more restrictive side yard setback as the subject site shares a side property line with a residential district.

(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 is currently occupied by residential dwelling units and accessory structures.

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

a. Impacts on local traffic should be considered.

b. Proposed land use change would cause an increase in population density.

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 2014 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 high density residential is consistent with the vision and guiding principles of the "Urban Core/Downtown" character area as articulated within the *Statesboro Comprehensive Plan* which promotes new developments that contain a mix of residential and commercial.

VARIANCE ANALYSIS

I. **Application V 19-08-08: Variance from Article VII, Section 703(A): Area, width and yard regulations.** The lot area, lot width, yard requirements and building coverage requirements for single-family detached dwellings, two-family twins and two-family duplexes shall be the same as required in the R-3 medium density residential district, Article VI.

The applicant is requesting a variance from **Article XI: Section 1102(C)** to reduce the **minimum left side yard setback from 20 feet to 13.96 feet**. This variance is specifically being requested to allow for a zoning map amendment change in order to utilize an existing residential building for a high density residential use. A portion of the residential building will be located in the area where the normal 20 foot building setback would be regulated in the R-4 (High Density Residential) zoning district.

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

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

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

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

The applicant is requesting a zoning map amendment, which requires the approval of zoning variance.

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

The existing residential buildings were constructed between 1925 and 1960. Since these buildings were constructed, the City of Statesboro's zoning map has been revised, thus creating a non-conforming structure on the parcel addressed 110 Bulloch Street. In order for the existing residential building to be classified under a different zoning district and for the applicant's proposed development

of the subject property, then the applicant will require the approval of a zoning variance and a zoning map amendment to do so.

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

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

RECOMMENDATION:

Staff recommends the approval of the zoning variance and zoning map amendments requested by applications **V 19-08-08, RZ 19-08-09 & RZ 19-08-10** with conditions.

At the regularly scheduled meeting held on September 3, 2019 at 5:00 PM, the Planning Commission voted 4-0 to recommend approval of the zoning map amendment and zoning variance requested by applications **V 19-08-08, RZ 19-08-09 & RZ 19-08-10** with the following staff condition(s):

- (a) Approval of this zoning variance and zoning map amendments does not grant site and/or building plan approvals as submitted. Project(s) will be required to meet all City Ordinances and applicable building codes.
- (b) For any new construction residential dwellings, the building height shall not exceed one-story with the exception of the existing residential building(s) constructed prior to September 3, 2019.
- (c) Density not to exceed 17 dwelling units.
- (d) Staff approval of the conceptual site plan prepared by Maxwell-Reddick & Associates and dated August 6, 2019.
- (e) Staff review and approval, and subsequent recording with the Bulloch County Clerk of Courts office of a combination plat of the parcels addressed 110 and 116 Bulloch Street prior to any construction commencement of the proposed development.



Case # V 19-08-08, RZ 19-08-09 & RZ 19-08-10

110 Bulloch St

Parcel: S19 000119 000 & S19 000117 000





Case # RZ 19-08-09
116 Bulloch St
Parcel: S19 000117 000



STAGIS
CITY OF STATESBORO GIS

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

City of Statesboro
Department of Planning
and Development



EXHIBIT B: FUTURE DEVELOPMENT MAP

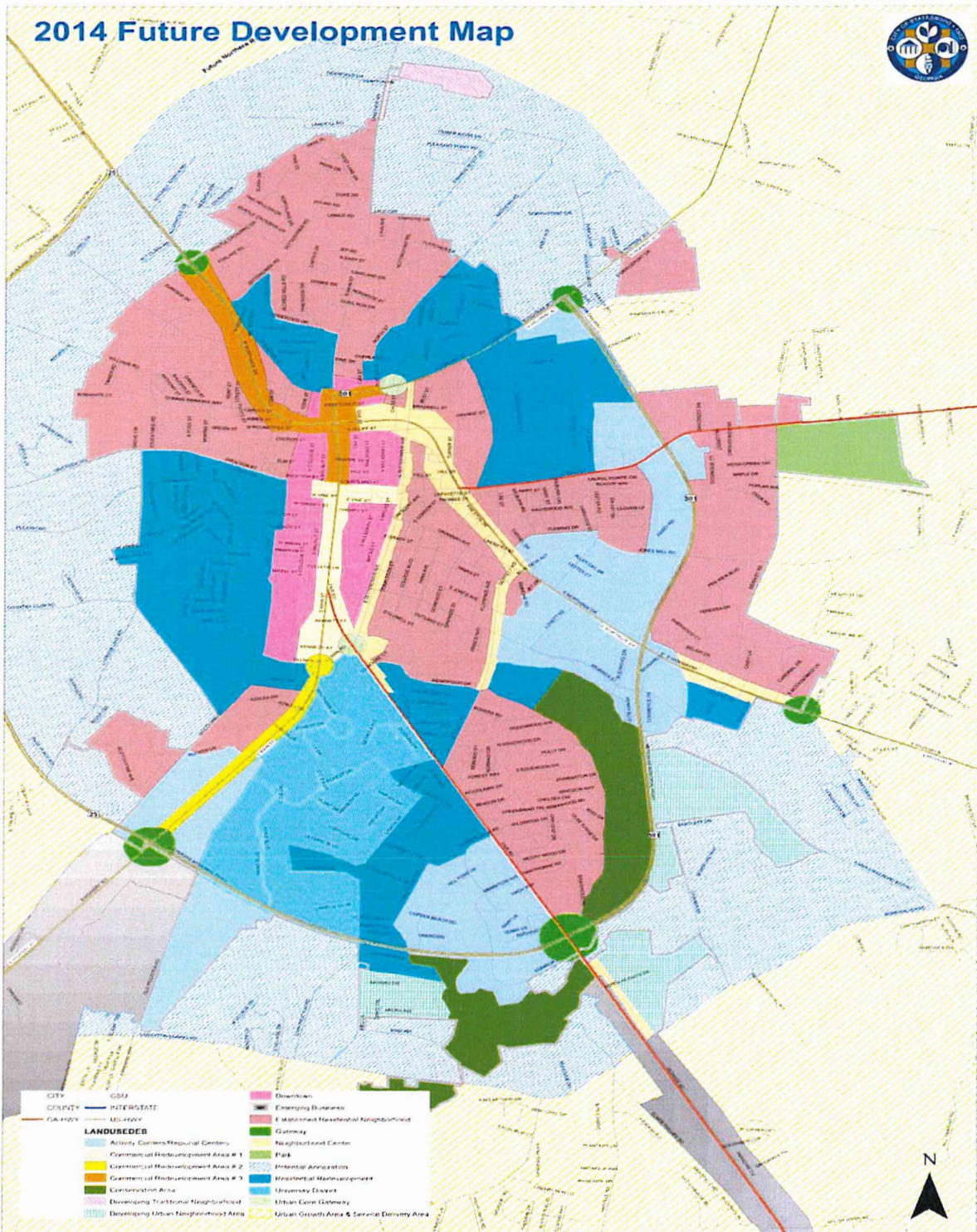


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS

Picture 1: View of the subject property (110 Bulloch Street), looking south from Bulloch Street. Also, a view of the area where V 19-08-08 & RZ 19-08-09 are being requested.



Picture 2: Additional view of the subject property (110 Bulloch Street), looking south from Bulloch Street.



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

Picture 3: View of the adjacent property to the west of the subject site, currently a single family residence located at 116 Bulloch Street. Also, this adjacent property is requesting a zoning map amendment under **RZ 19-08-10**.



Picture 4: View of the adjacent property to the east of the subject site, currently a single family residence regulated by the R-8 (Single Family Residential) zoning district.



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

Picture 5: View of the surrounding properties, looking north from Bulloch Street and the subject site.



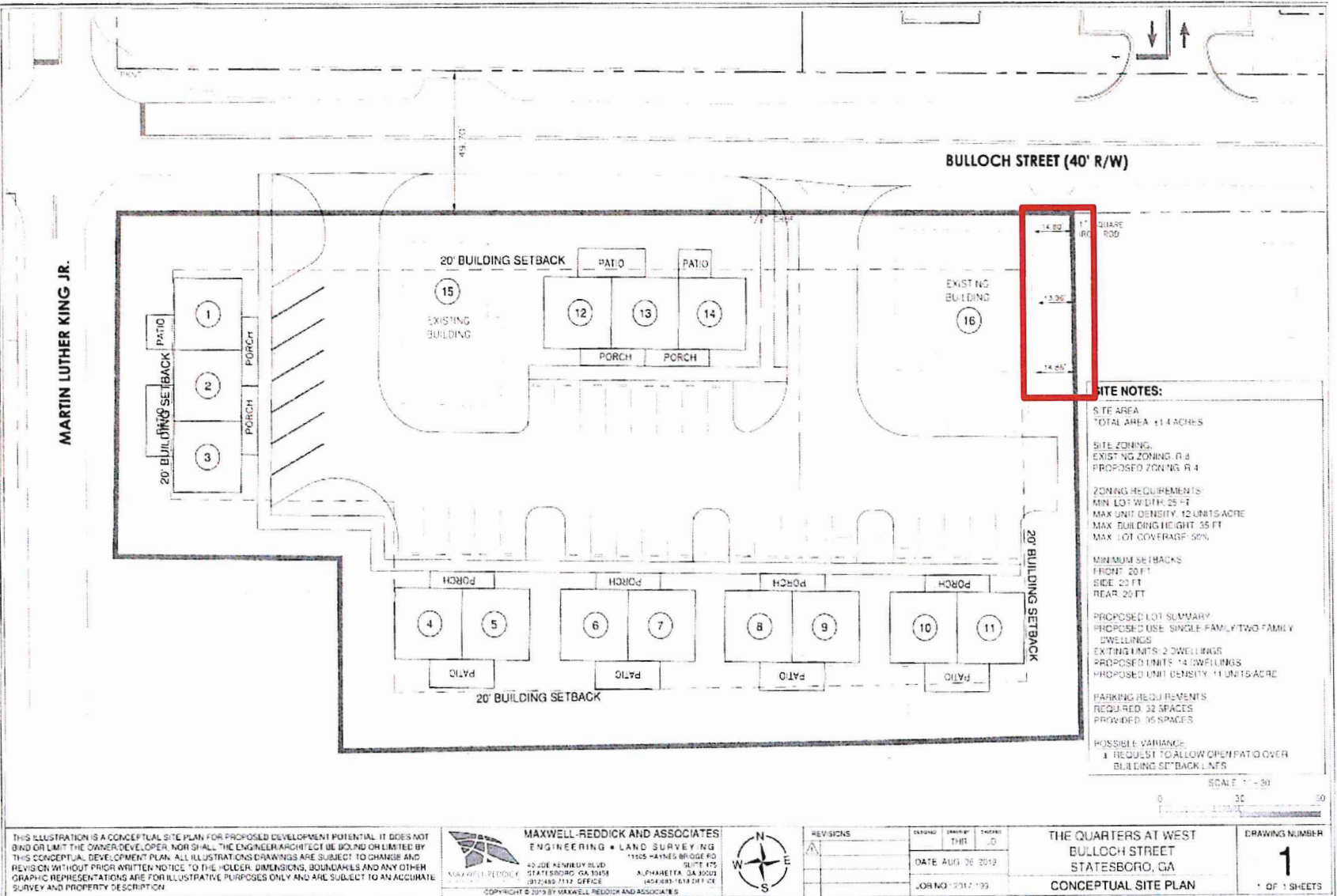
Picture 6: View of surrounding property to the west of the subject site (116 Bulloch Street), currently a single family residence.



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

Picture 7: View of the adjacent property to the south of the subject property, currently the Statesboro Police Department.





SITE NOTES:

SITE AREA
TOTAL AREA 41.4 ACRES

SITE ZONING
EXIST'G ZONING: R-4
PROPOSED ZONING: R-4

ZONING REQUIREMENTS:
MIN. LOT WIDTH: 25 FT
MAX. UNIT DENSITY: 12 UNITS/ACRE
MAX. BUILDING HEIGHT: 35 FT
MAX. LOT COVERAGE: 30%

MINIMUM SETBACKS
FRONT: 20 FT
SIDE: 20 FT
REAR: 20 FT

PROPOSED LOT SUMMARY
PROPOSED USE: SINGLE-FAMILY/TWO-FAMILY DWELLINGS
EXISTING UNITS: 2 DWELLINGS
PROPOSED UNITS: 14 DWELLINGS
PROPOSED UNIT DENSITY: 11 UNITS/ACRE

PARKING REQUIREMENTS
REQU. REQ. 32 SPACES
PROVIDED: 35 SPACES

POSSIBLE VARIANCE
1. REQUEST TO ALLOW OPEN PATIO OVER BUILDING SETBACK LIMITS

SCALE: 1" = 30'

THIS ILLUSTRATION IS A CONCEPTUAL SITE PLAN FOR PROPOSED DEVELOPMENT POTENTIAL. IT DOES NOT BIND OR LIMIT THE OWNER, DEVELOPER, NOR SHALL THE ENGINEER/ARCHITECT BE BOUND OR LIMITED BY THIS CONCEPTUAL DEVELOPMENT PLAN. ALL ILLUSTRATIONS/DRAWINGS ARE SUBJECT TO CHANGE AND REVISION WITHOUT PRIOR WRITTEN NOTICE TO THE HOLDER. DIMENSIONS, BOUNDARIES AND ANY OTHER GRAPHIC REPRESENTATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO AN ACCURATE SURVEY AND PROPERTY DESCRIPTION.

MAXWELL-REDDICK AND ASSOCIATES
ENGINEERING • LAND SURVEYING

40 JOE KENNEDY BLVD. SUITE 475
STATESBORO, GA 30502
(312) 480-7112 OFFICE
(404) 883-1618 CELL/TEXT

11105 HAYNES BRIDGE RD. SUITE 475
ALPHARETTA, GA 30002
(404) 883-1618 OFFICE

MAXWELL-REDDICK AND ASSOCIATES
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NO.	DATE	BY	CHKD.

DESIGNED	DRAWN BY	CHECKED
DATE	AUG 26 2019	
JOB NO.	19017-199	

THE QUARTERS AT WEST
BULLOCH STREET
STATESBORO, GA
CONCEPTUAL SITE PLAN

DRAWING NUMBER
1
1 OF 1 SHEETS

EXHIBIT E: Proposed Architectural Renderings



THE QUARTERS - EXTERIOR CONCEPTS

Agenda Item 14

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan M. McCollar, Mayor
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: September 6, 2019

RE: September 17, 2019 City Council Agenda Items

Policy Issue: *Statesboro Subdivision Regulations: Major Subdivision Preliminary Plat Request*

Recommendation: Staff recommends approval of the preliminary subdivision plat requested by application SUB 19-08-11 with conditions.

Background: Continental Road, LLC requests preliminary plat approval for a 6-lot commercial subdivision for phase I of the Continental Road subdivision on 33.348 acres located at 7130 Veterans Memorial Parkway (Tax Parcel MS42 000007 000).

Budget Impact: None

Council Person and District: Jones (District 2) - projected

Attachments: Development Services Report SUB 19-08-11.



City of Statesboro – Department of Planning & Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

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

SUB 19-08-11

Major Subdivision Preliminary Plat

Continental Road, LLC Subdivision Phase I: 7130 Veterans Memorial Parkway

LOCATION: 7130 Veterans Memorial Parkway
REQUEST: Phase I Preliminary Plat
APPLICANT: Continental Road, LLC
OWNER(S): Continental Road, LLC
LAND AREA: 33.348 Acres
PARCEL TAX MAP #s: MS42 000007 000
COUNCIL DISTRICT: Projected - District 2 (Jones)



PROPOSAL:

The applicant is requesting approval of the proposed Preliminary Subdivision Plat for Phase I of the Continental Road, LLC Subdivision. As shown in the Preliminary Subdivision Plat (See **Exhibit B**), the first proposed phase will allow for the development of five (5) commercial lots and a “stormwater management area” lot. The Phase I proposed lots will be regulated by the CR (Commercial Retail), HOC (Highway Oriented Commercial), and the R4 (High Density Residential) zoning districts. The preliminary subdivision plat is exhibiting approximately 1.019 acres of proposed public right-of-way shown as Proposed Road “B” and Proposed Road “C” per **Exhibit B**. As the commercial subdivision is built out and the subdivision plan for proposed “Lot #5” has been submitted for staff review and approval, the developer will be required to obtain preliminary plat approval again from City Council for Phase II of this commercial subdivision.

BACKGROUND:

The parcel is currently undeveloped land with some site construction work activity current underway. The subject property was previously occupied by Great Southern Sawmill, which has ceased operations. In April 2019, the City received an annexation and zoning map amendment application (**AN 19-04-02 & RZ 19-04-03**) to annex and rezone 33.35+/- acres; 20.33 +/- acres was rezoned to CR (Commercial Retail), 10.31 +/- acres was rezoned to R4 (High Density Residential), and the remaining 2.76 acres is proposed to be public right-of-way area. In May 2019, the city approved the annexation and zoning map amendment request under Ordinance #2019-07. In July 2019, the applicant rezoned a 4.74 acre portion of CR (Commercial Retail) zoned property to HOC (Highway Oriented Commercial) to allow for the construction of a car dealership on proposed “Lot #2”.

In August 2018, the Georgia Soil and Water Conservation Commission approved the subject property’s erosion, sediment, and pollution control plans. In May 2019, the developer received approval for driveway construction and right-of-way encroachment activities from the Georgia Department of Transportation. In August 2019, City staff conditionally approved the civil engineering plans for phase I of the Continental Road commercial subdivision.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site does currently have City water and sewer utilities located nearby. However, the developer will be required to sign a water/sewer agreement with the City of Statesboro prior to receiving those utility connections and/or extensions. This property is already receiving public safety services from the City of Statesboro. No significant impacts are expected on community facilities or services as a result of this request.

The subject property's entire front yard/property line is located entirely along Veterans Memorial Parkway. A review of the *Bulloch County/Statesboro 2035 Long Range Transportation Plan (LRTP)* suggests no expected capacity deficiencies on Veterans Memorial Parkway.

ENVIRONMENTAL:

Per the preliminary subdivision plat, the subject property does contain wetlands, but it should not impact any future development requests. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

STAFF RECOMMENDATION:

Staff recommends the approval of the proposed preliminary subdivision plat and application **SUB 19-08-11** with conditions to be met during the site construction and final plat processes for Phase I.

At the regularly scheduled meeting held on September 3, 2019 at 5:00 PM, the Planning Commission voted 4-0 to recommend approval of the proposed preliminary subdivision plat and application **SUB 19-08-11** with the following staff condition(s):

1. Subdivision, design, and development of the property shall be in conformance with the requirements of all City of Statesboro Development Regulations, including the City of Statesboro Subdivision Regulations, Drainage Ordinance, Tree Ordinance, and all other development standards of the City of Statesboro.
2. Two percent (2%) of the property acreage (approximately 0.667 acres) shall be reserved for open greenspace areas reserved for community use, but shall be privately maintained by the owner, developer, or appropriate association. Open greenspace areas shall include uses such as village greens, commons, picnic areas, community gardens, trails and similar low-impact passive recreational uses. Land devoted to stormwater detention facilities may not be counted toward the open space minimum requirement unless the facility is a permanent lake or pond, and is designed and intended for recreational access and use by the occupants of the development. The aforementioned open greenspace area requirement shall strictly adhere to the area proposed as "Lot #5".
3. Final staff approval of the subdivision plat.
4. Final staff approval of the by-laws and restrictive covenants. A copy of the recorded subdivision plat and by-laws and restrictive covenants will be required to be submitted to the Department of Planning & Development staff prior to any construction commencement on the proposed lots.
5. All site improvements shall be constructed per the conditionally, approved civil engineering plans from Maxwell-Reddick & Associates and dated July 23, 2019.
6. Utility easements including but not limited to public rights-of-way, water, sewer, gas, etc. must be granted to the City as deemed necessary by the Department of Engineering.
7. The final plat shall adhere to all requirements of Article 3 of the *City of Statesboro Subdivision Regulations*.
8. All other conditions of the previous zoning and annexation approvals (**AN 19-04-02, RZ 19-04-03, & RZ 19-06-09**) for this property must be met, provided that they are not in conflict with any of the conditions listed herein for application **SUB 19-08-11**.

EXHIBIT A: LOCATION MAP



EXHIBIT B: PRELIMINARY SUBDIVISION PLAT (dated August 8, 2019)

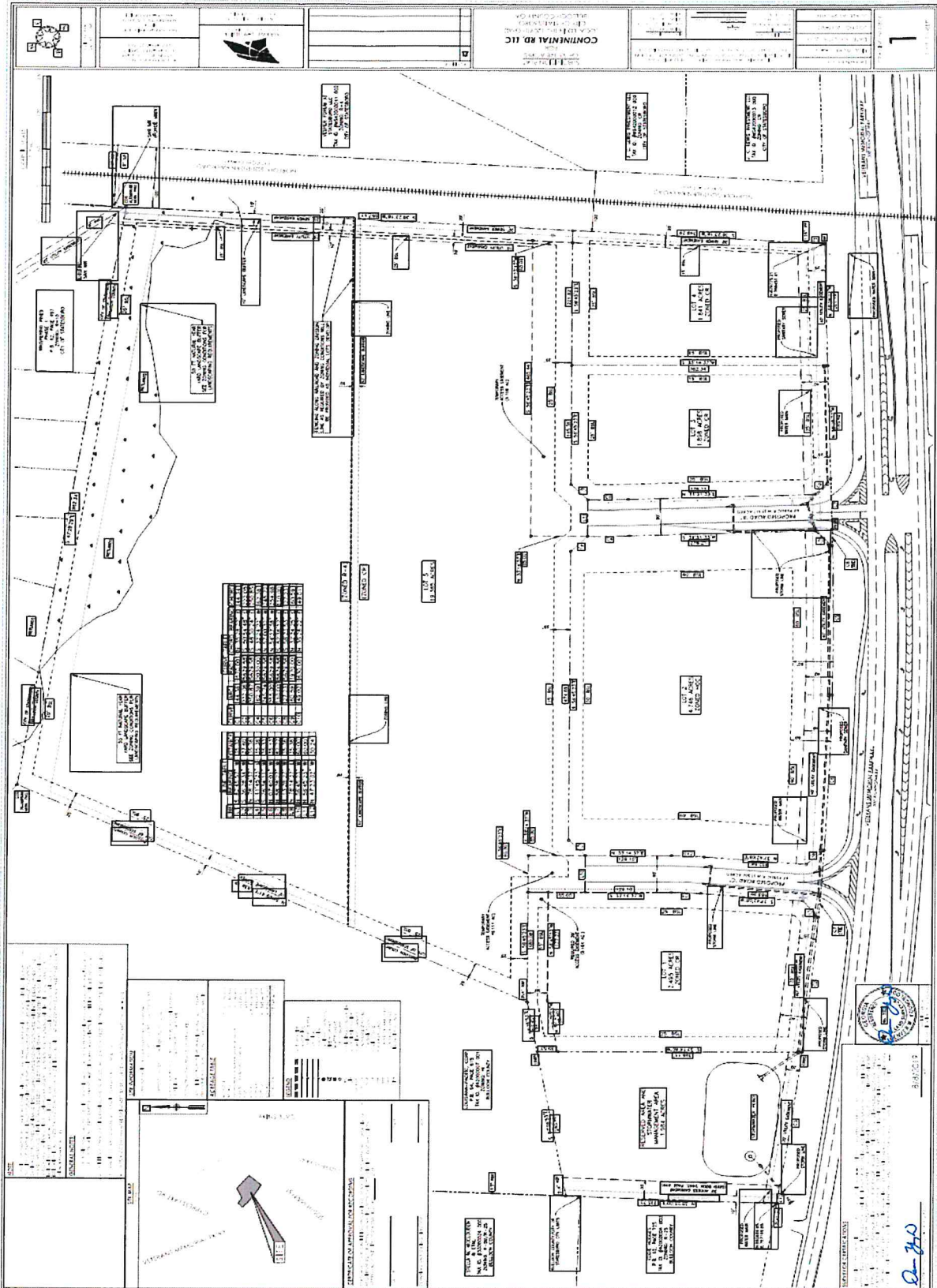


EXHIBIT C: SITE AND SURROUNDING PROPERTY PHOTOS
 DEVELOPMENT SERVICES REPORT
 Case # SUB 19-08-11

Picture 1: View of the subject property and **SUB 19-08-11**, looking north from Veterans Memorial Parkway.



Picture 2: View of the subject property, looking north along the subject site's eastern property line boundary.



Picture 3: View of the subject property, looking west along the subject site's rear property line boundary.



Picture 4: View of the subject property, looking north along the subject site's western property line boundary.



Picture 5: Looking north from Veterans Memorial Parkway, a view of the western portion of the subject site and SUB 19-08-11.



Picture 6: Looking south from the subject site, currently vacant/undeveloped land.



Picture 7: Looking southwest from the subject site, currently commercial retail – Family Dollar Store, Advanced Autoparts, and other commercial retail uses.



Picture 8: View of the surrounding properties bordering the northern property line of the subject site, currently Whispering Pines Residential Subdivision.



Picture 9: View of the surrounding properties bordering the eastern property line of the subject site, currently JC Lewis Ford Dealership.



Agenda Item 15

CITY OF STATESBORO

COUNCIL

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



Jonathan M McCollar, Mayor
Charles Penny, City Manager
Sue Starling, 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: September 9, 2019

RE: September 17, 2019 City Council Agenda Items

Policy Issue: *First reading of proposed amendment to Chapter 6 of the Statesboro Code of Ordinances revising license classifications, changing types of alcoholic beverages allowed to be served by licensees, changing licenses to run for the calendar year, and streamlining language involving applicant background checks.*

Recommendation: N/A

Background: On August 28, 2018 Council voted 5-0 in support of amending 6-3 and 6-9. Proposed revision codifies the material changes needed to clarify license types available in the City of Statesboro and to clear up language to that effect throughout the Chapter.

Budget Impact: Unknown, but expected negligible impact

Council Person and District: All

Attachments: Redlined version of Chapter 6.

Ordinance 2019-09

Chapter 6 - ALCOHOLIC BEVERAGES⁴¹

Footnotes:

--- (1) ---

Editor's note— Ord. No. 2016-03, adopted March 15, 2016, amended ch. 6 in its entirety to read as herein set out. Former ch. 6, §§ 6-1—6-247, pertained to the same subject matter and derived from Ord. No. 2011-14, adopted Dec. 6, 2001; Ord. No. 2012-06, §§ 1, 2, adopted Sept. 5, 2012; Ord. No. 2012-07, § 1, adopted Sept. 9, 2012; Ord. No. 2013-01, § 1, adopted March 5, 2013; and Ord. No. 2013-22, § 1, adopted Dec. 3, 2013.

Cross reference— Buildings and building regulations, ch. 14; businesses, ch. 18; offenses and miscellaneous provisions, ch. 58; streets, sidewalks and other public places, ch. 70; taxation, ch. 74; zoning, app. A; signs, app. A, art XV.

State Law reference— Use of proceeds of alcoholic beverage tax for prevention, education and treatment, Ga. Const. art. 3, sec.9, par. 6(e); Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; public drunkenness, O.C.G.A. § 16-11-41; furnishing alcoholic beverages to persons under 21 years of age, jurisdiction of municipal courts, O.C.G.A. § 36-32-10; treatment of alcoholic or drug, O.C.G.A. § 40-6-391.

Sec. 6-1. - Privilege, not a right.

Nothing in this chapter shall be construed as giving a person a right to sell or otherwise deal in alcoholic beverages. Manufacture, distribution and sale of alcoholic beverages are declared to be privileges in the City of Statesboro, and not rights.

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-2. - Purpose; intent.

This chapter is enacted for the purposes of establishing reasonable and ascertainable standards for the regulation and control of alcoholic beverages in a manner designed to promote the health, safety and general welfare of the community while giving effect to zoning and land use plans, preserving residential areas with reasonable consideration for their character and with the general intent of promoting desirable living conditions and sustaining the stability of neighborhoods and property values. Further, this chapter is designed to permit the manufacture, distribution, dispensation and/or sale of alcoholic beverages by qualified persons within the corporate limits of the City of Statesboro as permitted by Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1 et seq., as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, et seq., as amended, provided, however, that nothing in the chapter shall be construed to permit any activity or conduct that is inconsistent with the provisions contained herein, or any other provisions of state, federal or local law that may otherwise apply to a licensee.

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-3. - Definitions.

These words and terms shall have the following meanings and, where applicable, be subject to the limitations set forth within such definitions, when used in this chapter:

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

Alcohol treatment center means any privately owned, state owned or state operated hospital, community mental health center, or other facility utilized for the diagnosis, care, treatment, or hospitalization of persons who are alcohol dependent and any other hospital or facility within the State of Georgia approved for such purpose by the department.

Bar means any public place with its primary business being the service of alcoholic beverages for on premises consumption. Bars shall not be required to have any food preparation capacity or certain percentage of food sales.

Bar with Kitchen means any public place with its primary business being the service of alcoholic beverages for on premises consumption that has an adequate and sanitary kitchen and dining room equipment, having employed a sufficient number of cooks and kinds of employees to prepare, cook, and serve suitable food at tables with seating, and holding a certificate of inspection and approval from the county health department.

Bouncer means an individual primarily performing duties related to verifying age for admittance, security, maintaining order, or safety, or a combination thereof as provided for in O.C.G.A. § 3-3-24.1(a)

Brew pub means any restaurant in which beer or malt beverages are manufactured or brewed, subject to the barrel volume production and sales limitations prescribed in O.C.G.A. § 3-5-24.1 for retail consumption on and off the premises. A Package license shall be required for off premises package sales. There is no requirement that brew pubs obtain a Package license and offer package sales.

Brewer means a manufacturer of malt beverages.

Broker means any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody of the alcoholic beverage or maintaining stock of the alcoholic beverage.

Brown bag establishment means any private club, restaurant, music hall, theater, bowling alley or any other establishment providing food or entertainment in the normal course of business in which the owners or their employees or agents knowingly allow patrons to bring in and consume on the premises the patrons' own alcoholic beverages.

Brown bagging means the act of a patron or patrons entering any private club, restaurant, music hall, theater, bowling alley, or other establishment providing food or entertainment in the normal course of business and bringing in and consuming the patrons' own alcoholic beverages.

Catered event means an event where alcoholic beverages are distributed or sold off premises by a licensed alcoholic beverage caterer in connection with a particular function (i.e. retirement dinner, wedding reception, private party, etc.) in compliance with O.C.G.A. § 3-11-1 et seq. and GAC 560-2-13.

Church means a permanent building owned and operated exclusively by a religious organization and publicly designated a church where persons regularly assemble for religious worship which is located on a parcel of property which the Bulloch County Tax Assessor has designated exempt from state ad valorem taxation pursuant to O.C.G.A. § 48-5-4(a)(2.1)(A) and (B). The minimum distance requirements from church buildings shall not apply to space in a shopping center or residences also used for religious purposes.

Crime of moral turpitude means a crime which is contrary to justice, honesty, modesty, good morals or a person's duty to other people. Misdemeanors that are crimes of moral turpitude for the purpose of the chapter include but are not limited to theft, bad checks, shoplifting, making terroristic threats, giving false name to a police officer, false swearing, forgery, fraud or extortion.

Distilled spirits or *liquor* means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.

Drive-through sale means the sale of alcoholic beverages by a Package licensee where the customer remains in his vehicle and where the licensee consummates the sale through a drive-through window affixed to the licensed premises.

Election Day means that period of time beginning with the opening of the polls and ending with the closing of the polls.

Event Venue means a public place hosting advertised sporting events, projected cinematic showings, live musical concerts, performing arts presentations or performances and/or any other type of entertainment for which a ticket is required for admission and attendance with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. Event Venues may host private functions with guest list and no ticket being required. Cover charges are expressly prohibited. Serving of prepared food and its attendant facilities shall be permitted but not required. Event Venues shall only be open to public for one hour before and after hosted events.

Financial interest includes, but is not limited to, holding any legal or equitable interest in business in indebtedness or security interest in a business.

Growler means a properly sanitized reusable bottle made of glass that is capable of being sealed with a screw cap and with a plastic collar over the screw cap and is filled at the time of purchase by the customer, by the licensee or employee of the licensed establishment with beer from a keg for off premises consumption.

Hotel means a building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 50 or more rooms are used for the sleeping accommodations of such guests, such sleeping accommodations being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels.

Immediate family means any person related to the holder of an alcoholic beverage license within the first degree of consanguinity or affinity as determined according to canon law, which shall include a person's spouse, parents, stepparents, parents-in-law, brothers and sisters, stepbrothers and stepsisters, brothers-in-law and sisters-in-law, children, stepchildren, and children-in-law.

Importer means any person who imports an alcoholic beverage into this state from a foreign country and sells the alcoholic beverage to another importer, broker, or wholesaler and who maintains a stock of the alcoholic beverage.

In-room service means:

- (1) The delivery of alcoholic beverages in unbroken packages by an employee of a hotel to a registered guest's room or to a registered guest at any location in the same building as the hotel when such alcoholic beverages have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages at the time of delivery and when the sale of such alcoholic beverages is completed at the time of delivery; and
- (2) The provision of a cabinet or other facility located in a hotel's guest room which contains alcoholic beverages and which is provided upon written request of the guest and which is accessible by a lock and key only to the guest and for which the sale of the alcoholic beverages contained therein is deemed to be final at the time except for a credit which may be given to the guest for any unused portion.

Legal alien means a foreign national who possesses a valid United States government-issued I-551 card. An application for I-551 status does not meet the legal alien definition. Any other status which allows a person to enter the United States does not comply with this definition.

Legal resident means a United States citizen or a legal alien.

Licensed alcoholic beverage caterer means any ~~restaurant~~ **On Premises Licensee** ~~that holds an On Premises license issued under this chapter and~~ who otherwise qualifies with the provisions set forth in O.C.G.A. Title 3, Chapter 11 regarding caterers who also obtains a Caterer license.

Licensed premises includes all the space or area owned, leased and/or controlled by the licensee and used for the purpose of operating under the license, including but not limited to all rooms wherein alcoholic beverages are sold, furnished, served, or consumed, except when such a room is located in a hotel, motel, shopping center, or a similar facility in which case only such room and any adjoining storage, office, toilet, and other similar rooms shall constitute the licensed premises. For On Premises licenses, such premises include adjoining patios, decks, porches or sidewalk cafes. A floor plan for each licensed premise as defined herein must be submitted with each application for a license under this chapter.

Licensee means the person to whom a license under this chapter is issued.

Live Musical Concert means any musical performance by one or more musicians/singers playing music through the use of conventional musical instruments where a ticket is required for admission. A Disc Jockey, a person playing pre-recorded music, would also qualify. In any case a single event contract between performer(s) and licensee shall be required. Karaoke is not considered to be a live musical performance for the purposes of this ordinance.

Live Performing Arts Presentation means an artistic performance by one or more actors/performers in a play, comedy act or other similar live ticketed presentation. A film, movie, or video presentation does not meet the requirements of this definition.

Low volume licensee means any licensee that holds an on premises or package license under this chapter that receives or will receive wholesale deliveries of alcoholic beverages in an average amount of not more than \$1,000.00 per month over the course of a year.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. The term also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;
- (2) In the case of any malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

Manager means person who has responsibility for management of the operations, including sale of alcoholic beverages, at the location to be licensed or supervision of management of the operations, including sale of alcoholic beverages, at the location to be licensed and who is a full-time employee of the corporation, partnership, proprietor, or other ownership entity.

Mixed drink means any distilled spirit served for consumption on the premises, whether or not diluted by water or any other substance.

Package means a bottle, can, keg, barrel, or other original consumer container.

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other entity or group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

Private club means a corporation organized and existing under the laws of the State of Georgia, like fraternal or veterans' organizations, having bylaws and being a part of a national organization in existence for at least one year immediately prior to the application for any license hereunder, having at least 75 members, regularly paying monthly, quarterly or semiannual dues, organized and operated exclusively for

fraternal brotherhood, pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any stockholder or member, and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable kitchen and dining space and equipment, and maintaining and using a sufficient number of employees for cooking, preparing and serving meals for its members and guests; provided, that no member or officer, agent or employee of the club is paid, or directly or indirectly receive in the form of salary or other compensation, any profits from the sale of distilled spirits or any beverage licensed hereunder to the club or its members or guests beyond the amount of such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

Pub means any public place kept, used, maintained, and advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment, having employed a sufficient number of cooks and kinds of employees to prepare, cook, and serve suitable food at tables with seating, and holding a certificate of inspection and approval from the county health department. At least one meal per day shall be served every day that the premises is open to the public, and the serving of such meals shall be a substantial portion of the business conducted, with the serving of alcoholic beverages also comprising a substantial portion of its business. A pub shall have 40 percent or more of its total annual gross sales of from the sale of prepared meals. The sale of ice, garnishes, soft drinks, mixers or beverages of any kind shall not constitute the sale of prepared meals.

Restaurant means any public place kept, used, maintained, and advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment, having employed a sufficient number of cooks and kinds of employees to prepare, cook, and serve suitable food at all times the place is open with the sole exception of one hour after food preparation ceases for business at tables with seating, and holding a certificate of inspection and approval from the county health department. At least one meal per day shall be served every day that the premises is open to the public, and the serving of such meals shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. A restaurant shall have 70 percent or more of its total annual gross sales of from the sale of prepared meals. The sale of ice, garnishes, soft drinks, mixers or beverages of any kind shall not constitute the sale of prepared meals.

Retail consumption dealer means any person who sells alcoholic beverages for consumption on the premises only to consumers and not for resale.

Retailer or *retail dealer* means any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale.

School building or educational building on a college campus means governmental or church school buildings and such buildings at such other schools as teach the subjects commonly taught in the common schools and colleges of this state, and which are public schools or private schools as defined in subsection (b) of the O.C.G.A. § 20-2-690. Schools shall also be defined to include pre-schools and kindergartens.

Sidewalk café means an area of tables located on public, private pedestrian right-of-way, or the curtilage directly adjacent to a ~~restaurant~~ **an On Premises licensed establishment.**

Violation means each and every act committed by a licensee or any act committed by an employee, agent or representative of a licensee acting within the scope of their employment, agency or representation of the licensee that violates any provision of this chapter.

Wholesale or *wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, and combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

(Ord. No. 2016-03, § 1, 3-15-16; Ord. No. 2017-04, 2-21-17; Ord. No. 2017-11, 9-19-17; Ord. No. 2018-04, 7-17-18)

Sec. 6-4. - License and permits—Required; classes; fees.

- (a) *License and permits required.* It shall be unlawful to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages as defined by Georgia law within the corporate limits of the city without first applying for and obtaining a license and/or permit therefor from the city.
- (b) Licenses which may issue under this chapter, including any combination of the following; provided, such combination is not otherwise prohibited by applicable law, including but not limited to Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, et. seq., as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, et seq., as amended.
- (c) *Classes.* The licenses shall be divided into the following classes:
 - (1) **Package;**
 - (2) **On Premises license types:**
 - (a) Bar
 - (b) Bar with Kitchen
 - (c) Event Venue
 - (d) Low Volume
 - (e) Pub
 - (f) Restaurant
 - (3) Caterer;
 - (4) Brewer, manufacturer of malt beverages only;
 - (5) Broker;
 - (6) Importer;
 - (7) Manufacturer of wine only.
- (d) *Sunday sales permits.* All licensees who engage in Sunday sales as permitted under subsection 6-7(p) shall also be required to obtain a separate Sunday sales permit as provided in the rules and regulations for administration of the chapter.
- (e) *Distance waiver permit for restaurants.* Any licensee who operates a restaurant that does not meet all of the distance requirements in subsection 6-7(e) shall also be required to obtain a distance waiver permit for the restaurant as provided for in section 6-5(o) and in the rules and regulations for administration of the chapter.
- (f) ~~Event permit for caterers.~~ **Catered Event Permit** Pursuant to O.C.G.A. § 3-11-3 in order to distribute ~~or sell~~ distilled spirits, malt beverages, or wine at a catered event, a licensed alcoholic beverage

caterer shall be required to obtain a catered event permit as provided in the rules and regulations for administration of the chapter.

- (g) *Fees.* Unless otherwise provided for in this chapter, the fees for each type of license and permit listed in paragraph (c) hereinabove, as well as any other fee described in this chapter, shall initially be set by resolution, and from time to time amended by mayor and city council by incorporating and amending the schedule of fines and fees as adopted by the mayor and city council except that private clubs as defined in section 6-3 shall pay 70 percent of the applicable fees.
- (h) *Change of business.* If a licensed premises changes ownership or changes its location a new alcohol application must be filed, and the fee for the license shall be the same as if the application was for an original or new alcohol license. An alcohol license is non-transferrable when there is a change in ownership, or a change in location.
- (i) *Payment.* The fees referred to in this section shall be payable annually on a fiscal-year basis except for the initial year when they will be prorated for the number of quarters remaining in the calendar year at the time the license was purchased. If the license is purchased and the premises fail to open within 45 days of issuance, the license shall be automatically revoked, and there shall be no refunds for any portion of the fees. All new licenses must be paid and received by the business not later than 30 days from notification of approval. If payment is not received, the license granted shall be considered void and treated as if denied.
- (j) *Beverage Types: All licensees holding Package licenses shall be allowed to sell and serve malt beverages and wine. All Licensees holding On Premises license types shall be allowed to sell and serve malt beverages, wine, and distilled spirits.*

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-5. - Application procedure; contents of application; contents to be furnished under oath.

- (a) *Generally.* The applicant for a license or permit under this chapter shall make a written application under oath on the form as proscribed by the city clerk or his or her designated representative. A floor plan for each licensed premises as defined herein must be submitted with each application for a license under this chapter. At the time of initial application, a sketch from a surveyor registered in the State of Georgia shall be attached to the application which shall certify that all state and local proximity requirements for the proposed location have been met. Except as otherwise provided by law, such application shall be a public record and open to public inspection at a reasonable time and place.
- (b) *Application fee.* The applicant, upon turning in his complete application to the city clerk, or his or her designated representative, at the same time shall tender payment of the application fee to the city, plus any additional related fees ~~required in order for a third party to conduct a full GCIC/ FBI background check in accordance with industry standards.required by any other governmental agencies or departments.~~ An investigative fee must be paid for each additional investigation if more than one individual background check is required for the application, or there are additional background checks performed due to a change of managers. These fees are non-refundable.

Additionally, each applicant for a new license shall submit to the city clerk such information as may be required by the Georgia Crime Information Center and by the Federal Bureau of Investigation, including classifiable sets of fingerprints, and such fees as may be set by the Georgia Crime Information Center and by the Federal Bureau of Investigation for a records check comparison by the Georgia Crime Information Center and by the Federal Bureau of Investigation. Application for a license under this chapter shall constitute consent for performance of a records check comparison.

- (c) *Private entities—Ownership.* Private entities other than individual persons shall list the names and addresses of all individual persons who have an ownership interest in such entity and the percentage ownership of each person, unless the corporate stock or other ownership interest is listed on the

stock exchange or available for over the counter sales and subject to regulation by federal and state securities laws. If a named interest owner therein is another corporation or other entity, the same information shall be given for such corporation or entity. If during the life of the license, the identity of the interest owners or their percentage of ownership should change, that information shall be sent to the city clerk or his or her designated representative for processing. A change in ownership shall be considered a new license and require a new application. Corporations, limited liability companies or other business entities required to register with the secretary of state must file a compliance copy from the office of the secretary of state showing active status as an incorporated business.

(d) *Additional data.*

- (1) *Corporate, partnership, sole proprietors, and limited liability company applications.* All corporate applicants shall list the names and addresses of the officers of the corporation. All sole proprietors shall apply in the name of the sole proprietor. All limited liability applicants shall provide the names and addresses of all members and managers of the limited liability company. In addition thereto, all applicants, including sole proprietors and partnerships if the sole proprietor or at least one partner is not working full-time in a managerial capacity on the premises, shall name a manager, whose name shall appear as such on the license issued to the corporation. The corporation, partnership, sole proprietor, or limited liability company shall provide the name and address of said manager, who shall be a full-time employee of the corporation, partnership, sole proprietorship, or limited liability company and who shall be the individual who does in fact have regular, managerial and supervisory authority over the business conducted on the licensed premises. In addition, the manager shall be an agent for service for the corporation, partnership, sole proprietorship, or limited liability company in addition to all other methods allowed for serving a corporation or other entity by the laws of Georgia. Any person who has been a manager of a corporation, partnership, sole proprietorship, or limited liability company whose license has been revoked is ineligible to act as manager for any licensee thereafter. A change of managers shall not require a new license application. However, in order to change managers an application to change managers must be submitted to the city clerk with an investigative fee so a background check can be performed on the proposed new manager to determine whether the new manager's background complies with the requirements contained in section 6-6 of this chapter. If the city clerk determines that the new manager meets the requirements of section 6-6 of this chapter, the city clerk shall reissue the entities current alcohol license to identify the manager proscribed in section 6-5(d)(1) of this chapter. If the city clerk denies the application to reissue the license to identify a new manager, the applicant shall have the right to appeal the city clerk's decision pursuant to the procedure outlined in subsection 6-12(e) et. seq. of this chapter.
- (2) *Intention to provide adult entertainment.* Every application shall inquire if the applicant intends to provide live nude performances on the licensed premises or other forms of adult entertainment regulated under article VII of chapter 18 of the Code of the City of Statesboro. It is mandatory for this question to be answered by the applicant.
- (3) *Individual's requirements applicable to clubs.* In the case of a private club, fraternal or veterans order, its chief officer and general manager shall meet the same requirements that any individual applicant must meet and maintain.
- (4) *Proof of insurance.*
 - a. *Proof of dram shop insurance.* Applicants seeking an On Premises alcoholic beverage license shall file with their application a certificate of liquor liability insurance (dram shop), in effect for the license period and issued by an insurer required to be licensed pursuant to state law, providing an annual aggregate policy limit for dram shop insurance of not less than \$1,000,000.00 per policy year with a minimum \$500,000.00 sublimit on assault and battery claims. A 30-day notice of cancellation in favor of the City of Statesboro must be endorsed to the policy and attached to the certificate.
 - b. *Proof of general liability insurance.* Applicants seeking a Package or On Premises alcoholic beverage license shall file with their application a certificate of liability insurance, in effect

for the license period and issued by an insurer required to be licensed pursuant to state law, providing at least \$1,000,000.00 in commercial general liability insurance coverage. A 30-day notice of cancellation in favor of the City of Statesboro must be endorsed to the policy and attached to the certificate.

- (e) *Investigation.* The city clerk or his or her designated representative shall investigate the application. Each applicant authorizes the city and its agents to secure from any court, law enforcement agency, or other public agency his or her criminal history and the criminal history of all individuals required to be listed on the application, including but not limited to sole proprietor, partners, members, corporate officers, stockholders, and managers, and authorizes the city to use such information in determining whether the license applied for shall be issued. Each applicant waives any right that he would otherwise have to preclude the city or its agents from obtaining and using such information and each applicant further waives any liability of the city or its agents for obtaining and using such information, and agrees to indemnify and hold the city harmless against the claims of any person listed by the applicant on the application and by doing so has authorized the city to investigate. The city clerk or his or her designee shall make an arrest and conviction investigation concerning any applicants hereunder and all individuals required to be listed on the application, including but not limited to sole proprietor, partners, LLC members, corporate officers, corporate stockholders, and managers.
- (f) *Fire and safety inspection.* All businesses where alcohol is consumed on the premises shall satisfy all requirements of a fire and life safety inspection performed by the local fire official and city building official or his or her designee. The local fire official may cause to be inspected any building or portion of any building licensed under this ordinance.
- (g) *Offenses.* Any person making a false or misleading statement in any application for a license or false statement in connection with renewal thereof, shall be subject to punishment as provided by state law relating to false swearing, and further, a license, if previously granted or renewed, may be revoked for the violation.
- (h) *Duration; renewal.* All licenses are issued only on a fiscal ~~calendar~~-year basis and shall be eligible for renewal each year following issuance if and only if the licensed premises has passed a fire safety inspection within the 12-month period prior to renewal of the license. Each licensee shall make a written application for renewal on or before May ~~November~~ first of each calendar year which shall swear to the truthfulness of such information that is the same as the prior application and shall set forth facts which are different from the prior year's application. The renewal application form shall be approved by the city clerk or his or her designated representative, and sworn to under oath by the applicant.
- (i) *Penalty for filing renewal application and license fee payment after ~~May~~ November 1st.* There shall be a penalty fee charged for filing alcoholic beverage renewal applications after ~~May~~ November 1st and paying renewal license fee payments after ~~May~~ November 1st. This penalty fee shall initially be set by resolution and shall be incorporated in the schedule of fees and fines for the City as from time to time amended by the Mayor and City Council.

If an alcoholic beverage license renewal application and license fee have not been filed with and paid to the city clerk by the last business day in ~~June~~ December of each year, the license shall be declared to be abandoned and any relicensing shall require a new application.

- (j) *Taxes, fees, and fines.* All taxes, fees and fines due to the City, including without limitation all ad valorem taxes due to the City as well as any fine imposed by the Municipal Court, by any individual, entity seeking an alcoholic beverage license, or an individual having an ownership interest in an entity seeking an alcohol license must be paid prior to an alcoholic beverage license being issued to or renewed by said individual or entity.
- (k) *State license; forfeiture for failure to comply; revocation of state license.* A state alcoholic beverage license must be obtained by the applicant in order for the license issued by the City to be valid. Failure of the licensee to obtain a state license before beginning operation of the premises shall be an automatic forfeiture and cancellation of the license issued by the City, and no refund of license fees shall be made to the licensee. If a state alcoholic beverage license is revoked by the state, then

the license issued by the City shall automatically be revoked and void effective as of the date of such revocation.

- (l) *Licenses or permits constitute grant of privilege.* All alcoholic beverage licenses or permits issued hereunder constitute a mere grant of privilege to carry out such business during the term of the license subject to all terms and conditions imposed by this chapter including the rules and regulations for the administration of this chapter as well as related state and federal laws and other ordinances of the City relating to such business, as amended from time to time by the Mayor and City Council.
- (m) *Applications for Sunday sales permit.* The licensee of a business engaged in the retail package sales of beer and/or wine, any restaurant as defined in this chapter, or any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging, desiring the privilege to sell, furnish or otherwise dispense distilled spirits, malt beverages, or wine on Sunday in accordance with subsection 6-7(p) shall, before dispensing such beverages on Sunday, obtain a Sunday sales permit as provided for in the rules and regulations of the administration of this chapter.
- (n) *Reserved.*
- (o) *Application for distance waiver permit for restaurant.* The Mayor and City Council, following application for a distance waiver permit for a restaurant, notice and hearing, may in its discretion grant a distance waiver permit for restaurant authorizing the issuance of an license to a licensee of a restaurant notwithstanding the distance requirements in subsection 6-7(e) from school buildings, alcohol treatment centers, educational buildings on college campus, churches and/or property lines of a private dwelling located in single-family residential zoning district for locations that sell alcohol for consumption on the premises only. The application for a distance waiver permit shall be obtained as provided in the rules and regulations of the administration of this chapter.
- (p) *Application for event permit for caterers.* Prior to the ~~sale~~ distribution of alcoholic beverages at a catered event a catered event permit shall be obtained as provided for in the rules and regulations of the administration of this chapter.
- (q) *Application for hotel in-room service, beer, and wine permit.* Prior to the in-room sale of alcoholic beverages an in-room service, beer and wine permit shall be obtained as provided for in the rules and regulations of the administration of this chapter. This permit shall be used in conjunction with an On Premises license to allow for in-room package sales as defined in this chapter.

(Ord. No. 2016-03, § 1, 3-15-16; Ord. No. 2017-01, § A, 1-17-17; Ord. No. 2018-02, 7-17-18)

Sec. 6-6. - When issuance prohibited.

Issuance of licenses and permits required under this chapter is limited as set forth below.

- (1) Restrictions. No license defined herein shall be issued to a person:
 - a. Who is not a citizen or legal resident of the United States;
 - b. Who is not at least 21 years of age prior to the date of application;
 - c. Who owes any debt or obligation to the City of Statesboro, including but not limited to excise taxes, occupational taxes, property taxes, or utility fees; or other fines.
 - d. Who indicates on the license application an intention to provide live nude performances on the premises or any other form of adult entertainment on the premises that requires an adult entertainment license pursuant to article VII of chapter 18 of the Code of Ordinances.
- (2) Convictions; pending violations. The term "conviction" as used in this paragraph shall include a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere including also anyone currently on probation or otherwise currently under a court's supervision to avoid a judgment of guilt being entered under what is commonly referred to as "first offender sentence" or "pre-trial

diversion program." When contrary to the public health and welfare, no license for the sale of alcoholic beverages shall be issued to any person or applicant where the applicant or any individual person having an ownership interest in the business:

- a. Has been convicted within 15 years immediately prior to the filing of the alcoholic beverage application with the city clerk of 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. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal;
 - b. Has been convicted within five years immediately prior to the filing of the alcoholic beverage application with the city clerk of the violation (i) of any state or federal law pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof except a first conviction of selling alcohol to underage persons; (ii) of a crime involving moral turpitude; or (iii) 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 as defined in O.C.G.A. § 40-6-390 et seq., but excluding any first conviction for reckless driving or driving under the influence of alcohol or drugs in the past ten years as measured from the date of arrest, 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. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal;
 - c. Has been convicted of a misdemeanor who served any part of a criminal sentence, including probation, within five years immediately preceding the date of receipt of application submission.
- (3) For 24 consecutive months immediately following the date of a license revocation, no person or any individual person having an ownership interest in the business whose license was revoked shall be eligible for renewal of or issuance of a license at the same location for which the previously revoked license was issued. Furthermore, during said 24-month period, no person or any individual person having an ownership interest in the business whose license was revoked shall be eligible to apply for any additional licenses.
 - (4) Except as provided in subsection (5) below, for 24 consecutive months immediately following the date of a citation for any violation for selling alcohol to underage persons within a licensed premise, no application for change in ownership of the license at the same location where the violation occurred shall be allowed unless there is a 100 percent change in ownership and control between the old licensee and the new applicant. For purposes of this subparagraph, 100 percent change in ownership and control shall mean a 100 percent change in all individuals, partners, officers, directors, shareholders, members, managers and/or all persons having any whole, partial, beneficial or other interest in the business where the alcoholic beverage license is located. 100 percent change in ownership and control shall not include a transfer in ownership and control to any person in the immediate family of any individuals, partners, officers, directors, shareholders, members, managers and/or any persons having any interest in the business where the alcoholic beverage license is located. The application for the alcoholic beverage license must be applied for and approved prior to the sale of the business. An alcoholic beverage license may not be issued until the new owner has established that the sale of the business is bona fide. The applicant for the new license must provide documentation concerning the sale, including but not limited to documentation concerning ownership of and all business interests in the old license in addition to documentation concerning the ownership of and all business interests in the new license, as requested by the city clerk.
 - (5) For 24 consecutive months immediately following the date of a citation for any violation for selling alcohol to underage persons within a licensed premise, an application for less than 100

percent change in ownership and control between the old licensee and the new application shall be allowed only if the following requirements are met:

- a. The applicant for less than 100 percent change in ownership of the license at the same location where the violation occurred must agree as part of the application that any past violations for selling alcohol to underage persons within the licensed premise shall become part of the record of violations for the new business as if the new owners had been cited and found in violation. Such record of violations shall be taken into consideration in any future hearings against the new licensee.
 - b. Such applications for less than 100 percent change in ownership shall be made prior to the sale of the business but after any pending citations for violations for selling alcohol to underage persons within the licensed premise are adjudicated.
- (6) No person shall hold a license in any retail category hereunder and a license under any wholesale category at the same time.
 - (7) For 12 consecutive months immediately following the revocation an alcoholic beverage license for a licensed premises, no alcoholic beverage license shall issue for the location of that licensed premises.

(Ord. No. 2016-03, § 1, 3-15-16; Ord. No. 2017-02, 2-7-17; Ord. No. 2017-10, 9-19-17)

Sec. 6-7. - General regulations pertaining to all licenses.

- (a) *License not transferable to another location.* Each license is issued for a specific location only and may not be transferred to another location. A new application is required for each licensed premises. No license may be issued to different licensees for the same location.
- (b) *Transfer of license to another person.* No alcoholic beverage license shall be transferred from one person to another during the year in which the license or permit was obtained, except in the case of the death of a person holding a license, in which event his personal representative may continue to operate under the license for six months from the date of this qualification.
- (c) *Location.* ~~None of the above~~ **No alcoholic beverage** licenses shall be issued except in the following zones as defined in Appendix A (Zoning) of the Code of the City of Statesboro:
 - (1) CBD, commercial business district;
 - (2) CR, commercial retail district;
 - (3) HOC, highway oriented commercial district;
 - (4) LI, light industrial district.
- (d) *Proximity requirements; package sales for off-premises consumption governed by O.C.G.A. § 3-3-21.*
 - (1) Package licenses shall be issued for a location only if the location complies with the proximity requirements provided by O.C.G.A. § 3-3-21 as measured by the rules and regulations promulgated by the Georgia Department of Revenue.
 - (2) Nothing in this subparagraph shall prohibit a grocery store licensed for the Package sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 100 yards of any college campus. As used in this subsection, the term "grocery store" shall, as provided in O.C.G.A. § 3-3-21(a)(1)(B), mean a retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, and conducts all of its sales inside the building containing its retail floor space and meets all other criteria by this ordinance.
 - (3) As further provided in O.C.G.A. § 3-3-21(a)(1)(B) the above proximity requirements shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the

renewal of such license. Nor shall the above proximity requirements apply at any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application.

- (e) *Proximity requirements; sales for consumption on the premises; local regulation permitted per O.C.G.A. § 3-3-21(b)(3).*
- (1) On Premises 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.
 - (2) No licenses shall be issued under this chapter for any 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 alcoholic treatment center building located within a radius of 100 yards of the premises.
 - (3) The proximity requirements for On Premises licenses shall be in effect for all districts in which such licenses are authorized, with the exception of any restaurant as defined in this chapter that is granted a distance waiver permit for a restaurant by the mayor and city council pursuant to section 6-5(o).
- (f) At the time of initial application, a sketch from a registered surveyor shall be attached to the application which shall certify that all state and local proximity requirements for the proposed location have been met. A survey may be required for property line measurements, in some instances, to include the minimum property line distances as required by state law.
- (g) All licenses which are in existence and valid as of July 1, 2016 may continue to be renewed hereunder even though they may be in violation of this subsection regarding proximity requirements unless such renewal is in derogation of state or federal law, in particular, O.C.G.A. § 3-3-21; furthermore, that location may continue to be licensed hereunder so long as the premises are continuously used for the sale of alcoholic beverages hereunder, even though not under the same owner. At such time as the license for this premises is revoked, not renewed or is allowed to lapse, or a new license is not applied for the location within 365 days of the expiration or termination of the previous license, this subsection and the prohibitions herein shall apply to any new application for that location.
- (h) After issuance of a license, no change in the location of the building or walls can be made that affects distance requirements so that the distance requirement would not be satisfied as a result of the change. The distance requirements must be met at all times during the term of the license.
- (i) Interests of public employees and officials; prohibited. No license shall be granted to any city, state or federal employee or official whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity.
- (j) *Inspection of books, accounts, ownership interests.* Upon demand by the city clerk, or his or her designated representative, any person holding a license from the city, shall open to the city clerk, or his/her designated representative, his place or places of business for the purpose of enabling the city clerk or his representative to ascertain and gain such information as may be necessary for determination of compliance with applicable law, including but not limited to, this ordinance, Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, et. seq., as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, et seq., as amended. Upon demand by the city clerk, or his or her designated representative, any person holding a license from the city shall furnish the city clerk or his or her representative under an affidavit swearing that all books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sale receipts, inventory and other information, ascertained including exhibition of bank deposit books, bank statements, and copies of sales tax reports, operating agreements, shareholder agreements and any other such documents the city may deem

necessary to determine compliance with this chapter are a true and complete copies of the requested documents. Said documents shall be furnished within ten days of such request by the city clerk or his or her representative. Any person holding a license from the city shall secure, preserve, maintain and keep for a period of three years books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sale receipts, inventory and other information, ascertained including exhibition of bank deposit books, bank statements, and copies of sales tax reports.

- (k) *Verification of gross sales income, ownership interests, and other relevant financial data.* Upon request of the city clerk a licensee shall furnish within 30 days of the request certified financial statements and an affidavit from a certified public accountant showing the ownership interests in the licensed premises, total gross sales of the licensed establishment, the gross sales of the licensed establishment derived from the sale of alcohol, the gross sales of the licensed establishment derived from the sale of prepared meals, the gross revenue derived from any other source in the operation of the licensed establishment for any period of time in the last three years.
- (l) *Failure to open.* All holders of licenses issued hereunder must within 45 days after the issuance of such license open for business the establishment referred to in the license. Failure to open the licensed establishment as referred to within such period shall serve as a forfeiture and cancellation of the unused license and no refund of the license fee shall be made to the license holder.
- (m) *Adding to, refilling bottles, misrepresentations as to quantity, etc.* It shall be unlawful for a licensee hereunder, his employees, subcontractors or his agents, to add to the contents of a bottle or to refill an empty bottle or in any manner to misrepresent the quantity, quality or brand name of any beverage licensed hereunder. The prohibition against refilling empty bottles shall not apply to the lawful sale of growlers as provided for in this chapter.
- (n) *Hours of operation.* The following hours of operation shall apply to the sale of alcoholic beverages licensed hereunder:
 - (1) All licensed premises for the sale of retail beer and/or wine by the drink or retail liquor by the drink (On Premises licenses) shall only engage in the sale and service of alcoholic beverages upon the licensed premises, at a permitted outdoor event, or a permitted catered event between the hours of 7:00 am and 1:00 am the following day Monday through Saturday. Sale and service of alcoholic beverages pursuant to this subsection that begins on Saturday may continue until 1:00 a.m. Sunday morning without a Sunday sales permit.
 - (2) Only licensed premises for the sale of retail beer and/or wine by the drink or retail liquor by the drink (On Premises licenses) which maintains a valid Sunday sales permit may begin the sale and service of alcoholic beverages on Sunday. All licensed premises for the sale of retail beer and/or wine by the drink or retail liquor by the drink (On Premises licenses) which begins the sale and service of alcoholic beverages on Sundays shall only engage in the sale and service of alcoholic beverages upon the licensed premises, at a permitted outdoor event, or a permitted catered event between the hours of 12:30 p.m. and midnight on Sunday.
 - (3) All licensed premises for the package sales of beer and wine for off-premises consumption (Package licenses) shall only engage in the sale of alcoholic beverages between the hours of 6:00 a.m. and midnight current time, Monday through Saturday.
 - (4) Only licensed premises for the package sales of beer and wine for off-premises consumption (Package licenses) which maintain a valid Sunday sales permit may sell alcoholic beverages on Sunday from 12:30 p.m. through 11:30 p.m.
- (o) *Time limit for clearing patrons from premises.* All On Premises licensees shall be closed to the public, and the premises shall be cleared of all persons except employees of the licensed premises engaged in their employment duties within 45 minutes after the time set by subsection (n) of this section for discontinuance of the sale of alcoholic beverages on the premises. Thereafter all licensees shall remove or cause to be removed all alcoholic beverages from the area of the premises utilized by customers, patrons, and invitees; all alcoholic beverages shall be stored in original containers or storage containers on a shelf or cabinet; no alcoholic beverages shall be furnished to, consumed by, or possessed by any person within the premises 45 minutes after the time set by this

subsection for discontinuance of the sale of alcoholic beverages on the premises; and the premises shall remain closed for business until at least 7:00 a.m.

- (p) *Sales prohibited, limited on certain days.* All alcoholic beverages licensed hereunder shall not be sold Sundays unless the licensee holds a valid Sunday sales permit. The sale of alcoholic beverages on any election day shall be permitted in accordance with O.C.G.A. § 3-3-20.
- (q) *Sales, etc., to persons under legal age.* It shall be unlawful to provide alcoholic beverages to any persons under the age permitted by O.C.G.A. § 3-3-23.
- (r) *Display of license.* Every licensee, its agents or employees, shall post the most current alcoholic beverage license issued for the licensed premises in public view at eye level (an approximate height of five feet from the floor) within 15 feet of the entrance to the licensed premises.
- (s) *Bringing beverages purchased elsewhere onto premises.* No licensee for the sale of malt beverages, wine or distilled spirits shall authorize or permit any patron or customer to bring onto the premises malt beverages, wine or distilled spirits purchased elsewhere. Further, no licensee for the sale of malt beverages, wine or distilled spirits shall bring onto the premises any malt beverages, wine or distilled spirits purchased from a retailer for the purpose of resale.
- (t) Brown bagging and brown bag establishments are defined in section 6-1 and are prohibited within the city.
- (u) It shall be unlawful for any On Premises licensee to permit any contest or form of entertainment which consists of the wetting or soaking of the upper torso of a female or the pelvic areas of a male or female.
- (v) *Sales areas, activities, drive through sales.*
 - (1) It shall be unlawful for any licensee to make delivery of any alcoholic beverages licensed to be sold except within the premises or area licensed for sale thereof. **Drive-through sales are prohibited.** This prohibition shall not apply to the sale of alcoholic beverages to patrons of sidewalk cafés located in downtown development authority district, if such establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and ordinances in the City of Statesboro.
 - (2) Except for hotels holding a Package license and holding an in room service permit, no Package licensee shall permit the consumption of alcohol sold by the package on the premises, or curtilage of the premises where the licensed establishment is located. Except for guests of a hotel holding a Package license holding an in room service permit; it shall be unlawful for individuals to consume the contents of such packages in or on the premises, or curtilage of the licensed establishment holding a Package license.
- (w) *Possession of unlicensed beverages.* All licensees hereunder are forbidden to possess, keep, maintain or otherwise store or keep on the licensed premises any alcoholic beverages for which the licensee does not hold a license.
- (x) *Employee consumption during work hours.* It shall be unlawful for any employee, agent, or representative of any licensee to consume alcoholic beverages on the licensed premises of the licensee during such time that the employee, agent, or representative is acting within the scope of their employment, agency, or representation of the licensee.
- (y) *Suspension of sales during civil emergency.* The mayor or city manager may, upon determining that there is an immediate danger of civil disorder or natural disaster or any other immediate threat to the public peace and order, by executive order, suspend the sales of all beverages licensed under this chapter until such danger or threat has passed and for a reasonable period of time thereafter.

(Ord. No. 2016-03, § 1, 3-15-16; Ord. No. 2017-01, § B, 1-17-17)

Sec. 6-8. - Regulations pertaining to certain classes of licenses only.

- (a) *Retail beer and wine by the package.*
- (1) Retail beer and wine by the package shall be permitted in food stores, grocery stores, supermarkets, convenience food stores, and discount/general merchandise stores as an item incidental to the sale of foodstuffs, groceries, or other mercantile items. Retail beer by the package shall be permitted in brew pubs in accordance with O.C.G.A. § 3-5-36(4).
 - (2) Except as specifically provided for in subsection (b) below concerning growlers, the original retail containers of any alcoholic beverage sold by a retail beer and wine by the package licensee hereunder shall not open on the lot or premises of the location licensed for the sale thereof unless purchased at a hotel (as defined herein) with a Package license, in which case opening and consumption of these wine or beer containers in the hotel's guest rooms and common areas, excepting the parking lot, is permitted.
 - (3) Visibility of premises from public street. No licensee for the sale of alcoholic beverages by the package shall operate under the license, unless the front entrance to the licensed premises is clearly visible from the public street; provided, however, that this restriction shall not apply where the licensee is a motel, hotel, private club or is located in a shopping center or multiple-story business building.
- (b) *Growlers.* The sale of growlers is authorized for Package licensees. The sale of growlers shall comply with the rules and regulations for the administration of this chapter.
- (c) *Brew pubs.* Any ~~restaurant holding an~~ On Premises licensee shall be allowed to operate as a brew pub upon obtaining a brew pub license from the State of Georgia.
- (d) *By the drink sales for consumption on the premises.*
- (1) Removal of beverages prohibited. All alcoholic beverages sold by On Premises licensees shall be consumed only on the licensed premises. It shall be unlawful for any person to remove from the licensed premises any alcoholic beverages sold for consumption-on-the-premises to any public streets, public or semipublic parking lot, sidewalks or rights-of-way within the city. This prohibition shall not apply to the sale of alcoholic beverages to patrons of a sidewalk café, if such establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and ordinances in the City of Statesboro.
 - (2) Special event permit for bona-fide non-profit, tax-exempt civic organization. Upon the filing of an application as required by the city clerk and payment of a fee is established by the mayor and city council by a bona-fide non-profit, tax-exempt civic organization, the city clerk may issue a special permit authorizing the organization pursuant to subsection (e) below to sell alcoholic beverages for consumption only on the premises for a period not to exceed one day, subject to provisions of this chapter regulating the time for selling such beverages.
 - a. No more than six permits may be issued to an organization in any one calendar year pursuant to this paragraph.
 - b. Permits issued pursuant to this subsection shall be valid only for the place specified in the permit. No permit may be issued unless the sale of distilled spirits, wine, or malt beverages is lawful in the place for which the permit is issued. The zoning restrictions and distance restrictions contained in section 6-5(o) shall not apply.
 - c. Proof of such non-profit, tax-exempt status, such as a determination from the Internal Revenue Service that the organization is exempt under Section 501-C of the Internal Revenue Code must be provided.
 - (3) Temporary special event ~~license~~ **permit**
 - a. A temporary ~~license~~ **permit to sell alcoholic beverages** may be issued to any licensee holding a valid city issued catered event alcoholic beverage license for a period not to exceed three days for an approved special event. The licensed caterer must make complete application and pay all required application fees to the city clerk or his/her designee at least 45 days prior to the start date of the proposed event and shall be

required to comply with all the general ordinances and regulations for on-premises consumption. The applicant seeking a temporary license must also obtain a state-issued temporary special event permit.

- b. The special event must meet the following criterion prior to the issuance of a license to sell alcoholic beverages:
 - 1. The special event must receive approval from the chief of SPD or his/her designee regarding crowd control, traffic control, and security measures.
 - 2. The location at which the special event is to take place must be properly zoned and approved by the code enforcement officer.
 - 3. The application must be presented to mayor and council and approved at a regularly scheduled meeting of the Statesboro City Council.
- c. Every employee or volunteer of the special event licensee working the special event in any position dispensing, selling, serving, taking orders for, or mixing alcoholic beverages shall be required to possess valid server certification pursuant to section 6-10.
- d. The code enforcement officer or the chief of SPD or his/her designee may immediately revoke any temporary license for a special event if it is determined continued alcohol sales may endanger the health, welfare, or safety of the public.
- e. As a condition on the issuance of a temporary special event license, the licensee shall indemnify and hold the city harmless from any and all claims, demands, or causes of action which may arise from activities associated with the special event.
- f. **An application fee as set out in the adopted Rates and Fees Schedule shall be required, as well as any applications and/or fees required under City Ord 70-61 and 6-17.**

(e) *Requirements for caterers.*

- (1) It shall be unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function or to any location not licensed hereunder without first having obtained a caterer's license and catered event permit as provided herein.
- (2) A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage which is authorized by his alcoholic beverage license.
- (3) *Sunday sales.* An alcoholic beverage caterer wishing to cater an event or function on Sunday must possess a valid Sunday sales license and comply with the requirements of this ordinance and state law with respect to the service of alcoholic beverages on Sunday.

- (f) *Rental of licensed premises for private functions.* On Premises licensees are permitted to rent the licensed premises for private functions which have been scheduled in advance; provided that the licensee, its agents, managers, and employees, shall retain complete control over the licensed premises and over selling, serving, or furnishing alcoholic beverages during the private function to the same extent required as if the function were open to the public. Nothing in this paragraph shall be deemed to waive any provisions of this chapter or state law governing the sale of alcoholic beverages on the licensed premises. The licensed premises shall remain open to all agents of the state and the city for law enforcement and inspection purposes during such private functions. No doors to the licensed premises shall be locked preventing egress or ingress during such functions. Nothing in this paragraph shall be deemed to waive the prohibition governing selling, furnishing, or delivering alcoholic beverages to underage persons by any other person within the licensed premises.

(Ord. No. 2016-03, § 1, 3-15-16; Ord. No. 2017-08, 6-20-17; Ord. No. 2017-11, 9-19-17; Ord. No. 2018-05, 7-17-18)

Sec. 6-9. - Minors and persons under 21 years of age.

In addition to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1, 3-3-24, and 3-3-24.1 as amended, which are hereby incorporated by reference herein, the following guidelines for On Premises license types shall apply:

- (a) Bars: No persons under 21 are allowed to enter, remain, or be employed except for third-party outside vendors or other non-staff individuals who are on the premises for a limited duration and are being compensated to perform a specific task on the premises but are not regularly on the premises nor are on the premises to patronize the Bar. Examples of such individuals include, but are not limited to, the following: construction workers, couriers, deliverymen, and handymen and repairmen.
- (b) Bars with Kitchens: The prohibitions set forth in 6-9(a) shall apply unless licensee possesses an Underage Permit as stipulated in 6-4-(e), proper notice under referenced subsection has been made, and the kitchen is open serving a full or substantial menu of premises prepared meals. At such times, and in compliance with O.C.G.A. 3.3.24.1, the restriction in 6-9 (a) shall not apply if a minor between 18 years and 20 years of age enters a Bar with Kitchen in order to attend a bona fide Live Musical Concert or Live Performing Arts Presentation for which the minor has purchased a ticket. Tickets for such events may not be made available or sold at the premises at any time less than two hours prior to noticed start of event. During such events door personnel must use an ID Scanner to verify the age of each patron, regardless of age, and must place wristbands on patrons 21 years or older. Alcoholic Beverages served to non-minor patrons must be in a plastic, colored cup when Underage Permit is operative.
- (c) Event Venues: No age restrictions during permitted hours of operation.
- (d) Low Volume Licensees: No age restrictions shall apply.
- (e) Pubs: No one under 18 shall be allowed in or to remain on premises after 10 pm without a parent or guardian. No one under 21 years of age shall be allowed to enter or remain on premises after the kitchen has stopped serving. Pubs may allow patrons over 18 years of age to enter and remain during live music concerts that continue past 10 PM if the kitchen remains open offering the full or substantial menu during that time. At no time shall patrons under 21 be allowed to sit at alcohol dispensing station (bar) unless accompanied by parent or guardian. There shall be no set time for a Pub owner to close the kitchen nor does the closing time need to be consistent on a daily basis.
- (f) Restaurants: At no time shall patrons under 21 be allowed to sit at alcohol dispensing station (bar) unless accompanied by parent or guardian. No other age restrictions shall apply.

(Ord. No. 2016-03, § 1, 3-15-16; Ord. No. 2018-06, 8-21-18)

Sec. 6-10. - Employment regulations for On Premises licensees.

- (a) Every on premises licensee shall require all persons employed as managers, servers, bartenders, or bouncers, or any other employee, agent or subcontractor with the responsibility for handling, serving, mixing, dispensing alcoholic beverages, verifying the age of patrons, or providing security within or on the curtilage the licensed establishment to complete a training for intervention procedures alcohol course, or other similar training approved by mayor and city council within 30 days of employment, and maintain a valid certification of completion for training for intervention procedures alcohol course, or other similar training approved by mayor and city council throughout the term of employment for the licensee.
- (b) Every on premises licensee shall maintain on the premises evidence of valid certification of completion for training for intervention procedures alcohol course, or other similar training approved by mayor and city council for each employee encompassed by this section. To each certification shall be attached a copy of a government-issued photo identification for the subject employee. The certification/photo identification packages shall be readily available for inspection upon the request of any Statesboro Police Department officer, city code enforcement officer, or the city manager or his designee.

- (c) It shall be unlawful for any person within the city to work as bouncer, either as an employee, agent, or subcontractor, in an establishment that is licensed to sell alcoholic beverages for on-premises consumption without obtaining and maintaining a valid and appropriate alcoholic beverage security permit issued by the city pursuant to the rules and regulations that govern the administration of this chapter.
- (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 licensee. 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 or his designee.
- (e) Alcoholic beverage security permits shall be subject to suspension, revocation, or non-renewal pursuant to the rules and regulations that govern the administration of the chapter.

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-11. - Conduct of hearings generally.

- (a) In conducting any hearing provided for in this chapter, or in the rules and regulations that govern this chapter, the mayor and city council, or the city official responsible for conducting the hearing, shall have the authority to hear evidence and subpoena witnesses and shall conduct the hearing in accordance with the requirements of due process as required by the United States Constitution and the Constitution of the State of Georgia and provide, at a minimum, that at the hearing the applicant may be represented by counsel, may offer testimony by witnesses or any other evidence and may cross-examine any opposing witnesses or evidence. Any and all evidence relevant to the matter without regard to evidentiary rules regarding hearsay, or strict compliance with the Georgia Rules of Evidence as codified in Title 24 of the Official Code of Georgia may be considered.
- (b) All parties to a hearing may compel the attendance of witnesses and/or the production of documents by subpoena issued by the city clerk.
- (c) A subpoena may be served by any sworn peace officer, sheriff, by his or her deputy, or by any other person not less than 18 years of age. Proof may be shown by return or certificate endorsed on a copy of the subpoena. Subpoenas may also be served by registered or certified mail or statutory overnight delivery, and the return receipt shall constitute prima-facie proof of service. Service upon a party may be made by serving his or her counsel of record.
- (d) Failure to respond to such a subpoena shall be a violation of this chapter, and subject the offending party to the punishments allowed under section 5-3 of the Charter of the City of Statesboro, after hearing before the judge of municipal court.
- (e) The city clerk, or her designee, shall keep minutes of the hearing and shall keep records of examinations and other official actions, which shall be of public record. The record shall be an account of the proceedings, including a listing of all documents considered, a summary of testimony presented, and any rulings upon motions or objections raised. The applicant or any other party may have presented an official court reporter, certified in the State of Georgia, at his or her expense to record the proceedings. In the absence of an official court reporter, the minutes of the city clerk shall be the written record of the hearing.
- (f) Appeal of any final decision shall be by petition for certiorari to the Superior Court of Bulloch County.

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-12. - Duties of city clerk upon application; right to deny license; right to appeal denial.

- (a) Upon submission of a full and complete application and supporting documentation to the city clerk, the city clerk shall have 30 days to complete an investigation of the application and supporting documentation.
- (b) If the city clerk upon review and investigation finds that the applicant is not prohibited from obtaining a license, the city clerk shall set the matter down for a public hearing before the mayor and city council as provided in section 6-13 of this chapter.
- (c) If the city clerk upon review and investigation finds that the applicant is not prohibited from obtaining a license, the city clerk shall have authority to grant the licensee a provisional alcohol license. The provisional alcohol license shall only be used by the licensee to begin the application process with Georgia Department of Revenue for their state alcohol license. The provisional alcohol license shall not allow the licensee to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages as defined by Georgia law within the corporate limits of the city. The privilege to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages as defined by Georgia law within the corporate limits of the city shall only be granted to the licensee upon approval by the mayor and city council pursuant to below section 6-13.
- (d) If the city clerk upon review and investigation finds that the applicant has not met all requirements to obtain a license, the city clerk shall deny the license; shall furnish the applicant in writing the reasons for the denial of the grant of the license, and inform the applicant of the right of appeal provided for below.
- (e) If the city clerk denies the license, the applicant shall have 30 days to file a notice of appeal.
- (f) Failure to file an appeal of a denial of a license shall render the city clerk's decision final.
- (g) Upon filing of a notice of appeal the city clerk shall place the matter on the agenda for hearing at a regularly scheduled city council meeting that occurs no later than 30 days from the filing of the notice of appeal.
- (h) Pursuant to O.C.G.A. § 3-3-2(b) the mayor and city council does not have the authority to grant a license to an applicant who does not meet the requirements provided for in this chapter.
- (i) The mayor and city council shall have authority to reverse the decision of the city clerk and grant the relief to the applicant only upon showing by clear and convincing evidence that the city clerk's decision that the applicant failed to meet the minimum requirements for a license was clearly erroneous.
- (j) Within 60 days of hearing the aforesaid appeal, the mayor and city council shall rule upon the appeal and shall state upon the record in a regularly scheduled city council meeting or by written order the reasons for said ruling.

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-13. - Approval by mayor and city council; public hearing.

- (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.
- (b) At least seven days prior to the date of the public hearing a sign shall be erected on the location for which the application is made in a conspicuous place which may be observed by pedestrian and motor vehicle traffic passing by such location and shall not be removed by the applicant prior to the conclusion of such public hearing. The sign shall specify the nature of the license being requested, that the application applies to the premises where the sign is posted, that a public hearing is scheduled to be conducted in the chambers of the mayor and city council, on the second floor at City Hall, at a designated time and date.

- (c) In determining whether any alcoholic beverage license applied for shall be granted, transferred, or issued to a new owner, entity or location the mayor and city council shall, in the interest of public safety and welfare, hear evidence at the public hearing relevant to the following:
- (1) *Reputation.* The reputation, character, trade and business associations, and past business ventures of the applicant, owner, designated manager or any other person associated with the business.
 - (2) *Previous violations of alcoholic beverage laws.* If the applicant, owner, designated manager and any other person associated with the business is a previous holder of a license to sell alcoholic beverages, whether the applicant, owner, designated manager or any other person associated with the business has violated any law, regulation, or ordinance relating to such business.
 - (3) *Manner of conducting prior alcoholic beverage business.* If the applicant, owner, designated manager or any other person associated with the business is a current or previous holder of a license to dispense alcoholic beverages, the manner in which the applicant, owner, designated manager and any other person associated with the business conducted the prior business, especially as to the necessity of unusual police observation and inspection in order to prevent the violation of any law, regulation, or ordinance relating to such business.
 - (4) *Location.* The location for which the license is sought, as to traffic congestion, general character of the neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values.
 - (5) *Number of licenses in trading area.* The number of licenses already granted for similar businesses in the trading area of the place for which the license is sought.
 - (6) *Previous revocation of license.* If the applicant, owner, designated manager or any other person associated with the business is a current or previous holder of a license to dispense alcoholic beverages license issued under the police powers of any governing authority, and has had corrective action taken against said license including, but not limited to, suspension or revocation.
 - (7) *Previous denial or revocation for location.* The denial of an application or the revocation of a license which was based on the qualifications of the proposed location.
 - (8) *Prior incidents at location.* Evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location during any 12-month period in which the location was licensed to sell alcohol.
 - (9) The applicant, owner, designated manager or any other person associated with the business is not compliant with all matters bearing upon the conduct of any business venture within the city, including but not limited to zoning, permitting, taxes, code compliance, licensing and fees;
 - (10) Evidence that the type and number of schools, colleges, religious institutions, libraries, public recreation areas or other circumstances in the vicinity of the premises cause minors or those under 21 years of age to frequent the immediate area even though in compliance with the minimum proximity requirements provided in this chapter and in state law.
- (d) In considering the application, the mayor and city council may impose conditions on the exercise of the privilege granted by the license, to the extent necessary, to minimize any adverse effects the proposed licensed premises may have on public safety and welfare if, after considering all of the evidence, the mayor and city council decides such conditions can reduce such adverse impacts on public safety and welfare to an acceptable and reasonable level. Violations of such conditions shall be a violation of this chapter and the terms of the license.
- (e) If the application is denied or conditions are placed on the license, the mayor and city council shall cause a written opinion to be prepared and approved by mayor and city council showing the reason or reasons for the denial of the license or placement of conditions on the license. Upon adoption by the mayor and city council the opinion shall be the final decision of the mayor and city council. The city clerk who shall notify the applicant of the final decision of the mayor and city council within five

days of the adoption of the final decision by the mayor and city council. In the absence of a formal written opinion, the minutes from the meeting shall constitute the written opinion.

- (f) Appeal of the final decision of the mayor and city council shall be by petition for certiorari to the Superior Court of Bulloch County.
- (g) The city clerk may approve all applications for renewal of an existing license upon payment of all charges due, and the renewal application shows no change of ownership or location. If there has been a change of ownership or location the application must be approved by mayor and city council.

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-14. - Order required; disorderly conduct prohibited.

- (a) *Order required within establishment.* Owners, managers, and employees of a licensed business shall be responsible for keeping an orderly place and shall not permit any employee, patron, or other person to cause a disturbance or engage in unlawful, loud, boisterous, lewd, or obscene conduct or practice within the establishment.
- (b) *Order required outside establishment.* The owner and manager of any alcoholic beverage establishment shall be responsible for monitoring parking lots and the curtilage around the establishment and prohibiting patrons and other persons associated with the establishment from standing, sitting, mingling, or assembling outside the licensed premises in a manner which causes or contributes to disturbances and/or illegal acts.
- (c) *Disorderly conduct while intoxicated prohibited.* It shall be unlawful for any person within the corporate limits of the city, while intoxicated by alcohol or other drugs on the sidewalks, parks, squares, streets, public buildings, other public places, or in the curtilage of any private residence not his own other than by invitation of the owner or lawful occupant, to be disorderly which condition is made manifest by boisterousness, by indecent condition or act, by vulgar, profane, loud or unbecoming language, or by acting in such a way as to endanger his or her life or safety or that of any other person or persons.

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-15. - Dive defined; prohibited; penalty for violation.

- (a) *Term defined.* As used in this section, the term "dive" shall mean any place or establishment where illegal drugs are found, possessed, kept or sold; or where any person possesses or consumes any illegal or unlicensed alcoholic beverage or possesses or uses any illegal drug; or where any person commits any illegal sexual act; or where any person engages in gambling activities.
- (b) *Prohibition.* It shall be unlawful for any person or organization or group of persons to have, operate or maintain any place or establishment defined as a dive.

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-16. - Alcohol promotions; pricing of alcoholic beverages.

- (a) Unless otherwise stated, this section shall be construed to cover, include, and apply to every type of alcoholic beverage licensed to be sold in the city.
- (b) It shall be unlawful for any licensee or employee or agent of such licensee to engage in or allow any of the following practices in connection with the sale, service, or other disposition of alcoholic beverages:

- (1) Offer or deliver any free alcoholic beverage to the general public. This subsection shall not apply to events conducted in accordance with a special or catered event permit granted pursuant to this chapter or to samples of beer offered in conjunction with the sale of growlers as provided for in section 6-8(b).
 - (2) Sell, offer to sell, or deliver any alcoholic beverage for on-premises consumption at a price less than \$1.50 or less than wholesale cost.
 - (3) Base pricing of alcoholic beverages in any manner on gender, race, creed, color, or national origin.
 - (4) Sponsor, conduct, encourage or allow on the licensed premises any game or contest or promotion which either:
 - a. Involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize; or
 - b. Has as its primary purpose increasing the consumption of alcoholic beverages on the premises.
 - (5) Sell, offer to sell, or give away any coupons, tokens, tickets, receipts or other devices authorizing the serving of any alcoholic beverage drinks either on the current or a subsequent day.
 - (6) Sell, offer to serve, or deliver any alcoholic beverage to be inserted into the mouth of a customer in any manner by anyone other than by the customer.
 - (7) Charge any minimum charge, cover charge, admission charge, or any other non-food or non-alcoholic beverage charge based on gender, race, creed, color, or national origin
- (c) There shall be no advertisement or promotion in any way, whether within or without the licensed premises, of any of the practices prohibited under this section.
- (d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time; provided all patrons or customers are allowed equal access to such free food or entertainment, or to prohibit licensees from including an alcoholic beverage as a part of a meal package, or to prohibit the sale or delivery of wine by bottle or carafe when sold with meals or to more than one person, or to prohibit any hotel or motel from offering room service to registered guests.
- (e) This section shall not limit or expand any privilege granted by the Commissioner of the Georgia Department of Revenue to a brewer licensed to manufacture malt beverages authorizing said brewer to conduct educational and promotional brewery tours pursuant to O.C.G.A. § 3-5-38.

(Ord. No. 2016-03, § 1, 3-15-16; Ord. No. 2017-12, 9-5-17)

Sec. 6-17. - Open containers; sales and service in public areas.

- (a) *"Open container" defined.* The term "open container", as used in this chapter, means any bottle, can, glass, cup or other vessel which contains an alcoholic beverage not in its original container. The term "open container" shall also mean the original container of an alcoholic beverage and which contains an alcoholic beverage on which the seal has been broken or which is otherwise ready for consumption.
- (b) *"Semipublic parking facility" defined.* The term "semipublic parking facility" shall include any privately owned area wherein motor vehicles may be parked by the public in conjunction with any business, enterprise, commercial establishment, office building, church, school, or multiple-family residential building.
- (c) *Possession of open container prohibited.* Unless otherwise provided for by this chapter, it shall be unlawful for any person to have in his or her possession any alcoholic beverages in any open

container while on the public streets, sidewalks, alleyways or rights-of-way, or in any public or semipublic parking facility including areas of ingress and egress.

(d) *Exemptions to open container prohibition.*

(1) Any person shall have standing to request, and only the mayor and city council shall have authority to grant exemptions from the prohibitions contained in subsection 6-17(c) for events occurring in the city. Any exemption shall be by resolution and clearly define the date, time and boundary area for such an exemption, and shall include any and all terms conditions deemed appropriate by the mayor and city council to maintain public safety and welfare.

(2) An application for an exemption to the open container prohibition shall be filed at least 20 days prior to the event on a form prescribed by the city clerk. The application shall be reviewed by the city manager, or his designee, who shall consult with appropriate departments heads to determine the cost of the proposed exemption on city services. The city manager shall calculate this cost and report same to the mayor and city council. The mayor and city council shall, by motion, make a finding as to the cost of the proposed exemption on city services.

(3) If the mayor and city council approve an exemption to the open container prohibition as provided in this section, a condition precedent to the city clerk issuing a permit for this exemption shall be the payment to the city of the cost of the proposed exemption on city services.

(4) Any exemption granted pursuant to this subsection shall only constitute an exemption from the open container restrictions contained in this chapter. Any exemption granted pursuant to this subsection shall not be construed to permit any activity or conduct that is inconsistent with the other provisions contained this chapter, or any other provisions of state, federal or local law that may otherwise apply to the applicant or licensee.

(e) *Application to property owned by board of regents.* This prohibition shall not apply to any property owned by the Board of Regents of the State of Georgia.

(f) *Application to sidewalk cafes.* The prohibition in subsection (c) above shall not apply to patrons of a sidewalk café located in downtown development authority district, if such establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and ordinances in the city.

(g) *Possession in automobiles prohibited.* See O.C.G.A. § 40-6-253.

(h) *Posting of notice by establishments.* All licensed alcohol establishments are hereby required to post in a conspicuous location inside such establishment a notice informing patrons that open containers are prohibited on the public streets, sidewalks or rights-of-way, or in any public or semipublic parking facility within the city.

(i) It shall be unlawful to furnish or dispense alcoholic beverages through kegs, barrels, cylinders or other portable receptacles containing tap or pump-type devices in which the flow of contents is controlled by the operator in a public place and facility, public streets, sidewalks, alleyways or rights-of-way, or in any public or semipublic parking facility including areas of ingress and egress. When receptacles are found in violation of this section and the person maintaining the receptacle cannot be identified, the receptacle shall be confiscated and held for 30 days by the city police. The receptacle may be claimed by the owner or lessor, but will be disposed of at the end of 30 days if unclaimed. Nothing in this section shall prohibit persons holding licenses pursuant to this chapter from dispensing through kegs, barrels, cylinders or other such receptacles inside an appropriately licensed premises.

(j) *Application to Downtown Statesboro Development Authority events:* This prohibition shall not apply to any event approved by DSDA Board of Directors, officially sanctioned by the DSDA, and held in a predetermined area agreed to by DSDA and SPD. The DSDA Executive Director shall give notice of time and duration of such event to Chief of SPD, Chief of SFD, and City Clerk not less than ten (10) days prior to event. DSDA will be exempt from the cost requirements set out in subsection (d)(2).

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-18. - Furnishing alcoholic beverages in violation of state law.

It shall be unlawful for any licensee, by himself or through another, to obtain, furnish or cause to be obtained or furnished, or permit any other person in his employ to obtain or furnish, distilled spirits, wines, malt beverages, or any other alcoholic beverages in a manner that is a violation of state law.

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-19. - Compliance; violations; penalties.

(a) *Violations; penalties.*

- (1) It shall be unlawful for any person to violate any provision of this chapter. Upon conviction for the violation thereof each person shall be subject to the punishments allowed under section 5-3 of the Charter of the City of Statesboro, after hearing before the judge of municipal court.
- (2) Unless otherwise provided in the schedule of fines and fees, the minimum fine for a first conviction for violating any provisions of this chapter in the last five years, as measured from the date of previous offense to the date of the current offense, shall not be less than \$300.00 per citation.
- (3) Unless otherwise provided in the schedule of fines and fees, the minimum fine for a second or subsequent convictions for violating any provisions of this chapter in the last five years, as measured from the date of previous offense to the date of the current offense, shall not be less than \$725.00 per citation.

(b) *Duty of municipal court clerk; duty of city clerk.*

- (1) Upon filing of any citation(s), accusation(s) or warrant(s) in the Municipal Court of Statesboro that alleges a violation of this chapter by a licensee, or an employee, agent or representative of a licensee, the clerk of the municipal court shall forward copies of the citation(s), accusation(s), or warrant(s) to the city clerk, and to the special agent in charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the Georgia Department of Revenue as required by O.C.G.A. §3-3-2.1.
- (2) Upon conviction of a licensee or an employee, agent or representative of a licensee, of any provision of this chapter or paragraph (1) of subsection (a) of Code section 3-3-23, prohibiting the furnishing of alcoholic beverages to underage persons, the clerk of the municipal court shall forward certified copies of the conviction to the special agent in charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the Georgia Department of Revenue as required by O.C.G.A. §3-3-2.1. The term "conviction" as used in this paragraph shall include a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere.
- (3) Upon receipt of copies of any accusation(s), citation(s) or warrant(s) from the clerk of the municipal court alleging a violation of this chapter by a licensee, or an employee, agent or representative of a licensee the city clerk shall notify the mayor, the city manager, the city attorney and the chief of police.

(c) *Probation, suspension, revocation of license; administrative hearing, administrative hearing fee.*

- (1) An administrative judge nominated by the city manager and approved by mayor and city council shall have exclusive jurisdiction over any action brought against any licensee holding a license issued pursuant to this chapter seeking to revoke, suspend or place the licensee on probation. Said action may be brought by the city solicitor, the city manager, or the police chief, or their respective designees.

- (2) The administrative judge may suspend, revoke or impose terms and conditions of probation on the licensee, or any combination of suspension and terms and conditions of probation for one or more of the following reasons:
 - a. The violation by the licensee, or licensee's employees or agents of any state or federal law or regulation or any provision of this chapter or other ordinance of the city, at any time adopted, relating to the sale, use, possession, or distribution of alcoholic beverages.
 - b. The violation by the licensee, or licensee's employees or agents of any federal or state law or of any local ordinance of the city which is related to building codes, fire codes, smoking, excise tax, property tax, health, solid waste disposal, illegal gambling, or controlled substances.
 - c. The operation of the licensee's business in such a manner as to constitute a threat to public safety, welfare or health or in such a manner as to constitute a nuisance, or the operation of a licensed business where violations of federal, state, or local laws or ordinances frequently or regularly occur.
 - d. The making of any untrue or misleading statement in the application for a license or any renewal thereof or the omission from such application or renewal of any information required in the application.
 - e. Permitting any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal or state law or of any local ordinance of the city, which is related to building codes, fire codes, smoking, excise tax, property tax, health, solid waste disposal, illegal gambling, alcohol, or other controlled substances.
- (5) Any person holding any license issued pursuant to this chapter or any employee, agent, or representative of a licensee who violates any provision of this chapter while acting within the scope of their employment, agency, or representation of the licenses, or directs, consents to, permits, or acquiesces in such violation either directly or indirectly shall, by such conduct, subject the license to suspension, revocation or probation upon conditions.
- (6) For purposes of administrative action against a licensee, any act committed by an employee, agent or representative of a licensee in their capacity as an employee, agent or representative of the licensee that violates any provision of this chapter shall be deemed to be an act of the licensee.
- (7) In order to take administrative action against a licensee, a hearing before the administrative judge shall be held on a date and time certain which shall be reflected on the summons of administrative hearing issued by the city clerk or any other person specifically authorized by this chapter or other law to issue such summons to appear before the administrative judge. The summons of administrative hearing shall contain a place, date and time certain of the administrative hearing and shall be served on responding party more than five days before any scheduled hearing.
- (8) The notice of administrative hearing shall be served by certified mail return/receipt requested; or by leaving a copy thereof at the licensed business location with an employee working therein, or by personal service on the responding party, or on an agent authorized by law or by appointment to receive service of process. Said notice shall also be sent by regular mail to the agent set out on the license or listed on the license application. The city clerk shall also forward a copy of this notice to the special agent in charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the Georgia Department of Revenue.
- (9) The evidentiary standard for an action against a licensee is preponderance of the evidence.
- (10) In considering the term of suspension, whether to permanently revoke the license or whether to impose terms and conditions of probation on the license, the administrative judge shall consider the following factors:
 - a. The gravity of the violation;

- b. Any previous violations within the past three-year period as measured from the date of previous offense to the date of the current offense;
 - c. Actions of the licensee, its employees, subcontractors or agents in connection with the violation.
- (11) The administrative judge may promulgate any rules of procedure for the administrative hearing not in conflict with this ordinance or other law.
- (12) If action is taken against the licensee the administrative judge shall cause a written opinion to be prepared showing the reason or reasons for the revocation, suspension or probation of the license. The written opinion can be the minutes of the hearing kept by the city clerk showing the evidence considered and the ruling issued. Upon finding by the administrative judge the opinion shall be the final decision. The city clerk shall notify the applicant of the final decision within five days of the adoption of the final decision. Pursuant to O.C.G.A. § 3-3-2.1 the city clerk shall forward a copy of this final decision to the special agent in charge of the Savannah Regional Office of the Alcohol and Tobacco Division of the Georgia Department of Revenue.
- (13) Appeal of a final decision which imposes a license suspension shall be in the form of a written appeal stating the reason(s) why the licensee disagrees with the decision of the administrative judge. The administrative judge may make a written response to said appeal. Mayor and council shall make a determination on whether or not to alter the final decision by either increasing or lessening the sanctions based solely on review of the original written decision, licensee's written appeal, and any appeal response by the administrative judge. No oral argument or evidentiary hearing shall be allowed or considered by mayor and council. Any further appeal from the determination of mayor and council shall be by petition for certiorari to the Superior Court of Bulloch County.
- (d) *Temporary suspension by city manager permitted.* Notwithstanding the foregoing, and upon determining it is in the interest of public safety the city manager, upon a written recommendation of the police chief, or acting head of the police department, and approval of the mayor, may temporarily suspend any license provided for in this chapter pending an administrative hearing and action in accordance with this chapter. The city manager shall issue a written administrative order stating the reasons for the temporary suspension. If a license is temporarily suspended by the city manager, the mayor shall call a special administrative hearing pursuant to this chapter as soon as practically possible, but no later than ten days from the day the license is temporarily suspended.
- (e) *Suspension for failure to maintain insurance.* Upon notice of insurance cancellation received pursuant to section 6-9(d)(4), the city clerk shall immediately suspend any license(s) acquired under said policy. License(s) shall be reinstated upon receipt of proof that required insurance has been renewed in compliance with aforementioned subsection. Should licensee's insurance be cancelled two times in any 12-month period license(s) shall be revoked with new application required.

(Ord. No. 2016-03, § 1, 3-15-16; Ord. No. 2017-03, 2-7-17; Ord. No. 2017-07, 3-7-17; Ord. No. 2018-02, 7-17-18)

Sec. 6-20. - Excise tax on distilled spirits sold by the drink.

- (a) There is imposed upon the sale of any drink containing distilled spirits sold by the drink for consumption on the premises in the city a tax in the amount of three percent of the purchase price of the mixed drink containing distilled spirits to the consumer. Each licensee shall be allowed a deduction of three percent of the amount of taxes collected as reimbursement for collection of such taxes; provided that such tax is not delinquent at the time of payment. A record of each sale will be made in writing and maintained for inspection by any authorized agent of the city.
- (b) Every consumption-on-the-premises licensee shall collect the tax imposed by this chapter from purchasers of any drink containing distilled spirits sold by the drink. The licensee shall furnish such information as may be required by the city clerk to facilitate the collection of the tax. In all cases

where the purchase is by deferred payment or credit, the licensee becomes liable for the collection and payment of the tax at the time of delivery of the drink containing distilled spirits sold by the drink.

- (c) On or before January 20th, April 20th, July 20th and October 20th of each calendar year, licensees shall be required to file with the city clerk an excise tax report showing the licensee's gross receipts from the sale of drinks containing distilled spirits; the amount of taxes collected or coming due thereon for the previous three months, and shall pay over the amount due of taxes collected under this chapter to the city at the same time the excise tax report is filed.

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-21. - Excise tax on the wholesale of malt beverages, wine, and distilled spirits.

- (a) There is imposed by the city an excise tax on the first sale or use of malt beverages in the city, as follows:
 - (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons;
 - (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (b) There is imposed by the city an excise tax on the first sale or use of wine in the city at a rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (c) There is imposed by the city an excise tax on the first sale or use of distilled spirits in the city at the rate of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (d) The excise taxes provided for in this section shall be imposed upon and paid by the licensed wholesale dealer. Such taxes shall be paid on or before the 20th day of the month following the month in which the alcoholic beverages are sold or disposed of by the wholesaler within the city.

(Ord. No. 2016-03, § 1, 3-15-16)

Sec. 6-22. - Adoption of rules and regulations for the administration of this chapter.

- (a) The mayor and city council may adopt any rules and regulations for the administration of the chapter not in conflict with this chapter or other law.
- (b) The rules and regulations adopted by the mayor and city council for the administration of the chapter shall be kept on file with the city clerk for review by the public during the regular business hours of City Hall.
- (c) A copy of these rules and regulations shall be furnished to each licensee upon the grant of an alcohol license.
- (d) The mayor and city council may, from time to time, amend these rules and regulations.
- (e) Violation of any rule or regulations adopted by the mayor and city council shall constitute a violation of this chapter.

(Ord. No. 2016-03, § 1, 3-15-16)

Agenda Item 16

CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5

Jonathan McCollar, Mayor
Charles Penny, City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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

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

From: Jeff McCarty, Solid Waste Collection Superintendent

Date: August 29, 2019

RE: Bid Award – 2020-06 Wheel Loader Solid Tire and Rim Assembly - Solid Waste Disposal Division

Policy Issue: Purchasing Policy

Recommendation:

Staff recommends awarding the purchase of 4 new Solid Tires and Rim Assembly's to the low bidder, SETCO Sales Company, LLC. in the amount of \$24,180.00.

Background:

Sealed bids for the purchase of 4 Solid Tires and Rim Assembly's for the 938M Loader were received on August 27, 2019 as follows

Setco Sales Company, LLC. -	\$24,180.00
SOS Radial Tire Service -	\$27,242.52
Yancey Brothers -	\$30,000.00

The low bidder, Setco Sales Company, LLC., meets the requirements of the bid package.

The Solid Tires and Rim Assembly's, if approved, are funded in the FY 2019 Annual Budget Solid Waste Disposal Fund operating expenses.

Budget Impact:

Item was included in FY2020 Annual Budget.

Council Person and District:

N/A (citywide)

Attachments:

Bid Submittals

CC: Robert Seamans, Darren Prather

Agenda Item 17

CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5

Jonathan McCollar, Mayor
Charles Penny, City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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

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

From: Robert Seamans, Streets and Parks Superintendent

Date: September 06, 2019

RE: Front Loader Repair - Solid Waste Disposal Division

Policy Issue: Purchasing Policy

Recommendation:

Staff recommends approving Yancey Brothers Company of Statesboro, CAT Dealership to proceed with the repairs needed on the loader frame of the CAT 938M Front Loader used in the Transfer Station at the landfill. This is a sole source repair for the CAT Loader.

Background:

The initial estimate is \$34,081.00 for the needed repair. With the probability of other unseen damage, we would ask that this approval be allowed up to \$45,000 without having to come back to council for additional approval. This machine is inoperable at this time.

The Front Loader Repair, if approved, will be funded in the FY 2020 Annual Budget Solid Waste Disposal Fund operating expenses.

Budget Impact:

Reduce Maintenance Cost

Council Person and District:

N/A (citywide)

Attachments:

Repair Estimate

CC: Darren Prather



CITY OF STATESBORO
 PO BOX 348
 STATESBORO 30459-0348

CUSTOMER NO.	ESTIMATE NO.	DATE	CONTACT
803015	77405	9/3/2019	MR RONNIE LANE
PHONE NO.	FAX NO.	EMAIL	
912.864.0680		kim.skinner@statesboroga.gov	
MODEL	MAKE	SERIAL NO.	
938M QC	AA	0J3R01217	
UNIT NO.	HOURS	WO NO.	P.O. NO.
	9007		
ESTIMATE DESCRIPTION:			
REPLACE LOADER FRAME			

SEGMENT: 01 REMOVE & INSTALL LOADER FRAME (010 7054)

8 hrs.

LOADER FRAME DAMAGED.
 THIS QUOTE INCLUDES PARTS AND LABOR TO REPLACE THE
 FRAME WITH A NEW "TAKE OFF" FRAME . ZERO OR VERY
 LOW HRS ON COMPONENTS.

 EVERYTHING IS NEW CAT TAKE OFF.
 3874131/ ARM- \$19,300 NEW = \$35,184.33
 3874146/ LINK- \$1,000 NEW = \$1228.54
 3874150/ LEVER- \$6,300 NEW = \$9194.44
 FREIGHT- \$1,000 1 WEEK DELIVERY

DOES NOT INCLUDE NEW PINS, BEARINGS,SEALS TO BE
 DETERMINED AT TEAR DOWN.
 REPAIR QUOTED AS SHOP REPAIR.

Part Number	Description	Qty	Unit Price	Discount %	PartDiscount	Ext Price
4526011	CAT UTILITY GREASE	12	2.10	0.00	0.0000	25.20
2676536	TOWEL	1	7.80	0.00	0.0000	7.80
ZZZ	MISC	1	300.00	0.00	0.0000	300.00

Total Estimated Parts: 333.00

Item Number	Description	Qty	Unit Price	Discount %	Ext Price
FLD	TRAVEL LABOR AND TROUBLESHOOT	2	149.00	0.00	298.00
SHP	REMOVE AND INSTALL LOADER COMPONENTS	30	135.00	0.00	4,050.00
SHP	GRIND AND WELD LIFT CYLINDER PIN BOSS	10	135.00	0.00	1,350.00

Total Estimated Labor: 5,698.00

Item Number	Description	Qty	Unit Price	Discount %	Ext Price
387-4131	LOADER FRAME	1	19,300.00	0.00	19,300.00

387-4146	LINK	1	1,000.00	0.00	1,000.00
3874150	LEVER	1	6,300.00	0.00	6,300.00
FRT	FREIGHT	1	1,000.00	0.00	1,000.00
CALL OUT	FIELD TRUCK CALL OUT	1	200.00	0.00	200.00
ENVIRONMEN TAL	ENVIRONMENTAL	1	250.00	0.00	250.00
ESTIMATED					

Total Estimated Misc: 28,050.00
Segment 01 Total: 34,081.00

Total Segments: 34,081.00

SUB TOTAL (BEFORE TAXES) 34,081.00

- This estimate will expire 30 days from the estimate date.
 - Price excludes Freight Charges, Operating Supplies/EPA Fees and Overtime.
 - Terms: Net 30
 - Sales Taxes where applicable are not included with the above prices.
-

ESTIMATED REPAIR TIME: _____ *from start date*
"The signature is an authorization to proceed with the required repair work as described within the quote"

Issued PO#: _____ **Authorized Name:** _____ **Please Print**

Date: ____/____/____.

 Signature

Any questions? Please call Charley Courson at Office: 912-506-2367 Mobile: 912-506-2367 Fax: Branch:

Agenda Item 18

CITY OF STATESBORO

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



Jonathan McCollar, Mayor
Charles Penny, City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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

To: Mr. Charles Penny
City Manager

From: Steve Hotchkiss
Director of Public Utilities

Date: 9-9-2019

RE: Gas System Computer Modeling and Pressure Study

Policy Issue: Council Approval

Recommendation: Consideration of a motion to award a Professional Services Contract to Wood Engineering in the amount of \$40,000.00 to provide a computer model and pressure study for the Natural Gas System with funds approved in the 2020 CIP Budget item# NGD-86.

Background: The City's Natural Gas System has seen significant growth during the past several years, providing service to areas far outside the main system. The most recent extension was to serve the new Industrial Park at I16 which could require large quantities of gas and place high demands on the system. During last winter we saw fluctuation in our system pressure that we had never seen before, which gave us serious concerns about our ability to serve new large customers. In order to determine the overall capacity of the system we are recommending that we perform a comprehensive pressure modeling study of the system. This will allow us to determine how much capacity the system has and where improvements need to be made.

Georgia Municipal Association City of Excellence
Telephone: (912) 764-5468 • Fax: (912) 764-4691 • email: cityhall@statesboroga.net

CITY OF STATESBORO

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



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

We are proposing to award the contract to Wood Engineering as they have served as engineer of record for the Gas system for many years. They have engineered most of our system expansion, helped prepare our annual reports and have compiled large amounts of information on our system through the years.

Budget Impact: This project was approved as part of the City's Capital Improvement Program #NGD-86 and is funded by system revenue.

Council Person and District: All

Attachments: Wood Proposal for Natural Gas Engineering Services.



Wood Environment & Infrastructure Solutions, Inc.
2677 Buford Highway
Atlanta, GA 30324
USA
T 404-873-4761
www.woodplc.com

August 12, 2019

Mr. Steve Hotchkiss
City of Statesboro
P. O. Box 348
Statesboro, GA 30458

**Subject: Proposal for Natural Gas Engineering Services
Gas System Computer Modelling
Statesboro Georgia
Wood E&IS Project No. 6151-14-0086**

Dear Mr. Hotchkiss,

Wood Environment and Infrastructure Solutions, Inc. (Wood) is pleased to submit this proposal to the City of Statesboro (City) for providing Natural Gas System Engineering Services associated with the creation of a Gas System Computer Model. This proposal has been prepared based upon maps and other information provided to us by the City.

The City desires to create a computer model of its natural gas distribution system and subsequently evaluate system capacity and potential system improvements required to serve future peak day loads. Having been involved in the creation of several gas system computer models, we fully understand the scope of services that will be required to complete this project. Our staff is fully capable and prepared to not only create and calibrate a system model, but to also provide analysis of various scenarios, as needed, and requested by the City. The following sections present a summary of our understanding of the project, the scope of services, the fees and the authorization requirements.

GENERAL INFORMATION

The City's distribution system, which currently serves over 2,000 customers in Bullock and Candler counties, has one delivery point on Kinder Morgan's interstate pipelines. The original distribution system, which was constructed in 1956, included a 6-inch steel high-pressure distribution pipeline that runs from the delivery point to the City's border station and operates at approximately 400 psig. The City desires to create a computer model of its 400 psig and 32 psig distribution systems and subsequently evaluate system capacity and potential system improvements needed to serve future peak day and hourly loads.

SCOPE OF SERVICES

Wood's Atlanta office is fully staffed, fully capable, and ready to respond quickly and effectively to the needs of the City. We will create a gas system computer model that can be used to analyze existing, future and hypothetical conditions. The following sections describe our proposed tasks.

Task 1: Data Collection, Review and Analysis

Upon confirmation of our selection for this project, arrangements will be made for obtaining the City's GIS data. It is assumed that the GIS data will be in "shapefile" (SHP) file format, which contains geometric and attribute information. The data will be reviewed by our GIS specialists for completeness and connectivity. We are also expecting that the City will provide customers lists, which will include GPS coordinates for each active customer's meter and the addresses of all services, both active and inactive.



This will be followed by a kick-off conference call to review the project scope, the distribution system maps, the regulator stations list, customer lists with addresses and GPS coordinates, top 25 users list, available operational data, pressure recorders, and any known limitations associated with the Kinder Morgan delivery point. Recent developments or planned system improvements that may alter the development of the computer model will also be discussed. The existing GIS data and other system records will be analyzed so that any additional needed information can be requested, and a schedule can be set for moving forward with the creation of the computer model. After an analysis of the GIS and other system data provided and additional discussions, Wood will make a recommendation on the extent of the pipe network that will be modelled.

Task 2: GIS Reduction

Wood's GIS specialist will reduce the GIS files to include the 400-psig high-pressure system, the regulator stations, the 50-psig system and some of the 32-psig gas mains. Some of the small sub-systems that are downstream of individual regulator stations will be removed by our GIS technicians and replaced with a system load equivalent to the load of the customers being served by the regulator station. Therefore, some gas mains will not be part of the piping network that will be modelled.

Our GIS technicians will create GIS points for each active customer listed in the B-Flex file provided by the City. We assume that the GPS coordinates listed in the B-Flex file can be converted directly to an Excel file so that GIS points can be created to represent customer meters. Our GIS technicians will also reduce the number of system loads by combining customers that are near each other to create larger loads. By combining customers into larger loads, we estimate that the City's 2,000 customers will be reduced to approximately 200 loads.

Task 3: Create the Network of Pipes, Customer Nodes and System Loads

Wood will use GASWorkS computer software to create the system model from the reduced GIS. The reduced version of the system's GIS data will be imported into GASWorkS. The resultant network of pipes and nodes will be analyzed for correct pipe sizes and connectivity and corrections will be made. It is assumed that the pipe sizes will be automatically assigned to the individual pipes in the model. After conferring with the City regarding additional pipe and regulator station properties, component properties will be input into the computer model. The preliminary system model will be presented to the City for discussion and input. Wood will then make adjustments and finalize the network of pipes.

Task 4: Gas System Demands Loading

After the distribution system computer model is created and adjusted, a copy of the system model will be marked by the City to show the locations of the top 25 customers, with an emphasis on looking at the largest gas users. The City will provide estimated loads in MMBtu/hr. or MCF/hr. for each of the top 25 customers. Wood will meet with City representatives to develop an understanding of customer distribution and gas loads throughout the system.

The City will provide recent historical consumption data, current and estimated future peak-day requirements. The existing loads will be used in the computer model during system analysis. Wood will calculate the demands for each regulator station based upon customer quantities and input the loads into the model. Other known large top 25 customer loads that are fed directly from the high-pressure mains will also be input into the model at the correct locations. After all loads are input into the model, a peaking factor will be calculated so that total system demand is equal to actual peak-day flow into the system.

Task 5: Model Calibration

Actual system pressures and usage data provided by the City will be used to calibrate the model. Wood will evaluate system performance by running the model using various conditions, including average and peak demand conditions. We will prepare a gas system map showing critical nodes and points where the City has pressure gauges and/or charts along with forms for recording actual pressures and flow data. The City will use these forms to gather data for Wood, which will be critical to calibrating the system model.

The high-pressure distribution system performance will be checked using actual/existing flow into the system at the delivery point and, if possible, out of the system at regulator stations and large gas users, like industrial customers and hospitals. The



calibration process may require more than one meeting to discuss the results and to revise the system loads. We have included one meeting for this purpose. Additional meetings required to reach acceptable results would be on a time and material basis. We will discuss the calibrated model with the City and answer questions either in person or by conference call.

FEE AND SCHEDULE

Wood proposes to perform the services outlined herein on a time and materials basis in accordance with the existing fee schedule included in our current contract with the City, plus reimbursable expenses and direct non-salary expenses incurred in connection with such services. Reimbursable expenses and direct non-salary expenses will be billed to the City at actual cost plus ten (10%) percent. Vehicle expense will be computed by multiplying actual miles traveled times the prevailing government mileage rate plus ten percent.

This arrangement will allow some flexibility to the City in giving us direction on the scope of the analysis. Based upon preliminary information provided to date, the fee to the City for our services is anticipated to be \$40,000. We will not exceed this amount without prior authorization.

We will commence our efforts when the City confirms our understanding of this assignment and we receive written notice to proceed as described in the authorization section below.

AUTHORIZATION

Wood proposes to perform the services outlined herein in accordance with the terms and conditions of our existing Time-and-Materials Services Agreement dated April 1, 2014. To authorize us to proceed, please provide an executed copy of this proposal by signing in the space provided below. Please email a complete copy of the signed document to Bruce Bagnasco at bruce.bagnasco@woodplc.com to serve as our notice to proceed.

Wood appreciates the opportunity to be of service to the City of Statesboro. If you have any questions or require any additional information, please contact us at 404-817-0215.

Sincerely,
Wood Environment & Infrastructure Solutions, Inc.



Theodore H. Parks
GIS Manager



Bruce Bagnasco, P.E.
Director of Natural Gas Engineering

The City of Statesboro agrees to the terms of this proposal and to a \$40,000 increase of the budget contained in our existing Time-and-Materials Services Agreement, dated April 1, 2014 for the services proposed herein.

Approved By: _____

Date: _____

Name: _____

Title: _____



Agenda Item 19

CITY OF STATESBORO



COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5

Jonathan M. McCollar, Mayor
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

September 10, 2019

MEMO TO: Mr. Charles Penny, City Manager

FROM: Cindy S. West, Director of Finance *Csw*

RE: Budget Amendment

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

RESOLUTION #2019-31: A RESOLUTION TO ADOPT THE FIRST AMENDMENT TO THE FISCAL YEAR 2020 BUDGET FOR EACH FUND OF THE CITY OF STATESBORO, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES/EXPENSES, ADOPTING THE SEVERAL ITEMS OF REVENUE ANTICIPATIONS, AND PROHIBITING EXPENDITURES OR EXPENSES FROM EXCEEDING THE ACTUAL FUNDING APPROPRIATED

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

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

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

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

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

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

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

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

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

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

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

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

Adopted this 17th day of September, 2019.

CITY OF STATESBORO, GEORGIA

By: Jonathan M. McCollar, Mayor

Attest: Leah Harden, City Clerk

ATTACHMENT #1

FY 2020 FIRST BUDGET AMENDMENT

100 General Fund:

- No Changes.

Net effect on Fund is: None.

210 Confiscated Assets Fund:

- No Changes.

Net effect on Fund is: None.

221 CDBG Fund:

- No Changes.

Net effect on Fund is: None.

224 US Department of Justice Grant:

- No Changes.

Net effect on Fund is: None.

250 Multiple Grants Fund:

- No Changes.

Net effect on Fund is: None.

270 Statesboro Fire Service Fund:

- No Changes.

Net effect on Fund is: None.

275 Hotel/Motel Fund:

- No Changes.

Net effect on Fund is: None.

286 Technology Fee Fund:

- No Changes.

Net effect on Fund is: None.

323 2013 SPLOST Fund:

- Increase Expenditure for ENG-41 Downtown Parking lots by \$225,000. Carry forward project from FY2019.
- Increase Expenditure for ENG-44 West Grady St./South College Intersection by \$329,800. Carry forward project from FY2019.
- Increase Expenditure for ENG-115 South Main Street Streetscape Project by \$129,730. Carry forward project from FY2019.
- Increase Expenditures for ENG-116 Renovations to Facilities by \$50,280. Carry forward project from FY2019.
- Increase Expenditure for WWD-14P Upgrade Sewer – Mike Ann Drive by \$70,000. Carry forward project from FY2019.

- Increase Expenditure for WWD-32F Cawana/Burkhalter Road Area Water/Sewer Extensions by \$325,000. Carry forward project from FY2019.
- Increase Expenditure for SWD-13 Tractor Replacement by \$65,000. Carry forward project from FY2019.
- Increase Expenditure for SWD-14 Rotary Mower by \$25,000. Carry forward project from FY2019.

Net effect on Fund is: Decrease in Fund Balance of \$1,219,810.

324 2018 TSPLOST Fund:

- Increase Expenditure for ENG-120 Old Register Road to Akins Boulevard Extension by \$100,000. Carry forward project from FY2019.
- Increase Expenditure for ENG-122A HWY 24 Sidewalk from Lester Road to Packinghouse Road by \$30,000. Carry forward project from FY2019.
- Increase Expenditure for ENG-122C HWY 24 Sidewalk from Packinghouse Road to HWY 80 by \$30,000. Carry forward project from FY2019.
- Increase Expenditure for ENG-122D West Jones Avenue Sidewalk from South Main Street to Johnson Street by \$7,000. Carry forward project from FY2019.
- Increase Expenditure for ENG-122E Marvin Avenue Sidewalk from Herty Drive to Gentilly Road by \$8,765. Carry forward project from FY2019.
- Increase Expenditure for ENG-122F Edgewood Drive Sidewalk from Gentilly Road to Edgewood Park including Park Bridge by \$20,000. Carry forward project from FY2019.
- Increase Expenditure for ENG-122G Gentilly Road Sidewalk from East Jones Avenue to Savannah Avenue by \$20,000. Carry forward project from FY2019.
- Increase Expenditure for ENG-123C West Main Street/Johnson Street/MLK Dr. Intersection Improvement by \$100,000. Carry forward project from FY2019.
- Increase Expenditure for ENG-124A Stillwell Street Improvements (including South Zetterower Avenue intersection) by \$17,860. Carry forward project from FY2019.
- Increase Expenditure for ENG-124C West Main Street (College Street, MLK Dr) Drainage Improvements by \$50,000. Carry forward project from FY2019.
- Increase Expenditure for ENG-128 Resurfacing and Road Rehabilitation by \$768,045. Carry forward project from FY2019.
- Increase Expenditure for ENG-134A Transit Feasibility Study by \$20,935. Carry forward project from FY2019.

Net effect on Fund is: Decrease in Fund Balance of \$1,172,605.

350 Capital Improvements Program Fund:

- Increase Expenditure for STS-80 Landscape Truck by \$40,000. Carry forward project from FY 2019.
- Increase Expenditure for PRK-4 Replacement Crewcab Work Truck by \$40,000. Carry forward project from FY 2019.
- Increase Expenditure for PRK-32 Cemetery Road Maintenance by \$10,000.
- Increase Revenue from GMA Lease Pool by \$80,000.

Net effect on Fund is: Decrease in Fund Balance of \$10,000.

505 Water and Sewer Fund:

- Increase Expense on the Cash Flow Statement for WWD-151 UV Disinfection System by \$439,660. Carry forward project from FY2019.

Net effect on Fund is: Decrease in Cash of \$439,660.

507 StormWater Fund:

- Increase Expense on the Cash Flow Statement for STM-3 Regional Detention Facility by \$87,695. Carry forward project from FY2019.
- Increase Expense on the Cash Flow Statement for STM-20 Backhoe Replacement by \$160,000. Carry forward project from FY2019.

Net effect on Fund is: Decrease in Cash of \$247,695.

515 Natural Gas Fund:

- Increase Expense on the Cash Flow Statement for NGD-54 F250 Truck Replacement for \$46,000. Carry forward project from FY2019.
- Increase Expense on the Cash Flow Statement for NGD-80 Upgrade Pipe and Regulator Station at Howard Lumber by \$57,500. Carry forward project from FY2019.

Net effect on Fund is: Decrease in Cash of \$103,500.

541 Solid Waste Collection Fund:

Commercial Division

- No Changes.

Residential Division

- No Changes.

Rolloff Division

- No Changes.

Yardwaste Division

- Increase Expense on the Cash Flow Statement for SWC-1 Knuckleboom Loader Replacement by \$90,000. Carry forward project from FY2019.

Net effect on Fund is: Decrease in Cash of \$90,000.

542 Solid Waste Disposal Fund:

- Increase Expense on the Cash Flow Statement for SWD-16 Truck Replacement by \$30,000. Carry forward project from FY2019.

Net effect on Fund is: Decrease in Cash of \$30,000.

601 Health Insurance Fund:

- No Changes.

Net effect on Fund is: None.

602 Fleet Management Fund:

- No Changes.

Net effect on Fund is: None.

604 Wellness Fund:

- No Changes.

Net effect on Fund is: None.

605 Central Service Fund:

- No Changes.

Net effect on Fund is: None.

Agenda Item 20

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



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

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

September 10, 2019

MEMO TO: Mr. Charles Penny, City Manager
FROM: Cindy S. West, Director of Finance *CSW*
RE: Budget Amendment and Capital Improvement Program Amendment

Enclosed is the first Budget Amendment and the first Capital Improvements Program Amendment for Fiscal Year 2020. The amendments are for Capital Projects budgeted in Fiscal Year 2019, but for various reasons were not purchased, started or completed by the end of the fiscal year.

RESOLUTION #2019-32: A RESOLUTION TO ADOPT THE FIRST AMENDMENT
TO THE SIX-YEAR CAPITAL IMPROVEMENTS PROGRAM FOR THE FISCAL
YEAR 2019-2020 THROUGH 2024-2025 FOR THE CITY OF STATESBORO,
GEORGIA.

THAT WHEREAS, the City of Statesboro's Six-Year Capital Improvements program was adopted by the City Council on May 21, 2019

WHEREAS, the City of Statesboro desires to amend the Six-Year Capital Improvements Program

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

Section 1. That the proposed project to the Six-Year Capital Improvements Program, attached hereto as Attachment #1 and incorporated herein as a part of this Resolution, are hereby adopted as the First Amendment to the Six-Year Capital Improvements Program for the City's Fiscal Year 2020.

Section 2. That this Resolution shall be and remain in full force and effect from and after its date of adoption.

Adopted this 17th day of September, 2019.

CITY OF STATESBORO, GEORGIA

By: Jonathan M. McCollar, Mayor

Attest: Leah Harden, City Clerk

CIP Amendment Attachment #1

Project Number	Project Description	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	TOTALS
ENG-41	Downtown Parking Lot	\$225,000						\$225,000
ENG-44	West Grady St/South College Intersection	\$329,800						\$329,800
ENG-115	South Main Street Streetscape	\$129,730						\$129,730
ENG-116	Renovation to Facilities	\$50,280						\$50,280
ENG-120	Old Register Road to Akins Boulevard	\$100,000						\$100,000
ENG-122A	Hwy 24 Sidewalk from Lester Rd. to Packinghouse Rd.	\$30,000						\$30,000
ENG-122C	Hwy 24 Sidewalk from Packinghouse Rd. to Hwy 80	\$30,000						\$30,000
ENG-122D	W. Jones Avenue Sidewalk from S. Main to Johnson St.	\$7,000						\$7,000
ENG-122E	Marvin Ave. Sidewalk from Herty Dr. to Gentilly Rd.	\$8,765						\$8,765
ENG-122F	Edgewood Dr. Sidewalk	\$20,000						\$20,000
ENG-122G	Gentilly Rd. Sidewalk from E. Jones to Savannah Ave.	\$20,000						\$20,000
ENG-123C	W. Main St/Johnson St/ MLK Jr. Dr. Intersection	\$100,000						\$100,000
ENG-124A	Sillwell St. Improvements	\$17,860						\$17,860
ENG-124C	W. Main St. Drainage Improvements	\$50,000						\$50,000
ENG-128	Resurfacing and Road Rehabilitation	\$768,045						\$768,045
ENG-134A	Transit Feasibility Study	\$20,935						\$20,935
NGD-54	F250 Truck Replacement	\$46,000						\$46,000
NGD-80	Upgrade Pipe and Regulator Station - Howard Lumber	\$57,500						\$57,500
PRK-4	Replacement Crewcab Work Truck	\$40,000						\$40,000
PRK-32	Cemetery Road Maintenance	\$10,000						\$10,000
STM-3	Regional Detention Facility	\$87,695						\$87,695
STM-20	Backhoe Replacement	\$160,000						\$160,000
STS-80	Landscape Truck	\$40,000						\$40,000
SWC-1	Knuckleboom Loader	\$90,000						\$90,000
SWD-13	Tractor Replacement	\$65,000						\$65,000
SWD-14	Rotary Mower	\$25,000						\$25,000
SWD-16	Truck Replacement	\$30,000						\$30,000
WWD-14P	Upgrade Sewer - Mike Ann Drive	\$70,000						\$70,000
WWD-32F	Cawana/Burkhalter Road Area Water Sewer Extension	\$325,000						\$325,000
WWD-151	UV Disinfectin System	\$439,660						\$439,660

Agenda Item 21

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan McCollar, Mayor
Charles Penny, City Manager
Jason Boyles, Asst. City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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

To: Charles Penny, City Manager
Jason Boyles, Asst. City Manager

From: John Washington, City Engineer

Date: September 5, 2019

RE: Recommendation for Approval of Fee Proposal for Feasibility Study - Creek on the Blue Mile (COTBM)
Freese and Nichols, Inc. (Consultant)

Policy Issue: Purchasing

Recommendation: Consideration of a motion for Council to authorize the Mayor to enter into contract agreement with Freese and Nichols, Inc. in the amount of \$832,417.00 for engineering and surveying services to conduct an environmental feasibility study for the "Creek on the Blue Mile" project.

Background: On June 18, 2019 City Council approved the City Manager to negotiate a contract with Freese and Nichols to perform engineering & surveying services in the preparation of a feasibility study to determine the impacts of constructing a reservoir for flood control and back-up water supply along Little Lotts Creek and more particularly described in a concept plan prepared by EMC Engineering Services. Staff has negotiated a cost for services for a Not-To-Exceed (NTE) amount of \$832,417.00 for Tasks 1-8 of Exhibit A in Fee Proposal. Extensive negotiations were conducted with Freese and Nichols that concluded with a more defined scope of work and schedule of deliverables. The original fee proposal submitted was in the amount of \$1,122, 690.

Under the contract or professional services agreement, Freese and Nichols will perform a comprehensive list of services for the City. The scope of work has been arranged as a time-stepped work breakdown structure as a way to make the work more incremental in terms of review and approval as it moves along through execution with an opportunity to stop work if the project is determined to be unfeasible. This type of scope provides a more efficient price without duplication of efforts when using sub-consultants.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Derek Duke, District 5



Jonathan McCollar, Mayor
Charles Penny, City Manager
Jason Boyles, Asst. City Manager
Sue Starling, City Clerk
I. Cain Smith, City Attorney

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

Budget Impact: State Direct Investment Funding.

Council Person and District: Sam Lee Jones, District 2. Jeff Yawn, District 3

Attachment(s): Fee Proposal Summary
Contract Agreement

City Manager's Recommendation: Recommend approval and authorization for the Mayor to execute the agreement on the City's behalf.

August 26, 2019

City of Statesboro
ATTN: John Washington, City Engineer
50 E. Main St.
Statesboro, GA 30458
912-764-0655
john.washington@statesboroga.gov

RE: Revised SCOPE AND PRICE PROPOSAL FOR Reservoir Environmental Feasibility Study for the "Creek on the Blue Mile", Statesboro, GEORGIA

Dear John:

Based on our discussions of Monday July 29, 2019, Thursday August 15, 2019, and Thursday August 22, 2019 Freese and Nichols, Inc. (Consultant) appreciates the opportunity to provide you with this revised cost proposal for the Reservoir Environmental Feasibility Study for the "Creek on the Blue Mile". Exhibits A, B, and C and attachment "CO" are attached with additional information used to plan our effort.

Please let us know if you have any questions or require additional information.

FREESE AND NICHOLS, INC.



George Kelley, P.E.
Project Manager



Victor M. Vasquez
Vice-President

**Exhibit A
Fee Proposal (By Task)**

Task		Cost
Task 1: Survey		\$47,135
Task 2: Flood Reduction Feasibility Analysis		\$300,725
Task 3: Safe Yield Analysis		\$40,860
Task 4: Geotechnical and Geologic Study		\$40,912
Task 5: Water Quality		\$72,234
Task 6: Environmental		\$81,320
a. Streams and Wetlands	\$47,254	
b. Fish and Wildlife	\$15,541	
c. Cultural Resources	\$18,525	
Task 7: Regulatory Coordination		\$50,706
Task 8: Feasibility Reporting and Project Management		\$198,525
	Not-to-Exceed Total Cost	\$832,417
Refer to Exhibits B and C for details		

EXHIBIT B
Detailed Scope of Work for Environmental Feasibility Study
The Creek on the Blue Mile Project
City of Statesboro, GA

INTRODUCTION

The City of Statesboro (City) is pursuing development of a comprehensive project referred to as "The Creek on the Blue Mile". This project is a collaborative effort between the City, Blue Mile Foundation, and the State of Georgia. The goals of this project include constructing a reservoir that will eliminate the 100-year flood plain and floodway within the project limits (identified in the RFQ) and adjacent downstream areas, provide a community recreational area, and provide emergency drinking water storage. In addition, another goal of the project is the development of a linear park along the creek and tributary to provide pedestrian connectivity, create economic development opportunities, and promote recreation. The proposed surface water impoundment is to be located in or around Parcel MS41000035 000 in Statesboro (Bulloch County), Georgia, and the linear park will be along the creek, downstream of the impoundment to South Zetterower Avenue.

The reservoir shall impound or store no less than 20 Million Gallons of raw surface water and to produce a minimum established yield in the amount of 0.3 MGD. Additionally, the impoundment's dam/spillway structure shall be designed to store a capacity adequate to mitigate the 100-year flood plain and floodway for properties and tributaries adjacent to the creek along the project limits and support development of the linear park and promenade identified in RFQ for this project. The limits of this study is not limited to Parcel #MS41000035 000 considering reservoir siting or South Zetterower Avenue when considering other impacts due to H&H conditions (e.g. tailwater, etc.) and can be extended upstream or downstream of the defined project area as proposed in conceptual plan of the EMC 2018 Study.

Freese and Nichols, Inc. (Consultant) will perform a feasibility study for the development of a reservoir as described herein, including the ability to obtain necessary federal and state regulatory permits and approvals. Considerations shall be provided for the development of a reservoir for the purposes of storing and regulating flow for the downstream Creek on the Blue Mile linear park. The study shall address potential impacts to wetlands, rare and endangered species, fish and wildlife habitat, historical and cultural resources. Th Consultant shall perform the following tasks as part of the project study.

This scope of work is organized into three phased steps for scheduled execution. Each phase will conclude with a decision deliverable document which will inform the cities decision to proceed. The purpose for this phasing is efficiency of effort and economy for the owner in conjunction with the stated purpose for the project. Phase I – Flood Feasibility Phase will evaluate the "Creek on the Blue Mile" concept for its technical feasibility of utilizing a dam and reservoir to retain flood water and eliminate the 100-year flooding in the downstream reach of a linear park on Little Lotts Creek which is within the stated project boundaries. Phase II – Site Feasibility Evaluation will evaluate the physical and environmental characteristics of the stream, proposed dam and reservoir area and other effected areas of the site for comparison to required regulatory standards. A summary document from this phase will inform the cities decision for the suitability of the site to meet regulatory and permitting requirements. Phase III – Regulatory and Permitting Feasibility Study Results will combine results from the technical aspects of the project feasibility with the actual surface and ground water site characteristics and environmental requirements to present to federal and state regulatory authorities. This phase will seek the pre-application acceptability of the project from federal and state regulatory bodies such as the

USACE, EPA, USFW, and Georgia DNR-EPD. The Final Project Feasibility report will be produced at the conclusion of this phase which will summarize the other previous phases of work and make recommendations for proceeding with the project based on the technical and non-technical aspects of feasibility.

Phase I – Flood Feasibility Evaluation

TASK 1: SURVEY

The Consultant shall perform a Hydrologic and Hydraulic Study Survey of the Little Lotts Creek basin, and a Wetlands and Streams Survey of the project area. Survey tasks are described as follows:

- 1.01 **Stream and Wetlands Survey (To be performed as part of Phase II, Task 6):** The Consultant shall provide a survey of wetlands and streams within the project area. This will include 1) topographic field survey of delineated wetlands, and 2) topographic field survey of stream limits including ordinary high-water marks, state water limits, and open water (non-wetland or streams). The Consultant shall also prepare Wetland Delineation Exhibits for all surveyed wetlands within the project area. These exhibits will be included within the Jurisdictional Determination Request Documents submitted to the USACE (see Task 6 below).
- A. Proper control of the site; topographic information (1 ft. contours);
 - B. Identification of all wetlands, streams with centerlines and tops of banks marked;

A combination of LIDAR, aerial drone technology, and ground-run field work shall be utilized to complete the topographic survey. Once completed, the Consultant shall perform an on-site visit to assess accuracy of the survey data.

- 1.02 **Hydrologic and Hydraulic Study Survey:** The Consultant shall obtain topographic information for Hydrologic and Hydraulic modeling. This scope of work includes topographic cross sectioning and road crossing survey of streams within the Little Lotts Creek basin north of Veterans Memorial Parkway (62,000 linear feet of streams total). Topographic cross sections shall be taken an average of every 200-ft (as accessible by a 2-man field crew). Topographic cross sections along Little Lotts Creek between West Jones Avenue and South Zetterower Avenue shall be taken an average of every 50-ft. Topographic cross sections of the tributary running from downtown to the park area (parallel with the Willie McTell Trail) shall also include the survey of all in-line underground stormwater infrastructure. A total of 58 roadway crossings shall be surveyed, including crossing structure(s) and top of road. LIDAR data provided by Bulloch County GIS and the collected topographic survey data shall be combined to produce an AutoCAD Civil 3D surface; as needed for H&H modeling.

Deliverable – The Consultant shall submit survey data to the City in ArcGIS and AutoCAD digital format

TASK 2: FLOOD REDUCTION FEASIBILITY ANALYSIS

The Consultant shall perform the following hydrology and hydraulic (H&H) analyses and produce technical memoranda to describe the data collected, modeling performed, results and evaluations of how each impacts the project concept, permitting and feasibility.

2.01 **H&H Modeling Stream Flow Analysis**

This analysis will be performed to evaluate the effects of constructing a dam and control structures on Little Lotts Creek for the purposes of flood control, water supply and recreation along the linear park features. The H&H modeling for the basin shall include the consideration of the watershed upstream of the reservoir and downstream along the linear park and beyond.

A. Gather Data

The Consultant will gather existing data that is available for the Little Lotts Creek drainage basin which includes:

1. GIS data / topography (Collected under Task 1)
2. FEMA flood study data
3. Culvert / bridge data (Collected under Task 1)
4. Existing drainage studies (if available)
5. Any known flood elevations from past rainfall events (if available)

B. Existing Conditions

1. Watershed characterization

The Consultant will assess the watershed characteristics along Little Lotts Creek from its headwaters to approximately 100+ feet beyond the US HWY 301 Bypass crossing including:

- a. Delineation of the Little Lotts Creek basin.
- b. Delineation of sub-basins within the watershed basin boundary.
- c. Overlay soil types and land uses over the sub-basins.
- d. Calculate curve numbers and times of concentration for each sub-basin.

2. Existing Conditions Model

The Consultant will use XPSWMM to make an existing conditions model of the Little Lotts Creek drainage basin (4,000± acres). The model will include the creek, its tributaries and road culvert crossings. This task includes:

- a. Use the topographic data collected in Task 1 to create a digital terrain model of the basin ground surface.
- b. Cut cross sections of Little Lotts Creek and its tributaries.
- c. Build an existing model of the creek and its tributaries. The model will be a two-dimensional model which will allow for mapping of the creek floodplain.
- d. Run model and calibrate to known flood elevations from past rainfall events (collected under Task 1) or to flood profiles in the current FEMA Flood Insurance Study.
- e. Run model for the 1, 5, 10, 25, 50, 100 and 500-year, 24-hour design events.

C. Proposed Condition Modeling

The Consultant will modify the existing conditions XPSWMM model to analyze the proposed conditions and resultant flood response.

1. Future Watershed Conditions

To assess the potential for reducing future flooding impacts, two key future conditions will be included in the modeling:

a. Concept Feasibility study

The concept developed during the 2018 feasibility study will be incorporated into the existing conditions model.

b. Built-out conditions

To estimate future potential hydrologic conditions, the team will model a “built-out” condition within the watershed to assess the probable flood conditions within the proposed condition modifications for Little Lott Creek. To complete this, all undeveloped parcels will be modeled based on nearby developed parcels.

2. Proposed Stream Model

XPSWMM will be used to model the proposed channel cross sections and road crossing improvements as shown in the Creek on the Blue Mile Feasibility Study that was prepared by EMC Engineering in 2018.

a. Base flood conditions model

Initial modeling efforts will evaluate a base flood condition that excludes inflows from the basin area upstream of South College Street. This model will provide the potential flood capacity (peak flood elevation) within the proposed project area of Little Lotts Creek and the linear park to establish the range of flood flows that can be accommodated from the proposed upstream dam and reservoir. The criteria for evaluating peak flood elevation is:

- The 100-year, 24-hour flood will be contained within the proposed channel section below the FFE of adjacent structures.
- The 50-year, 24-hour flood elevation will not exceed the elevation of the pedestrian pathways along the sides of Little Lotts Creek.

If the base flood condition shown in the initial proposed conditions model exceed the criteria set for peak flood elevations the following modifications to the conceptual plan will be considered:

- Widening of the main channel
- Lowering the stream channel
- Raising the pedestrian pathways along the sides of the creek
- Modifications of culverts / bridges at stream crossing
- Additional bypass piping along the sides of the creek

3. Proposed conditions model

The proposed conditions model will include the revisions of the concept within the stream corridor developed during the base flood conditions model task and the proposed dam to assess flood conditions along Little Lotts Creek. The proposed conditions model will include analysis of the 1, 5, 10, 25, 50, 100 and 500-year, 24-hour return storms. The proposed dam scope is discussed in section 3.3.

4. Proposed Dam and Reservoir

The proposed dam and reservoir will be analyzed using the US Army Corps of Engineers’ HEC-HMS software program. The analysis will include the contributing watershed data developed as part of the future conditions and key items from the feasibility study.

a. Reservoir type

In the development of the dam and reservoir concept the following two options for the type of reservoir:

- 1). "Scalping" reservoir / offline storage – This option would receive overflow from the stream to provide flood storage.
- 2). Inline reservoir – This option would receive all flows from the stream and release flows at the required flow rates to retain flood waters.

The steps in developing the dam and reservoir concepts are:

b. Establish preliminary dam and reservoir layout

Using topographic data from Task 1, the dam centerline will be established to optimize potential storage and meet site constraints. The maximum top of dam will then be established based on the centerline alignment and the surrounding topography considering adjacent structures and roadways. This will allow the team to establish the maximum reservoir extents (peak water surface elevation) and the resultant available reservoir storage.

c. Evaluate hydraulic concepts

Using the HEC-HMS model, the team will evaluate potential hydraulic structures (gated spillway/conduits, fixed weirs) with discharges that meet the available storage capacity of Little Lotts Creek developed during the base flood conditions model task. In addition to the flood reduction criteria, the hydraulic structure will be sized to safely pass the Georgia Safe Dams design flood. One concept will be developed for each of the reservoir types, if the peak flood criteria and Georgia Safe Dams design flood can be met. Key considerations for consideration for each reservoir type are as follows:

- Scalping reservoir
 - Inflow control structure with minimum bypass
 - Dam spillway(s)
 - Normal pool
 - Top of dam
- Inline reservoir
 - Dam Spillway(s) with minimum bypass
 - Normal pool
 - Top of dam

The HEC-HMS modeling will be completed for the following storm events:

- 1, 5, 10, 25, 50, 100 and 500-year, 24-hour return storms
- Georgia Safe Dams - Design Flood (proportion of the PMP)

D. Minimum Instream Flow

The Georgia Environmental Protection Division (EPD) requires that a minimum in-stream flow is maintained at withdrawal locations to protect both aquatic life and other nearby users. This is based on the lowest 7-day average flow that occurs approximately once every 10 years (7Q10) or a percentage of streamflow, plus flow to protect any existing downstream users. The Consultant will evaluate the basin and downstream area to calculate the 7Q10 flow and then work with EPD to confirm the minimum instream flow required for the project. This will be accomplished with stream gage information using USGS stream gage data. Establishment of the minimum instream flow will be consulted with EPD during a meeting.

Deliverable - The design team will prepare a technical memorandum that outlines the results of the H&H study. The memorandum will include the following:

1. Project description
2. Modeling methodology

3. Existing conditions analysis
4. Proposed conditions analysis
5. Minimum Instream Flow Results
6. Recommended improvements
7. Supporting exhibits (tables, drawings, etc.) as needed
8. Summary Report Results of Phase I Task with conclusions regarding feasibility

Phase II – Site Feasibility Evaluation

TASK 3: SAFE YIELD ANALYSIS

3.01 Safe Yield Analysis

Using the proposed reservoir geometry and desired minimum releases into the stream to maintain minimum instream flow, as identified in earlier tasks, the safe yield of the system will be calculated. This will include identification of a similar gauged stream, evaluation of historical streamflow data, and correlation of data to the proposed system that will establish stream flows for evaluation. The safe yield is the amount of water that can be routinely withdrawn without completely depleting the storage just prior to conditions allowing for the storage to be completely refilled.

The yield analysis work includes submittal to EPD and one meeting with EPD to review and discuss the yield analysis.

Deliverable - The design team will prepare a technical memorandum that outlines the results of the safe yield analysis. The memorandum will include the following:

1. Modeling methodology and results
2. Supporting exhibits (tables, drawings, etc.) as needed

TASK 4: GEOTECHNICAL AND GEOLOGIC STUDY

4.01 Geotechnical Exploration

A. Field Exploration

1. Advance a total of two (2) borings to a depth of 40 feet in the area of the proposed lake, and three (3) borings to a depth of 15 feet along the channel improvements. Drilling techniques and sampling intervals should be appropriate for the expected materials, but samples should be collected on minimum five (5)-foot intervals.
2. Observe and record seepage and groundwater during drilling and at completion. The borehole should be left open for a period of 15 to 30 minutes at completion to be observed for changes or to note borehole caving. In cases where a static level is not observed, the borehole should be left open for a period of 24 to 48 hours and additional observations recorded. Protect open boreholes from pedestrians or livestock before backfilling. At completion, the boreholes may be backfilled with auger cuttings or other suitable materials. Install 3 piezometers at one of the boring locations to determine actual groundwater vs perched water conditions. Provide piezometer readings every other month following initial installation readings for the period of the work. (See assumption L.)

3. Provide an Engineer or Geologist experienced in logging borings to direct the drilling, log the borings, and handle and transport the samples. Visual classification of the subsurface stratigraphy shall be provided per the Unified Soil Classification System (USCS). Perform slug in and out tests at piezometer locations from groundwater flow yield.

B. Laboratory Testing

1. Testing shall be performed on select samples obtained from the borings to determine soil classification and pertinent engineering properties of the subsurface materials.
2. Laboratory tests will be assigned based on the specific subsurface materials encountered during exploration. Test type and quantity may vary, but are expected to include:
 - a. Atterberg limits (liquid and plastic limit)
 - b. Percent passing the no. 200 sieve
 - c. Particle size gradation with hydrometer analysis
 - d. Moisture content and dry unit weight
 - e. Unconfined compressive strength
 - f. Crumb dispersion
 - g. Permeability testing on undisturbed soils

C. Geotechnical Data Reporting

1. Prepare a Geotechnical Data Memorandum of the investigation to include:
 - a. Appendix with the boring locations, boring logs, laboratory test results, and a key to the symbols used.
 - b. Summary description of field investigation activities
 - c. Summary description of laboratory testing activities
 - d. General discussion of site geology, subsurface stratigraphy, groundwater, and notable conditions encountered.
2. Prepare a Technical Memorandum for internal use summarizing the following:
 - a. Discuss the presence of dispersive soil, light weight soil, sensitive soil, or other adverse soil behavior.
 - b. General discussion of project feasibility based on observed geology and subsurface stratigraphy.
 - c. General discussion of project feasibility based on the observed groundwater. Note potential for seepage due to proposed channel excavations.
 - d. General discussion of the feasibility of the proposed lake site, including lake water infiltration and adverse soil conditions that could impact intake structure and embankment stability.
 - e. Submit in draft format for team review.

Deliverable – Geotechnical Data Memorandum presenting field information and a Technical Summary presenting geotechnical data evaluation. Geotechnical Data Memorandum will be provided in electronic form (PDF format) for review and comment. Final version will be incorporated into overall project study report.

TASK 5: WATER QUALITY (SURFACE AND GROUNDWATER)

The Consultant shall conduct water quality sampling (two sampling points) to establish baseline conditions and identify unusual or extreme characteristics of Little Lotts Creek consistent with the water quality standards found in Georgia's Rules and Regulations for Water Quality Control and as may be needed for permitting. Water quality analyses shall include, as a minimum, nutrient, bacteriological and metal parameters. Specific tasks related to water quality evaluation include the following:

- 5.01 Develop a water quality sampling plan including a map of sampling points, frequency of sampling, monitoring period and chemical parameters to be analyzed.
- 5.02 Prepare a Georgia Environmental Protection Division (EPD)-approvable quality assurance project plan (QAPP) to validate data collection and analytical procedures.
- 5.03 Coordinate with a state-approved analytical laboratory, to be retained by the City, to secure sample containers and perform water quality analyses for the following parameters. The analytical methods shall meet the Georgia EPD required minimum analytical limits for each constituent.
 - A. Nutrients:
 1. Nitrate plus nitrite nitrogen (NO₃+NO₂ as N)
 2. Total Kjeldahl nitrogen
 3. Total phosphorus
 4. Orthophosphate
 - B. Dissolved solids:
 1. Chloride
 2. Sulfate
 3. Total dissolved solids
 - C. Bacteria (Note: the bacteria shall be sampled during the periods May through October and also November through April at a frequency appropriate to calculate a geometric mean for comparison to Georgia Water Quality Standards bacteriological criteria):
 1. Fecal coliform
 2. E. coli
 - D. Priority Metals (total recoverable):
 1. Arsenic
 2. Cadmium
 3. Chromium III
 4. Chromium VI
 5. Copper
 6. Lead
 7. Mercury
 8. Nickel
 9. Selenium
 10. Silver
 11. Zinc

- E. Pesticides:
 - 1. Lindane
 - 2. 2,4-D
 - 3. Methoxychlor
 - 4. 2,4,5-T (TP Silvex)
- F. EPA toxic priority pollutants as listed in the Georgia Water Quality Standards
- G. Other constituents:
 - 1. Total hardness (for use in calculating dissolved metals concentrations)
 - 2. Total suspended solids
 - 3. Total volatile solids
- 5.04 Conduct water quality sampling in accordance with Water Protection Branch Quality Assurance Manual (June 1999), or most current version, Georgia Department of Natural Resources, Environmental Protection Division, Watershed Protection Branch, Atlanta, GA 30354.
- 5.05 Collect water samples at two sites, the exact locations to be determined through consultation with the City: Little Lotts Creek immediately upstream of the project reach and immediately downstream of the reach. Baseflow samples will be conducted by grab sampling. High-flow samples will be collected during the rising stage of a runoff event by either grab or automated sampling methods. Sampling events will include the following for all constituents except bacteria parameters:
 - A. One baseflow event during the months of May through October (warm season)
 - B. One high-flow event during the warm season
 - C. One baseflow event during the months of November through April (cool season)
 - D. One high-flow (rising hydrograph) event during the cool season
- 5.06 Four samples will be collected during 30-day periods for bacteriological analyses, as follows:
 - A. Baseflow conditions during the warm season
 - B. High-flow conditions during the warm season
 - C. Baseflow conditions during the cool season
 - D. High-flow conditions during the cool season
- 5.07 Perform the following field measurements during sampling events:
 - A. Streamflow
 - B. Dissolved oxygen
 - C. Temperature
 - D. pH
 - 1. Compare analytical results to Georgia Water Quality Standards to evaluate existing water quality conditions and estimate future water quality with the project in place.
 - 2. EDR data search for 2-mile radius
 - 3. Install and sample 3 – 2” wells w/MHs
 - 4. Compare ground water and surface water sampling

Deliverable - quantities, total cost estimates, timelines, and procedures necessary for projected water quality impacts. Prepare a report describing sampling locations, methods, results and descriptions of existing water quality conditions without the project and expected future water quality conditions with the project. The report will identify expected problematic conditions and suggested approaches to minimize the risk of water quality issues.

TASK 6: ENVIRONMENTAL

6.01 Wetlands and Streams

The Consultant shall conduct a survey of all streams and wetlands that could be potentially impacted by the proposed reservoir and linear park. Field (verified) studies shall determine the location and sizes of wetlands and streams on the proposed project site. Field studies and surveys of wetlands and streams shall be of size and scope to prepare a mitigation plan for each. Specific tasks related to wetlands and streams evaluations include the following:

- A. Compile and review existing stream and wetland data such as National Wetlands Inventory (NWI) maps, Natural Resources Conservation Service (NRCS) hydric soils maps, Lidar topography, and other readily available data for the project area. Prepare maps for field verification.
- B. Conduct Field Studies within the project boundaries, which will define the limits of investigation (LOI) for jurisdictional waters determinations.
 1. Delineate wetland boundaries based on the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual and Atlantic and Gulf Coast Supplement. Wetland boundaries will be mapped using sub-meter global positioning system methods.
 2. Identify and map open water (non-wetland or stream) areas.
 3. Identify ordinary high-water marks of streams within the project area and flag for survey.
 4. Identify limits of state waters and limits of buffered state waters present within the project area in accordance with Georgia Erosion and Sedimentation Act, O.C.G.A. 12-7.
- C. Complete preliminary mitigation credit calculations using the Savannah District's 2018 Standard Operating Procedure for Compensatory Mitigation. The mitigation credit calculations will be based on the preliminary/concept design for the project and estimated impacts to identified jurisdictional wetland and stream areas within the project footprint.

Deliverable - Delineation map of wetland limits through the project area, stream and state waters buffers, and potential threatened and endangered species. Provide quantities, total cost estimates, timelines, and procedures necessary for projected impacts to wetlands and streams. Prepare a draft Jurisdictional Evaluation Report describing the area and types of wetlands and open waters as well as the length and types of streams within the LOI and estimate compensatory mitigation requirements.

6.02 Fish and Wildlife

The Consultant shall conduct a review of protected plant and animal species potentially occurring on or adjacent to the proposed reservoir site. A field survey shall be conducted (during the applicable season) to obtain data for the applicable plant and animal species to prepare a mitigation plan should one be required. An overall assessment of fish and wildlife habitat should be made for the proposed reservoir site. Specific tasks related to fish and wildlife resources impacts evaluation include the following:

- A. Conduct a desktop query for federally listed threatened and endangered species within the project area using the U.S. Fish and Wildlife Service's iPAC system.
- B. Conduct field surveys within the project area to identify potential habitat for federally listed species that have potential to occur in the project area. If such habitat is observed, prepare a general plan identifying the protocols to conduct a presence/absence survey for the listed species. Note: This scope of services does not include conducting presence/absence surveys or consultation with the USFWS.
- C. Perform an overall assessment of fish and wildlife habitat within the project area, including listing species observed during site visits and the general condition of habitat (good, fair, poor) based on qualified wildlife biologist observations.

Deliverable - Quantities, total cost estimates, timelines, and procedures necessary for projected impacts to fish and wildlife.

6.03 Cultural Resources

The Consultant shall perform a literature and records search and field verification to identify any cultural resources, historic structures, and archaeological sites that may be present on or adjacent to the proposed reservoir site. Specific tasks related to the cultural resources study include the following:

- A. Conducting detailed archival research.
 1. Examine the Georgia Natural, Archaeological, and Historic Resources GIS (GNAHRGIS) database, Georgia Archaeological Site File database, and Historic Preservation Division files to identify the location and nature of previously recorded cultural resources (i.e., historic archaeological sites and historic resources/structures) within the vicinity of the proposed project site.
 2. Examine archival records, data, historic maps and plats, and historic aerial photographs of the proposed project location to determine the probability of additional, currently unrecorded, cultural resources located within the project site.
- B. Conduct a field reconnaissance of the project tract.
 1. Preliminary condition assessment and verification of the location of previously recorded cultural resources identified during archival research.
 2. Gather pertinent field data to assess the condition of the project tract with regards to cultural resources and archaeological site probability.

- C. Prepare a map showing the location of identified cultural resources and cultural resources probability assessment using data gathered from archival research and field reconnaissance.

Deliverable - Quantities, total cost estimates, timelines, and procedures necessary for projected impacts to cultural resources. Prepare for Owner's review and comment up to five printed copies and one electronic copy of a detailed report describing the distribution of cultural resources within the vicinity of the project area, and an assessment of cultural resources probability on the project site, using data compiled during the archival research and the field reconnaissance. Appropriate management recommendations will be provided for identified cultural resources. Guidance and recommendations will also be provided for potential federal and state permitting actions that may warrant further cultural resources management considerations for the proposed project. Incorporate Owner's comments and deliver up to five printed copies and one electronic copy of the final report.

- 6.04 Prepare a Summary Report for Phase II Tasks with conclusions regarding project feasibility.

Phase III – Regulatory and Permitting Feasibility Evaluation

TASK 7: REGULATORY COORDINATION

The proposed impoundment on Little Lotts Creek will likely require an individual Section 404 Permit from the U.S. Army Corps of Engineers (USACE). The Clean Water Act (CWA) and regulations promulgated by the USACE will be involved along with guidelines promulgated by the U.S. Environmental Protection Agency (USEPA). The CWA also involves the National Historic Preservation Act, which includes requirements related to studies for prehistoric and historic cultural resources as part of the permit process. Further, the U.S. Fish and Wildlife Service (USFWS) has additional regulatory requirements that must also be met, and consideration shall be provided for National Environmental Policy Act (NEPA) review, environmental assessments and environmental impact statements. Additional permits from the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources (DNR) will likely be required to certify that water quality standards will be met when the reservoir is constructed. A permit will also likely be required from the EPD Safe Dams Program certifying that the dam meets the safe dam rules and Engineering Guidelines. Specific tasks related to regulatory considerations include the following:

- 7.01 Schedule a pre-application meeting with the USACE to present concept plans and discuss preliminary limits of jurisdictional wetlands and waters, permitting approaches for the proposed project, , prospective NEPA documentation (assuming the USACE would be the lead federal agency based on Section 404 permit being the primary federal authorization required), USACE expectations for coordination with other federal and state resource agencies, federal historic preservation (i.e., Section 106 of NHPA) concerns, and general mitigation requirements.
- 7.02 Schedule a pre-application meeting with the Interagency Review Team (IRT) including representatives from the USACE, USFWS, EPA, NMFS, and GADNR. Concept plans,

preliminary wetland/stream impacts and compensatory mitigation requirements will be presented to the IRT for preliminary comment and discussion.

- 7.03 Schedule a pre-application meeting with the Georgia DNR-EPD Safe Dams Program to present the concept and discuss permitting, operating and emergency planning requirements based on the Georgia Rules for Safe Dams.

Deliverable - Quantities, total cost estimates, timelines, and procedures necessary to address and provide guidance and recommendations regarding necessary regulatory compliance and permitting. Prepare for City's review and comment a up to ten printed copies and one electronic copy of a draft report summarizing regulatory considerations. Incorporate Owner's comments and deliver up to ten printed copies and one electronic copy of the final report.

1. Organize and conduct Team Workshop discussions
2. Collection and summary of data research
3. Key criteria used in feasibility level design scenarios
4. Description of the feasibility level design and layout of the dam, reservoir and linear park.
5. Discussion of the environmental and permitting considerations for the project including baseline and future impacts
6. A review of the dam, reservoir and featured creek channel operations
7. Review of the constructability of the proposed dam, reservoir and park design
8. Feasibility-level OPCC
9. Analysis of key risks to project costs, schedule, and operations, including identification of mitigation and contingency strategy and fatal flaws.
10. Conclusions and recommendations including key risks and contingencies.

Deliverable - Written report and presentation to Mayor and Council. Written Final Feasibility report containing results of previous summary reports of Phase I and II plus the results of the tasks from Phase III and our collective results and judgement of the work, monthly meetings and presentation to City staff (i.e. City Engineer, Public Works & Engineering Director, City Manager, etc.), Creek Committee, Stakeholders, and/or Mayor and Council as needed.

TASK 8: PROJECT MANAGEMENT AND FINAL REPORTING DELIVERABLE

Final Feasibility Report Deliverable – The consultant shall prepare a feasibility analysis study report which considers the proposed project concept and scope, current conditions at the site and data gathered from the tasks, the requirements for the project set out by the city, the various alternatives considered by the team and a preferred solution that satisfies requirements and is viable. The report will include a draft and a final to document the technical and non-technical results of the feasibility analysis tasks as follows:

8.01

1. Organize and conduct 2 team workshop discussions
2. Collect and summarize data gathered and research performed

3. Explicitly describe key criteria used in feasibility level design scenarios
4. Describe feasibility level design and layout of dam, reservoir and linear park
5. Capturing discussions of the environmental and permitting considerations for the project including baseline and future impacts
6. A review of the dam, reservoir and featured creek channel operations
7. Review of the constructability of the proposed dam, reservoir and park design
8. Feasibility-level OPCC (Opinion of Probable Construction Costs)
9. Analysis of key risks to project costs, schedule, and operations, including identification of mitigation and contingency strategy and fatal flaws.
10. Feasibility Report conclusions and recommendations including key risks and contingencies.
11. City Council Presentation

8.02 The Consultant shall perform project management including monthly progress meetings with the city and stake holders to disseminate information and data collected to date and provide a summary of current findings in a written report, of the overall project with respect to Task(s) 1-7. Specific tasks related to the project management and monthly progress meetings and reports are as follows:

1. External Kickoff meeting with the city and team partners
2. Schedule and conduct quarterly meeting with city and stakeholders including basic agenda, minutes and follow-up actions for meetings (12-month period assumed)
3. Schedule and conduct 2 update meetings onsite plus council update meeting
4. Schedule and conduct bi-weekly team meetings to communicate and coordinate project status, schedule, budget and decisions. (12-month period assumed)
5. Disseminate and communicate information between the team and the city and stake holders as needed to maintain project progress (12-month period assumed)
6. Manage the preparation of the Draft and Final Feasibility Report
 - a. Participate in presentation meetings and discussions with the city of Statesboro and stakeholders to consider comments on draft report. Incorporate comments from the city and provide final technical report.
7. Manage monthly schedule and resource reporting (PM Reports) and status update (OPR) for project progress
8. Prepare reports for monthly meetings with Staff and stakeholders

ASSUMPTIONS

- A. Effort for additional boundary information for properties, if needed, are considered and additional service and will be negotiated as needed.
- B. The City will work with Consultant to make necessary provisions for entrance upon public and private property as required to perform services under this agreement.
- C. Consultant will download and utilize publicly available free LiDAR from the city for the work. Fees to acquire LiDAR are not included in our fee estimate.
- D. Access to all geotechnical field boring locations will be provided by the City and no land clearing will be necessary for access to boring locations.
- E. The feasibility analysis considerations of hydrogeological data will be based on short term observations revealed at the time of the field work.
- F. Waters of the U.S. boundaries, including wetland boundaries and stream ordinary high-water marks, are based on the federal definition in place at the time of contract execution. Changes in the federal definition during the project may result in the need to re-delineate boundaries and revise analyses, results and conclusions.
- G. Mitigation for impacts to waters of the U.S. is assumed to be in the form of mitigation bank credit purchase in accordance with the preference described in the US Army Corps of Engineers and US Environmental Protection Agency Mitigation Rule published in 2008.
- H. Cultural resources investigations will be limited to archival research to identify known cultural resources within the project area and field reconnaissance to verify the presence of previously identified resources. Cultural resources surveys are beyond the scope of the current project.
- I. The contract team (FNI, EMC, DMA, R&LC and BA) will address changes and comments provided by Federal and State agencies in pre-application meetings for the study.
- J. Meetings and site visits in addition to those listed in the scope of work are considered an additional service and will be negotiated as needed.
- K. Water Quality sampling will be performed in Task 5 within the seasons and flow conditions specified assuming normal weather conditions occur, and extreme conditions do not impact this effort.
- L. Geotech piezometers will be read every other month, after initial installation for the term of this contract or a minimum of three times.

City of Statesboro Georgia Environmental Feasibility Study - Creek On The Blue Mile ### Detailed Cost Breakdown	Project Fee Summary		
	Basic Services	\$	832,417
	Special Services	\$	-
	Total Project	\$	832,417

Tasks			Labor																		Total Hours	Total Labor Effort		
Phase	Task	Basic or Special	Murphy Parks	George Kelley	Eric Nease	Steve Walters	Tony Grubbs	Marc Miller	Michael Votaw	Heath Myers	Michael Lane	Patrick Garnett	Michelle Knights	Kyle Jacobs	Dustin Mortensen	Trey Hunter	Layne Bukhair	Billy Metzger	Patrick Miles	Jamie Joyner			Daniel Seifert	
			Senior Advisor	PM	Civil/WR	Env.	Civil/Dams	Geotech	Env.	GIS	Env.	Env.	Civil/Geotech	Civil/H&H	Civil/Hydraulics	CAD	Structural	Accounting	H&H	Geomorphology/H&H			Civil/WR	
	Basic	8.02 Project Management and Reporting	\$175	\$197	\$197	\$225	\$169	\$197	\$169	\$130	\$107	\$169	\$130	\$130	\$197	\$117	\$169	\$139	\$169	\$146	\$146			
		1. Kickoff meeting with the city (Phase I)	1	8	8	16	1	1					8							8			51	\$ -
	Basic	2. Schedule and conduct quarterly meeting with city and stakeholders including basic agenda, minutes and follow-up actions for meetings (via telephone conf) (Phases I-III)	3	40	12	12							12										79	\$ 15,029
	Basic	3. Two meetings on site + 1 w/council (Phase II - III)	1	40	20	8							12										81	\$ 15,355
	Basic	4. Schedule and conduct bi-weekly team meetings to communicate and coordinate project status, schedule, budget and decisions. (telecon 12 mo. Period) (Even across Phases)		20	12	12	12						20										76	\$ 13,632
	Basic	5. Disseminate and communicate information between the team and the city and stake holders as needed to maintain project progress. (12 mo. Period) (Even across Phases)	2	24	8		8						24										66	\$ 11,126
	Basic	6. Manage the preparation of the Draft and Final Feasibility Reports (Phase III)	6	50	8								30										94	\$ 16,376
	Basic	7. Manage monthly schedule and resource reporting (PM Reports) and status update (OPR) for project progress (Even across Phases)	6	12									6										24	\$ 4,194
	Basic	8. Prepare monthly reports for updates with city staff and stakeholders		24	12		12						4					12					64	\$ 11,308
	Basic	QA (Phase I-II-III)	4	8																			12	\$ 2,276
Total Hours / Quantity			52	507	167	205	288	101	213	16	89	100	313	458	16	124	-	12	64	124	256	3,105		
Total Effort			\$ 9,100	\$ 99,879	\$ 32,899	\$ 46,125	\$ 48,672	\$ 19,897	\$ 35,997	\$ 2,080	\$ 9,523	\$ 16,900	\$ 40,690	\$ 59,540	\$ 3,152	\$ 14,508	\$ -	\$ 1,668	\$ 10,816	\$ 18,104	\$ 37,376			\$ 506,926

City of Statesboro Georgia Environmental Feasibility Study - Creek On The Blue Mile #### Detailed Cost Breakdown	Project Fee Summary		
	Basic Services	832,417	
	Special Services	-	
	Total Project	832,417	

Tasks				Expenses										
Phase	Task	Basic or Special	Task Description	Tech Charge	Miles	Meals	Hotel	B&W (sheet)	Color (sheet)	Binding (each)	Lg Format - Bond - B&W (sq. ft.)	Lg Format - Glossy/Mylar - B&W (sq. ft.)	Other	Total Expense Effort
1	Basic		Survey (Sub: EMC & Don Marsh & Assoc.)								50	8		\$ 19
	Basic		Boundary Surveys: Removed based on 8-29-2019 meeting											\$ -
	Basic		1.01 Stream and Wetlands Survey: (item Partially Removed)	1										\$ -
	Basic		1.02 Hydrologic and Hydraulic Study Survey:	10										\$ -
	Basic		QC	10										\$ -
2	Basic		Flood Reduction Feasibility											\$ -
	Basic		2.01 H&H Modeling Stream Flow Analysis											\$ -
	Basic		2.01.A. Gather Data	22										\$ -
	Basic		2.01.B. Existing Conditions (XPSWMM)											\$ -
	Basic		1. Watershed Characteristics	36										\$ -
	Basic		2. Existing Conditions model	68										\$ -
	Basic		2.01.C. Proposed Conditions											\$ -
	Basic		1. Future watershed Condition	14										\$ -
	Basic		2. Proposed Stream Model (XPSWMM)	22										\$ -
	Basic		- Base Flood Conditions model	40										\$ -
	Basic		- Modifications to Conceptual Channel	20										\$ -
	Basic		3. Proposed Conditions Model	6										\$ -
	Basic		4. Proposed Dam and Reservoir											\$ -
	Basic		a & b. Establish D & R Layout	8										\$ -
	Basic		"Scalping" reservoir / offline storage											\$ -
	Basic		- dam centerline	44										\$ -
	Basic		- reservoir extents	28										\$ -
	Basic		- max storage	24										\$ -
	Basic		"Inline" reservoir	4										\$ -
	Basic		- dam centerline	42										\$ -
	Basic		- reservoir extents	18										\$ -
	Basic		- max storage	18										\$ -
	Basic		c. Evaluate Hydraulic Concepts (Probabalistic & GSDP Design Flood)											\$ -
	Basic		"Scalping" reservoir / offline storage											\$ -
	Basic		Inflow control structure with minimum bypass	76										\$ -
	Basic		Dam spillway(s)	76										\$ -
	Basic		"Inline" reservoir											\$ -
	Basic		Dam Spillway(s) with minimum bypass	110										\$ -
	Basic		Dam Safety Coordination	20										\$ -
	Basic		2.01 D. Min Instream Flow	44										\$ -
	Basic		Deliverable (Technical memorandum)					600	400	10	50			\$ 175
	Basic		Project description	40										\$ -
	Basic		Modeling methodology	28										\$ -
	Basic		Existing conditions analysis	26										\$ -
	Basic		Proposed conditions analysis	42										\$ -
	Basic		Recommended improvements	48										\$ -
	Basic		Supporting exhibits (tables, drawings, etc.) as needed.	148										\$ -
	Basic		QC	44										\$ -
	Basic		2.0 Decision Deliverable Summary (Roll-up Phase I)											\$ -
3	Basic		Safe Yield Analysis											\$ -
	Basic		3.01 Safe Yield Analysis	258										\$ -
	Basic		Deliverable Report											\$ -
4	Basic		Geotechnical and Geologic Studies											\$ -
	Basic		4.01 Field Exploration	36	500	150	351						250	\$ 1,154
	Basic		2-Borings 40 ft + 3-Borings to 15 ft + Sampling											\$ -
	Basic		Observe and record GW											\$ -
	Basic		Install 3 piezometers in 1-boring	4										\$ -
	Basic		Field geologist / engineer, logging, sample handling,											\$ -
	Basic		4.01 B Lab Testing											\$ -
	Basic		Testing of samples	10										\$ -
	Basic		Lab Test											\$ -
	Basic		Atterberg limits (liquid and plastic limit)											\$ -
	Basic		Percent passing the no. 200 sieve											\$ -
	Basic		Particle size gradation with hydrometer analysis											\$ -
	Basic		Moisture content and dry unit weight											\$ -
	Basic		Unconfined compressive strength											\$ -
	Basic		Crumb dispersion											\$ -
	Basic		Penmeability testing on undisturbed soils											\$ -
	Basic		4.01 C Reporting					500	250	10				\$ 115
	Basic		Appendix with the boring locations, boring logs, laboratory test results, and a key to the symbols used.	8										\$ -
	Basic		Summary description of field investigation activities	1										\$ -
	Basic		Summary description of laboratory testing activities	1										\$ -
	Basic		General discussion of site geology, subsurface stratigraphy, groundwater, and notable conditions encountered.	1										\$ -
	Basic		Memo	4										\$ -
	Basic		Discuss the presence of dispersive soil, light weight soil, sensitive soil, or other adverse soil behavior.	12										\$ -
	Basic		General discussion of project feasibility based on observed geology and subsurface stratigraphy.	18										\$ -
	Basic		General discussion of project feasibility based on the observed groundwater. Note potential for seepage due to proposed channel excavations.	14										\$ -
	Basic		General discussion of the feasibility of the proposed lake site, including lake water infiltration and adverse soil conditions that could impact intake structure and embankment stability.	24										\$ -
	Basic		Submit in draft format for team review.	4										\$ -
	Basic		QC	16										\$ -
5	Basic		Water Quality (Surface and Ground Water)	8	1,000	200	500							\$ 1,385
	Basic		5.01 Water Quality Sampling Plan	12										\$ -
	Basic		5.02 Georgia EPD-QAPP	10										\$ -
	Basic		5.03 Perform water quality analysis											\$ -
	Basic		Obtain laboratory											\$ -
	Basic		Coordinate with lab to analyze for;	2										\$ -
	Basic		Nutrients											\$ -
	Basic		Dissolved Solids											\$ -
	Basic		Bacteria											\$ -
	Basic		Priority Metals											\$ -
	Basic		Pesticides											\$ -
	Basic		EPA Toxic Priority Pollutants (per GWQS)											\$ -
	Basic		Other											\$ -
	Basic		5.04 Conduct water quality sampling per GDNr-EPD											\$ -
	Basic		5.05 Collect samples at 2-sites per city input	4										\$ -
	Basic		Baseflow event - May through October (warm season)											\$ -

City of Statesboro Georgia Environmental Feasibility Study - Creek On The Blue Mile #### Detailed Cost Breakdown	Project Fee Summary		
	Basic Services		832,417
	Special Services		-
	Total Project		832,417

Tasks				Expenses										
Phase	Task	Basic or Special	Task Description	Tech Charge	Miles	Meals	Hotel	B&W (sheet)	Color (sheet)	Binding (each)	Lg Format - Bond - B&W (sq. ft.)	Lg Format - Glossy/Mylar - B&W (sq. ft.)	Other	Total Expense Effort
		Basic	High-flow event warm season											\$ -
		Basic	Baseflow event -November through April (cool season)											\$ -
		Basic	One high-flow (rising hydrograph) event- cool season											\$ -
		Basic	5.06 4-sample, 30-day - bacteriological	4										\$ -
		Basic	Baseflow conditions during the warm season											\$ -
		Basic	High-flow conditions during the warm season											\$ -
		Basic	Baseflow conditions during the cool season											\$ -
		Basic	High-flow conditions during the cool season											\$ -
		Basic	5.07 Perform field measurements during sampling events:	4										\$ -
		Basic	Streamflow											\$ -
		Basic	Dissolved oxygen											\$ -
		Basic	Temperature											\$ -
		Basic	d,pH											\$ -
		Basic	1. Compare baseline with future water quality	8										\$ -
		Basic	2. EDR data Search for 2 mile radius - public/private wells											\$ -
		Basic	3. Install and sample 3-2" wells w/MHs	2										\$ -
		Basic	4. Compare GW and SW sampling											\$ -
		Basic	Report to summarize current / future condition	11				600	250	10				\$ 125
		Basic	QC	26										\$ -
6		Basic	Environmental Evaluation (Costs divided among 6a,6b,6c)	42	500	150	250							\$ 750
		Basic	6.01 Wetlands and Streams											\$ -
		Basic	Wetlands / Streams Field Studies	50										\$ -
		Basic	A. Compile and review existing stream and wetlands data											\$ -
		Basic	B. Conduct field studies (define LOI for JWD)		500	250	450						600	\$ 1,785
		Basic	Delineate wetland boundaries (GPS)											\$ -
		Basic	Identify and map open water (non-wetland or stream) areas.											\$ -
		Basic	Identify OHWM of streams - flag for survey.											\$ -
		Basic	Identify limits of state waters and limits of buffered state waters in accordance with Georgia Erosion and Sedimentation Act, O.C.G.A. 12-7.											\$ -
		Basic	Complete prelim. Mitigation credits calcs.											\$ -
		Basic	3. Delineation map-wetlands / SW+ buffers (Topo-EMC)	14										\$ -
		Basic	QC	21										\$ -
		Basic	6.02 Fish and wildlife											\$ -
		Basic	1. Review / study / assess protected plant and animal species in reservoir area	8										\$ -
		Basic	A. Conduct desktop query, threatened & endangered species											\$ -
		Basic	B. Conduct field survey to identify	4										\$ -
		Basic	C. Perform overall assessment of habitat											\$ -
		Basic	2. Report of projected impacts to fish and wildlife	28				600	300	10				\$ 138
		Basic	QC	25										\$ -
		Basic	6.03 Cultural Resources	8										\$ -
		Basic	A. Conduct detailed archival search and review											\$ -
		Basic	Examine the GNAHRGIS to identify location / nature of CR											\$ -
		Basic	Examine the Georgia Archeological Site File DB to identify location / nature of CR											\$ -
		Basic	Examine Historic Preservation Files to identify location / nature of CR											\$ -
		Basic	B. Conduct Field Reconnaissance of the project tract											\$ -
		Basic	Prelim. Condition Assessment and verification of location of previous CR											\$ -
		Basic	Gather field data for assessment of tract wrt previous CR and archeological sites probability											\$ -
		Basic	C. Prepare Map w/location of identified CR and probability assessment using field and research data											\$ -
		Basic	Prepare Report w/distribution of CR w/ project area and assessment of CR probability											\$ -
		Basic	Provide mgmt recommendations for identified CR	8										\$ -
		Basic	Provide guidance and recommendations for fed / state permit actions	8										\$ -
		Basic	QC	17										\$ -
		Basic	6.0 Decision Deliverable Summary Report (Phase II)											\$ -
7		Basic	Regulatory Coordination											\$ -
		Basic	- USACE Section 404 Permit / CWA / USEPA											\$ -
		Basic	- NHPA / NEPA / USFW / GA. DNR-EPD water quality&dam safety											\$ -
		Basic	7.01 Pre-application Meeting with USACE and other agencies	54	500	200	375							\$ 951
		Basic	7.02 Pre-application meeting with IRT (USACE, USFWS, EPA, NMFS, GADNR	54										\$ -
		Basic	7.03 Pre-application permitting, operating and emergency planning meeting with GADNR-EPD Safe Dams Program	4										\$ -
		Basic	Prepare report summarizing regulatory considerations	59				400	150	10				\$ 80
		Basic	QC	9										\$ -
8		Basic	8.01 Final Report Deliverable											\$ -
		Basic	Technical and Non-Technical Feasibility					800	600	12				\$ 233
		Basic	1. Organize and conduct 2 Team Workshop discussions	96	500	250	375							\$ 1,009
		Basic	2. Collection and summary of data research	4										\$ -
		Basic	3. Key criteria used in feasibility level design scenarios	12										\$ -
		Basic	4. Description of the feasibility level design and layout of the dam, reservoir and linear park.	36										\$ -
		Basic	5. Discussion of the environmental and permitting considerations for the project including baseline and future impacts	24										\$ -
		Basic	6. A review of the dam, reservoir and featured creek channel operations	42										\$ -
		Basic	7. Review of the constructability of the proposed dam, reservoir and park design	16										\$ -
		Basic	8. Feasibility-level OPCC	56										\$ -
		Basic	9. Analysis of key risks to project costs, schedule, and operations, including identification of mitigation and contingency strategy and fatal flaws.	50										\$ -
		Basic	10. Conclusions and recommendations including key risks and contingencies	20										\$ -
		Basic	11. Feasibility Report	46										\$ -
		Basic	12. City Council Meeting Presentation	72								20		\$ 15
		Basic	Final Feasibility Report (Rollup of Phase I + II + III)	8										\$ -
		Basic	QC	24										\$ -

City of Statesboro Georgia Environmental Feasibility Study - Creek On The Blue Mile #### Detailed Cost Breakdown	Project Fee Summary		
	Basic Services		832,417
	Special Services		-
	Total Project		832,417

Tasks				Expenses										
Phase	Task	Basic or Special	Task Description	Tech Charge	Miles	Meals	Hotel	B&W (sheet)	Color (sheet)	Binding (each)	Lg Format - Bond - B&W (sq. ft.)	Lg Format - Glossy/Mylar - B&W (sq. ft.)	Other	Total Expense Effort
		Basic	8.02 Project Management and Reporting											
			1. Kickoff meeting with the city (Phase I)	51										\$ -
		Basic	2. Schedule and conduct quarterly meeting with city and stakeholders including basic agenda, minutes and follow-up actions for meetings (via telephone conf) (Phases I-III)	79										\$ -
		Basic	3. Two meetings on site + 1 w/council (Phase II - III)	81	7,500	500	1,000							\$ 6,075
		Basic	4. Schedule and conduct bi-weekly team meetings to communicate and coordinate project status, schedule, budget and decisions. (telecon 12 mo. Period) (Even across Phases)	76										\$ -
		Basic	5. Disseminate and communicate information between the team and the city and stake holders as needed to maintain project progress. (12 mo. Period) (Even across Phases)	66										\$ -
		Basic	6. Manage the preparation of the Draft and Final Feasibility Reports (Phase III)	94										\$ -
		Basic	7. Manage monthly schedule and resource reporting (PM Reports) and status update (OPR) for project progress (Even across Phases)	24										\$ -
		Basic	8. Prepare monthly reports for updates with city staff and stakeholders	64										\$ -
		Basic	QA (Phase I-II-III)	12										\$ -
Total Hours / Quantity														
				3,105	11,000	1,700	3,301	3,500	1,950	62	100	28	850	
Total Effort				\$ -	\$ 6,380	\$ 1,955	\$ 3,796	\$ 350	\$ 488	\$ 16	\$ 25	\$ 21	\$ 978	\$ 14,008

City of Statesboro Georgia		Project Fee Summary	
Environmental Feasibility Study - Creek On The Blue Mile		Basic Services	832,417
####		Special Services	-
Detailed Cost Breakdown		Total Project	832,417

Tasks			Subconsultants				Total	
Phase	Task	Basic or Special	Task Description	EMC	R+LC	Brockington Assoc.	Total Sub Effort	Total Effort
1	Basic		Survey (Sub: EMC & Don Marsh & Assoc.)				\$ -	\$ 19
	Basic		Boundary Surveys: Removed based on 8-29-2019 meeting				\$ -	\$ -
	Basic		1.01 Stream and Wetlands Survey:(Item Partially Removed)				\$ -	\$ 169
	Basic		1.02 Hydrologic and Hydraulic Study Survey:	42,000			\$ 44,100	\$ 45,482
	Basic	QC					\$ -	\$ 1,466
2	Basic		Flood Reduction Feasibility				\$ -	\$ -
	Basic		2.01 H&H Modeling Stream Flow Analysis				\$ -	\$ -
	Basic		2.01 A. Gather Data	2,000			\$ 2,100	\$ 5,652
	Basic		2.01 B. Existing Conditions (XPSWMM)	60,000			\$ 63,000	\$ 63,000
	Basic		1. Watershed Characteristics				\$ -	\$ 5,884
	Basic		2. Existing Conditions model				\$ -	\$ 10,284
	Basic		2.01 C. Proposed Conditions	34,000			\$ 35,700	\$ 35,700
	Basic		1. Future watershed Condition				\$ -	\$ 2,534
	Basic		2. Proposed Stream Model (XPSWMM)				\$ -	\$ 3,262
	Basic		- Base Flood Conditions model				\$ -	\$ 5,840
	Basic		- Modifications to Conceptual Channel				\$ -	\$ 2,920
	Basic		3. Proposed Conditions Model				\$ -	\$ 1,070
	Basic		4. Proposed Dam and Reservoir				\$ -	\$ -
	Basic		a & b. Establish D & R Layout				\$ -	\$ 1,464
	Basic		*"Scalping" reservoir / offline storage				\$ -	\$ -
	Basic		- dam centerline				\$ -	\$ 6,460
	Basic		- reservoir extents				\$ -	\$ 4,146
	Basic		- max storage				\$ -	\$ 3,358
	Basic		"Inline" reservoir				\$ -	\$ 468
	Basic		- dam centerline				\$ -	\$ 6,066
	Basic		- reservoir extents				\$ -	\$ 2,366
	Basic		- max storage				\$ -	\$ 2,366
	Basic		c. Evaluate Hydraulic Concepts (Probabalistic & GSDP Design Flood)				\$ -	\$ -
	Basic		*"Scalping" reservoir / offline storage				\$ -	\$ -
	Basic		Inflow control structure with minimum bypass				\$ -	\$ 11,508
	Basic		Dam spillway(s)				\$ -	\$ 11,508
	Basic		"Inline" reservoir				\$ -	\$ -
	Basic		Dam Spillway(s) with minimum bypass				\$ -	\$ 16,362
	Basic		Dam Safety Coordination				\$ -	\$ 3,716
	Basic		2.01 D. Min Instream Flow				\$ -	\$ 7,138
	Basic		Deliverable (Technical memorandum)	29,000			\$ 30,450	\$ 30,625
	Basic		Project description				\$ -	\$ 6,316
	Basic		Modeling methodology				\$ -	\$ 3,952
Basic		Existing conditions analysis				\$ -	\$ 3,798	
Basic		Proposed conditions analysis				\$ -	\$ 6,374	
Basic		Recommended improvements				\$ -	\$ 7,556	
Basic		Supporting exhibits (tables, drawings, etc.) as needed.				\$ -	\$ 20,676	
Basic		QC				\$ -	\$ 8,356	
Basic		2.0 Decision Deliverable Summary (Roll-up Phase I)				\$ -	\$ -	
3	Basic		Safe Yield Analysis				\$ -	\$ -
	Basic		3.01 Safe Yield Analysis				\$ -	\$ 40,860
	Basic		Deliverable Report				\$ -	\$ -
4	Basic		Geotechnical and Geologic Studies				\$ -	\$ -
	Basic		4.01 Field Exploration	8,250			\$ 8,663	\$ 15,836
	Basic		2-Borings 40 ft + 3-Borings to 15 ft + Sampling				\$ -	\$ -
	Basic		Observe and record GW				\$ -	\$ -
	Basic		Install 3 piezometers in 1-boring				\$ -	\$ 520
	Basic		Field geologist / engineer, logging, sample handling,				\$ -	\$ -
	Basic		4.01 B Lab Testing	3,670			\$ 3,854	\$ 3,854
	Basic		Testing of samples				\$ -	\$ 1,568
	Basic		Lab Test				\$ -	\$ -
	Basic		Atterberg limits (liquid and plastic limit)				\$ -	\$ -
	Basic		Percent passing the no. 200 sieve				\$ -	\$ -
	Basic		Particle size gradation with hydrometer analysis				\$ -	\$ -
	Basic		Moisture content and dry unit weight				\$ -	\$ -
	Basic		Unconfined compressive strength				\$ -	\$ -
	Basic		Crumb dispersion				\$ -	\$ -
	Basic		Permeability testing on undisturbed soils				\$ -	\$ -
	Basic		4.01 C Reporting	2,900			\$ 3,045	\$ 3,160
	Basic		Appendix with the boring locations, boring logs, laboratory test results, and a key to the symbols used.				\$ -	\$ 988
	Basic		Summary description of field investigation activities				\$ -	\$ 130
	Basic		Summary description of laboratory testing activities				\$ -	\$ 130
	Basic		General discussion of site geology, subsurface stratigraphy, groundwater, and notable conditions encountered.				\$ -	\$ 130
	Basic		Memo				\$ -	\$ 654
	Basic		Discuss the presence of dispersive soil, light weight soil, sensitive soil, or other adverse soil behavior.				\$ -	\$ 1,828
Basic		General discussion of project feasibility based on observed geology and subsurface stratigraphy.				\$ -	\$ 2,742	
Basic		General discussion of project feasibility based on the observed groundwater. Note potential for seepage due to proposed channel excavations.				\$ -	\$ 2,222	
Basic		General discussion of the feasibility of the proposed lake site, including lake water infiltration and adverse soil conditions that could impact intake structure and embankment stability.				\$ -	\$ 3,656	
Basic		Submit in draft format for team review.				\$ -	\$ 654	
Basic		QC				\$ -	\$ 2,840	
5	Basic		Water Quality (Surface and Ground Water)				\$ -	\$ 2,961
	Basic		5.01 Water Quality Sampling Plan				\$ -	\$ 2,140
	Basic		5.02 Georgia EPD-QAPP				\$ -	\$ 1,690
	Basic		5.03 Perform water quality analysis				\$ -	\$ -
	Basic		Obtain laboratory				\$ -	\$ -
	Basic		Coordinate with lab to analyze for:				\$ -	\$ 260
	Basic		Nutrients				\$ -	\$ -
	Basic		Dissolved Solids				\$ -	\$ -
	Basic		Bacteria				\$ -	\$ -
	Basic		Priority Metals				\$ -	\$ -
	Basic		Pesticides				\$ -	\$ -
	Basic		EPA Toxic Priority Pollutants (per GWQS)				\$ -	\$ -
	Basic		Other				\$ -	\$ -
	Basic		5.04 Conduct water quality sampling per GDNR-EPD				\$ -	\$ -
	Basic		5.05 Collect samples at 2-sites per city input	6,000			\$ 6,300	\$ 6,852
	Basic		Baseflow event - May through October (warm season)	995			\$ 1,045	\$ 1,045

City of Statesboro Georgia Environmental Feasibility Study - Creek On The Blue Mile #### Detailed Cost Breakdown	Project Fee Summary	
	Basic Services	832,417
	Special Services	-
	Total Project	832,417

Tasks			Subconsultants				Total	
Phase	Task	Basic or Special	Task Description	EMC	R+LC	Brockington Assoc.	Total Sub Effort	Total Effort
		Basic	High-flow event warm season	995			\$ 1,045	\$ 1,045
		Basic	Baseflow event -November through April (cool season)	995			\$ 1,045	\$ 1,045
		Basic	One high-flow (rising hydrograph) event- cool season	995			\$ 1,045	\$ 1,045
		Basic	5.06 4-sample, 30-day - bacteriological	2,000			\$ 2,100	\$ 2,652
		Basic	Baseflow conditions during the warm season	2,860			\$ 3,003	\$ 3,003
		Basic	High-flow conditions during the warm season	2,860			\$ 3,003	\$ 3,003
		Basic	Baseflow conditions during the cool season	2,860			\$ 3,003	\$ 3,003
		Basic	High-flow conditions during the cool season	2,860			\$ 3,003	\$ 3,003
		Basic	5.07 Perform field measurements during sampling events:				\$ -	\$ 552
		Basic	Streamflow				\$ -	\$ -
		Basic	Dissolved oxygen				\$ -	\$ -
		Basic	Temperature				\$ -	\$ -
		Basic	d,pH				\$ -	\$ -
		Basic	1. Compare baseline with future water quality				\$ -	\$ 1,042
		Basic	2. EDR data Search for 2 mile radius - public/private wells	2,750			\$ 2,888	\$ 2,888
		Basic	3. Install and sample 3-2" wells w/MHs	5,600			\$ 5,880	\$ 6,094
		Basic	4. Compare GW and SW sampling	4,750			\$ 4,988	\$ 4,988
		Basic	Report to summarize current / future condition	15,841			\$ 16,633	\$ 18,623
		Basic	QC				\$ -	\$ -
		Basic	QC				\$ -	\$ 5,302
6		Basic	Environmental Evaluation (Costs divided among 6a,6b,6c)				\$ -	\$ 7,416
		Basic	6.01 Wetlands and Streams		15,028		\$ 15,779	\$ 15,779
		Basic	Wetlands / Streams Field Studies				\$ -	\$ 6,522
		Basic	A. Compile and review existing stream and wetlands data				\$ -	\$ -
		Basic	B. Conduct field studies (define LOI for JWD)				\$ -	\$ 1,785
		Basic	Delineate wetland boundaries (GPS)				\$ -	\$ -
		Basic	Identify and map open water (non-wetland or stream) areas.				\$ -	\$ -
		Basic	Identify OHWM of streams - flag for survey.				\$ -	\$ -
		Basic	Identify limits of state waters and limits of buffered state waters in accordance with Georgia Erosion and Sedimentation Act, O.C.G.A. 12-7.				\$ -	\$ -
		Basic	Complete prelim. Mitigation credits calcs.				\$ -	\$ -
		Basic	3. Delineation map-wetlands / SW+ buffers (Topo-EMC)	14,500			\$ 15,225	\$ 17,097
		Basic	QC				\$ -	\$ 3,599
		Basic	6.02 Fish and wildlife		2,635		\$ 2,767	\$ 2,767
		Basic	1. Review / study / assess protected plant and animal species in reservoir area				\$ -	\$ 1,352
		Basic	A. Conduct desktop query, threatened & endangered species				\$ -	\$ -
		Basic	B. Conduct field survey to identify				\$ -	\$ 428
		Basic	C. Perform overall assessment of habitat				\$ -	\$ -
		Basic	2. Report of projected impacts to fish and wildlife				\$ -	\$ 4,248
		Basic	QC				\$ -	\$ 4,275
		Basic	6.03 Cultural Resources			7,297	\$ 7,662	\$ 9,238
		Basic	A. Conduct detailed archival search and review				\$ -	\$ -
		Basic	Examine the GNAHRGIS to identify location / nature of CR				\$ -	\$ -
		Basic	Examine the Georgia Archeological Site File DB to identify location / nature of CR				\$ -	\$ -
		Basic	Examine Historic Preservation Files to identify location / nature of CR				\$ -	\$ -
		Basic	B. Conduct Field Reconnaissance of the project tract				\$ -	\$ -
		Basic	Prelim. Condition Assessment and verification of location of previous CR				\$ -	\$ -
		Basic	Gather field data for assessment of tract wrt previous CR and archeological sites probability				\$ -	\$ -
		Basic	C. Prepare Map w/location of identified CR and probability assessment using field and research data				\$ -	\$ -
		Basic	Prepare Report w/distribution of CR w/ project area and assessment of CR probability				\$ -	\$ -
		Basic	Provide mgmt recommendations for identified CR				\$ -	\$ 1,520
		Basic	Provide guidance and recommendations for fed / state permit actions				\$ -	\$ 1,520
		Basic	QC				\$ -	\$ 3,775
		Basic	6.0 Decision Deliverable Summary Report (Phase II)				\$ -	\$ -
		Basic	QC				\$ -	\$ -
7		Basic	Regulatory Coordination		18,010		\$ 18,911	\$ 18,911
		Basic	- USACE Section 404 Permit / CWA / USEPA				\$ -	\$ -
		Basic	- NHPA / NEPA / USFW / GA. DNR-EPD water quality&dam safety				\$ -	\$ -
		Basic	7.01 Pre-application Meeting with USACE and other agencies				\$ -	\$ 10,637
		Basic	7.02 Pre-application meeting with IRT (USACE, USFWS, EPA, NMFS, GADNR				\$ -	\$ 9,686
		Basic	7.03 Pre-application permitting, operating and emergency planning meeting with GADNR-EPD Safe Dams Program				\$ -	\$ 788
		Basic	Prepare report summarizing regulatory considerations				\$ -	\$ 8,709
		Basic	QC				\$ -	\$ 1,975
		Basic	QC				\$ -	\$ -
8		Basic	8.01 Final Report Deliverable				\$ -	\$ -
		Basic	Technical and Non-Technical Feasibility				\$ -	\$ 233
		Basic	1. Organize and conduct 2 Team Workshop discussions				\$ -	\$ 18,441
		Basic	2. Collection and summary of data research				\$ -	\$ 788
		Basic	3. Key criteria used in feasibility level design scenarios				\$ -	\$ 2,364
		Basic	4. Description of the feasibility level design and layout of the dam, reservoir and linear park.				\$ -	\$ 4,856
		Basic	5. Discussion of the environmental and permitting considerations for the project including baseline and future impacts				\$ -	\$ 4,640
		Basic	6. A review of the dam, reservoir and featured creek channel operations				\$ -	\$ 7,034
		Basic	7. Review of the constructability of the proposed dam, reservoir and park design				\$ -	\$ 3,040
		Basic	8. Feasibility-level OPCC				\$ -	\$ 8,140
		Basic	9. Analysis of key risks to project costs, schedule, and operations, including identification of mitigation and contingency strategy and fatal flaws.				\$ -	\$ 8,264
		Basic	10. Conclusions and recommendations including key risks and contingencies.				\$ -	\$ 3,940
		Basic	11. Feasibility Report				\$ -	\$ 8,256
		Basic	12. City Council Meeting Presentation				\$ -	\$ 12,279
		Basic	Final Feasibility Report (Rollup of Phase I + II + III)				\$ -	\$ 1,352
		Basic	QC				\$ -	\$ 4,776

City of Statesboro Georgia Environmental Feasibility Study - Creek On The Blue Mile #### Detailed Cost Breakdown	Project Fee Summary	
	Basic Services	832,417
	Special Services	-
	Total Project	832,417

Tasks			Subconsultants			Total	
Phase	Task	Basic or Special	EMC	R+LC	Brockington Assoc.	Total Sub Effort	Total Effort
		Basic	5,000			\$ 5,250	\$ 5,250
						\$ -	\$ 9,501
		Basic				\$ -	\$ 15,029
		Basic				\$ -	\$ 21,430
		Basic				\$ -	\$ 13,632
		Basic				\$ -	\$ 11,126
		Basic				\$ -	\$ 16,376
		Basic				\$ -	\$ 4,194
		Basic				\$ -	\$ 11,308
		Basic				\$ -	\$ 2,276
Total Hours / Quantity			\$ 253,681	\$ 35,673	\$ 7,297		
Total Effort			\$ 266,365	\$ 37,456	\$ 7,662	\$ 311,483	\$ 832,417

COMPENSATION

Compensation to Freese and Nichols shall be based on the following Schedule of Charges.

Schedule of Charges:

<u>Position</u>	<u>Rate</u>
Professional - 1	107
Professional - 2	130
Professional - 3	146
Professional - 4	169
Professional - 5	197
Professional - 6	225
Construction Manager - 1	85
Construction Manager - 2	111
Construction Manager - 3	131
Construction Manager - 4	164
CAD Technician/Designer - 1	91
CAD Technician/Designer - 2	117
CAD Technician/Designer - 3	145
Corporate Project Support - 1	87
Corporate Project Support - 2	105
Corporate Project Support - 3	139
Intern/ Coop	53
Senior Advisor	175

Rates for In-House Services

Technology Charge

\$0.00 per hour

Travel

Standard IRS Rates

Bulk Printing and Reproduction

	<u>B&W</u>	<u>Color</u>
Small Format (per copy)	\$0.10	\$0.25
Large Format (per sq. ft.)		
Bond	\$0.25	\$0.75
Glossy / Mylar	\$0.75	\$1.25
Vinyl / Adhesive	\$1.50	\$2.00
Mounting (per sq. ft.)	\$2.00	
Binding (per binding)	\$0.25	

OTHER DIRECT EXPENSES:

Other direct expenses are reimbursed at actual cost times a multiplier of 1.05. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence away from the FNI office and other miscellaneous expenses directly related to the work, including costs of laboratory analysis, test, and other work required to be done by independent persons other than staff members. For Resident Representative services performed by non-FNI employees and CAD services performed In-house by non-FNI employees where FNI provides workspace and equipment to perform such services, these services will be billed at cost times a multiplier of 2.0. This markup approximates the cost to FNI if an FNI employee was performing the same or similar services.

These rates will be adjusted annually in February. Last updated February 2019.

1022015

FNI _____
OWNER _____

AGREEMENT

THIS AGREEMENT (Agreement") is made and entered into this _____ day of September, 2019 by and between the **CITY OF STATESBORO, GEORGIA** hereinafter referred to as the "City", party of the first part, and **FREESE AND NICHOLS, INC.**, hereinafter referred to as "Contractor", party of the second part,

WITNESSETH

WHEREAS, and in consideration of the mutual benefits accruing to the parties hereto, the Contractor hereby agrees to perform, and City agrees to compensate Contractor for, all necessary services to provide engineering and surveying services to conduct an environmental feasibility study for the "Creek on the Blue Mile" project, as described in the proposal dated August 26, 2019 to the Engineering Department, which is attached hereto and incorporated by reference herein (the "Proposal"), and upon the terms and conditions hereinafter provided:

1. That written proposal is attached hereto and hereby made a part of this Agreement ("Proposal") and the services described in the Proposal are hereinafter referred to as "Scope of Services"; provided, however, that the parties acknowledge and agree that any and all completion dates set forth in the Proposal shall be adjusted by mutual written agreement of the parties to take account of the date, if any, by which this Agreement is executed by both parties.
2. Contractor's compensation for the services outlined in the Scope of Services shall not exceed \$832,417.00 for Tasks 1-8 of "Exhibit A" Fee Proposal.
3. Contractor shall not perform any work that is clearly beyond the "Scope of Services" unless and until such work has been authorized in writing by the City of Statesboro. Contractor's compensation for work that is clearly beyond the "Scope of Services" shall be at a negotiated rate and in this instance, payment shall be made upon certified billing and progress reports to be made monthly to the City by Contractor for work performed during the preceding month, with payment to be made by the City within thirty (30) days from receipt of such billing.
4. If any items in any invoices submitted by the Contractor are disputed by the City in good faith for any reason, including the lack of reasonable supporting documentation, City shall temporarily delete the item(s) and shall promptly notify Contractor of the dispute and request clarification and/or remedial action. After the dispute has been settled, Contractor shall include the disputed item on a subsequent regularly scheduled invoice or on a special invoice for the disputed item only. The undisputed portion of the invoices shall, however, be paid within the normal 30-day period.

5. The Contractor assumes full responsibility for the payment of all assessments, payroll taxes, or contributions, whether State or Federal, as to all Contractor's employees engaged in the performance of work under this contract. In addition, the Contractor agrees to pay any and all gross receipts, compensation, transaction, sales, use, or other taxes and assessments of whatever nature and kind levied or assessed as a consequence of the work performed or on the compensation paid under this contract; provided, however, that, in no event shall Contractor be responsible for payment of any taxes relating to the City's income.
6. Alterations, deletions, and/or additions to the terms and conditions of this contract may only be made by the mutual written consent of the parties.
7. Any term or condition of the Contract which by operation or existence is in conflict with applicable Local, State, or Federal Law shall be rendered void and inoperative. City and the Contractor agree to accept the remaining terms and conditions.
8. Should any part of this Agreement be declared unenforceable, all remaining sections shall remain in effect.
9. This Agreement is made under, and in all respects shall be interpreted, construed, and governed by and in accordance with, the laws of the State of Georgia. Venue for any legal action resulting from this Agreement shall lie in Bulloch County, Georgia.
10. Contractor hereby covenants and agrees that they will not discriminate, with reference to work to be performed pursuant hereto, against any employee or applicants because of age, race, color, religion, sex, disability, sexual orientation, genetic information or national origin.
11. This Agreement may be terminated by either party at any time and for any reason upon thirty (30) days' prior written notice. Upon termination Contractor shall be entitled to payment only for the actual cost of the work completed in conformity with this Agreement and any other costs actually incurred as are permitted by this Agreement.
12. All claims, disputes and other matters arising out of or relating to this Agreement or the breach hereof shall be governed by the laws of the State of Georgia.
13. Contractor agrees, on behalf of City, to comply with the requirements of the Fair Credit Reporting Act. Contractor agrees to give notice to and obtain written authorization from every applicant prior to conducting any background investigation on said applicant.

14. This Agreement is intended by the parties hereto to be the final expression of their Agreement, and it constitutes the full and entire understanding between the parties with respect to the subject hereof, notwithstanding any representations, statements, or agreements to the contrary heretofore made.

WITNESS:

CONTRACTOR LEGAL NAME

Vendor Number_____

Recommended by: _____
Charles Penny, City Manager

APPROVED AS TO FORM:

I. Cain Smith, City Attorney

ATTEST:

CITY OF STATESBORO

By: _____
Leah Harden, City Clerk

By: _____
Jonathan McCollar, Mayor

Agenda Item 22

CITY OF STATESBORO

COUNCIL

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



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 and Leah Harden, City Clerk

From: Cain Smith, City Attorney

Date: September 12, 2019

RE: September 17, 2019 City Council Agenda Items

Policy Issue: Employment contract with City Clerk Leah Harden

Recommendation: Consideration of contract for approval

Background: Leah Harden was properly appointed as City Clerk on September 3, 2019, in accordance with Charter Section 3-4 which vests Mayor and Council with the authority to appoint City Clerk. Charter Section 1-2 grants Mayor and Council the power to enter into contracts on behalf of the City.

Budget Impact: Salary of \$65,024.59 and costs of benefits as set out in contract

Council Person and District: All

Attachments: Proposed Employment contract

EMPLOYMENT AGREEMENT

GEORGIA, BULLOCH COUNTY.

This agreement entered into this 17th day of September, 2019 by and between the **MAYOR AND CITY COUNCIL OF STATESBORO**, a municipal corporation, its assigns and successors, hereinafter known as “City”, and **LEAH HARDEN**, her heirs, assigns and successors, hereinafter known as “Employee”

WITNESSETH:

WHEREAS, the Charter of the City of Statesboro provides for the appointment of a City Clerk, and the City is in need of a City Clerk, and;

WHEREAS, Employee is experienced in the facets required of the position of City Clerk and is desirous of fulfilling the duties the office of the City Clerk;

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

SECTION 1. DUTIES

Employee covenants and agrees to act as the City Clerk and shall be vested with the legal authority prescribed to the City Clerk by the City Charter and Code of Ordinances of the City of Statesboro as amended and shall represent and pursue the interests of the municipal corporation of the City of Statesboro as defined by the Mayor and City Council as the governing body of the municipal corporation of the City of Statesboro. In so doing, the City Clerk shall act as an executive and fiduciary of the municipal corporation of the City of Statesboro. Employee shall be responsible for managing and supervising the operations of the department and serving as custodian of all legal documents for the City. Employee is also responsible for overseeing the collection of city tax and license revenue, issuing City licenses and permits, implementing and enforcing city ordinances, and acting as election superintendent.

SECTION 2. TERM

- A. This agreement shall remain in full force and effect from September 17, 2019 until terminated by the Employer or Employee as provided in Section 3 of this agreement.
- B. All parties acknowledge that Employee is an appointed official and serves at the pleasure of the Mayor and City Council, and that the Mayor and City Council can terminate that appointment at will, and thereby terminate this agreement at will subject only to the provisions set forth in Section 3, Paragraph A of this agreement.
- C. Nothing in the agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from her position with the City, subject to the provision set forth in Section 3, Paragraphs B and C of this agreement.

SECTION 3. TERMINATION AND SEVERANCE PAY

- A. In the event the Employee is terminated and the Employee is willing and able to perform the duties of the position under this agreement, the Employer agrees to negotiate a settlement offer with Employee to pay the Employee a lump sum cash payment in an amount not less than (3) and not to exceed six (6) months' gross salary. However, in the event Employee is terminated because the Employee is convicted of a crime of moral turpitude or a felony, or if the City determines that the Employee has engaged in unprofessional conduct, conduct that breaches the public trust, including but not limited to illegal acts involving moral turpitude, malfeasance or misfeasance, the City shall be entitled to terminate the Employee immediately without any severance pay or indemnification as specified and provided for in this agreement.
- B. If Employer refuses, following a written request to comply with any provision benefitting Employee herein, or if the Employee resigns following an offer to accept resignation

whether formal or informal by the Employer, then the Employee may declare a termination and receive severance pay as above provided.

- C. In the event the Employee voluntarily resigns her position with the City then the Employee shall give the City FORTY-FIVE (45) days' written notice in advance, unless the parties otherwise agree. The severance pay agreement detailed above shall not apply to voluntary resignation.

SECTION 4. TERMINATION DUE TO DISABILITY

If the Employee is unable to perform her duties because of illness, accident, injury, or mental incapacity, for a period of at least twelve (12) weeks and no reasonable accommodations are available, the City shall have the option to terminate employment. However, the employee shall be entitled to severance pay as provided for in Section 3.

SECTION 5. COMPENSATION

As compensation for acting as the City Clerk, Employee shall be paid the annual sum of Sixty Five Thousand Twenty Four and 59/100 Dollars (\$65,024.59), payable in installments at the same time as other employees of the City are paid. The City agrees that the employee shall receive increases in base salary and benefits due other employees on the anniversary date of this agreement each year in the same percentage as all other employees who receive a favorable evaluation in that year unless the Employer determines in an annual evaluation that the employees performance in the past year does not justify a merit increase. Employee shall also receive the same cost of living adjustments as a percentage of annual salary as other full time City employees receive that year.

As further compensation for acting as the City Clerk, the City of Statesboro shall provide an amount equal to four percent (4%) of Employee's salary into a deferred compensation account

for Employee's benefit. Such deferred compensation account shall be titled in Employee's name. No vesting period shall be required by the City. Such account will remain the property of the Employee during and after her employment.

SECTION 6. BENEFITS

Employee shall receive all benefits typically provided to employees of the City of Statesboro including, but not limited to, participation in the Defined Benefit Retirement Plan; life insurance equivalent to her annual salary, as well as long term disability. The City shall contribute the Employee's share to the Defined Benefit Retirement Plan. These benefits shall equal those offered to regular employees of the City. Participation in the City's health, vision, and dental employee insurance programs is expressly excluded for purposes of this Section.

SECTION 7. VACATION AND SICK LEAVE

Employee shall accrue sick leave at the same rate as regular full time employees of the City. Employee shall receive vacation leave time at the rate of 120 hours per calendar year. The maximum amount of vacation leave time that the Employee may accrue shall be governed by the *City of Statesboro, Georgia Personnel Policies and Procedures (Employee Handbook)* as from time to time amended by the Mayor and City Council of Statesboro.

SECTION 8. DUES, SUBSCRIPTIONS, AND PROFESSIONAL DEVELOPMENT

- A. City agrees to pay the Employee's annual membership dues, subscriptions and conference expenses incurred by the Employee in conjunction with the Employee's duties, not to exceed the budgeted amount and subject to prior budgetary approval of the Mayor and City Council. City shall also cover the costs of any professional memberships.
- B. The City agrees to pay for travel and subsistence expenses for the Employee for professional and official travel, meetings and occasions adequate to continue the

professional development of the Employee and to adequately pursue necessary official and other functions of the City, not to exceed the budgetary restrictions and subject to prior budgetary approval by the Mayor and City Council. Mileage shall be paid when Employee is required to drive her own vehicle outside Bulloch County for any purpose under this subsection.

- C. City agrees to pay the dues and meal expenses for Employee's membership in one civic club of Employee's choosing.

SECTION 9. HOURS OF WORK

The City recognizes that Employee must devote substantial time outside of normal business hours to the affairs of the City and that Employee shall be allowed to take time off as she shall deem appropriate during normal office hours (8:30 a.m. – 5:00 p.m.).

SECTION 10. HOLD HARMLESS AND INDEMNIFICATION

The City recognizes that Employee is an agent and an employee of the City of Statesboro and that in the performance of Employee's duties and as an agent of the City, the City shall defend, hold harmless, and indemnify Employee from all claims, demands, and liabilities arising directly or indirectly from Employee's service as an agent and employee of the City to the extent that such claims, demands, or liabilities are covered by the City's general liability insurance policy or other applicable insurance policies.

SECTION 11. CONTINUING DUTY OF COOPERATION

At the termination of the employment relationship between the parties, if requested by the City Employee expressly agrees to cooperate with and assist any newly appointed City Clerk during the period of transition at a rate of pay equivalent to one-half Employee's most recent salary level. The period of transition shall begin on the date of the termination of the

employment relationship, and shall be for a period not to exceed six (6) months unless otherwise agreed to by the parties.

SECTION 12. MISCELLANEOUS PROVISIONS

- A. Mayor and City Council reserve the right to fix any other reasonable terms and conditions of employment as it may determine from time to time relating to the performance of Employee provided that such terms and conditions are not inconsistent with or in conflict with other provisions of this Agreement, the City Charter, or the Code of Ordinances.
- B. If any provision or portion of this Agreement is held to be invalid or unenforceable for any reason, the remainder of this Agreement or portion thereof shall be severable and shall remain in full force and effect.

IN WITNESS WHEREOF, all parties hereto have affixed their hands and seals the day and year above written.

MAYOR AND CITY COUNCIL
OF STATESBORO

Leah Harden
Employee

By: _____
Jonathan McCollar
Mayor, City of Statesboro

Attest: _____
Cain Smith
City Attorney, City of Statesboro

Sworn to and subscribed before me, this ____ day of September, 2019

NOTARY PUBLIC