



October 1, 2019 9:00 am

1. Call to Order by Mayor Jonathan McCollar
2. Invocation and Pledge of Allegiance by Councilman Jeff Yawn
3. Recognitions/Public Presentations
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 09-17-2019 Council Minutes
 - b) 09-17-2019 Work Session Minutes
6. Second Reading and Consideration of a Motion to approve **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 serviced by licensees changing license to run for the calendar year and streamlining language involving applicant background checks.
7. Public Hearing & Consideration of a Motion to approve application for Sec.6-17(d) exemptions to open container prohibition:
 - A) The Blue Room
1830 Chandler Rd
Kaleo Lyles - Manager
Type of Event: Outdoor concert, in the parking lot
Date of Event: 11/6/2019
6:00pm-11:00pm
8. First Reading and consideration of a motion to move forward with **Ordinance 2019-10**: An Ordinance regarding speed limit enforcement using speed detection devices.
9. Consideration of a motion to approve **Resolution 2019-33**: A Resolution approving application for the FY2019 Georgia Transportation Infrastructure Bank (GTIB) Grant for the City of Statesboro, Georgia and committing matching funds.
10. Consideration of a Motion to Approve the Bulloch County Historical Society to place a historical marker on City of Statesboro property recognizing the former Statesboro High and Industrial School on the property of the Zadie Lundy Douglas Little League Field and authorize the Mayor to sign an easement for its placement.

11. Consideration of a Motion to award a Sole Source Contract with Connetics Transportation Group (CTG) in the amount of \$29,636.00 to develop a Transit Implementation Plan for the City of Statesboro.
12. Consideration of a Motion to award a contract to Vermeer Southeast Sales & Service in the amount of \$43,568.00 for one Vermeer CTX Mini Skid Steer with funds approved in the 2020 CIP Budget item #NGD 61.
13. Consideration of a Motion to award a contract to Takeuchi Mfg. (US) Ltd. In the amount of \$36,816.43 for one Takeuchi TB230 compact excavator with fund approved in the 2020 CIP Budget item #NGD 62.
14. Consideration of a Motion for Award of Contract to Johnson Controls, Inc in the amount of \$109,193.00 for replacement of the HVAC system at the Police Department facility.
15. Other Business from City Council
16. City Managers Comments
17. Public Comments (General)
18. 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)
19. Consideration of a Motion to Adjourn



1. Call to Order

Mayor Jonathan McCollar called the meeting to order

2. Invocation and Pledge

Councilman Sam Jones 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 | Present | |
| Derek Duke | Councilmember | Present | |

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

3. Public Oath of Office Ceremony administered by Mayor Jonathan McCollar to City Clerk, Leah Harden.

Mayor McCollar administered the Oath of Office to City Clerk, Leah Harden

4. Public Comments (Agenda Item): None

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

B) 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: Behicle and Equipment Surplus and Disposal.

A motion was made to approve the consent agenda

RESULT:

Unanimous

MOVER:

Councilman Jeff Yawn

SECONDER:

Councilman Derek Duke

AYES:

Boyum, Jones, Yawn, Riggs, Duke

ABSENT:

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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

A motion was made to table this item until the second meeting in October

RESULT:

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| Unanimous |
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MOVER:

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| Councilman Phil Boyum |
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SECONDER:

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|-----------------------|
| Councilman Derek Duke |
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AYES:

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| Boyum, Jones, Yawn, Riggs, Duke |
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ABSENT:

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7. Presentation regarding City special event permit requirements by Travis Pryor.

Travis Pryor, owner of Dat Boy Entertainment stated as an event coordinator he would like to see the alcohol ordinance be changed for the special event permits so events like his may be able to sell alcohol without having to get a regular alcohol license. He says he is limited on the venues of his events because the City’s ordinance pertaining to Special Event Permits.

A motion was made to gather staff recommendations

RESULT:

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| 4-1 |
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MOVER:

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| Councilman John Riggs |
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SECONDER:

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| Councilman Sam Jones |
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AYES:

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| Boyum, Jones, Riggs, Yawn |
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NAYS:

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| Councilman Duke |
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ABSENT:

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

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

A motion was made to open the public hearing.

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

Mayor McCollar inquired of the Planning Department – no issues, Fire Department – no issues, Police Department – deny, City Attorney concurs with the Police Department.

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.

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

A motion was made to deny the alcohol application

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

**B) Five Points Store
Lindsay Martin
2855 Northside Drive W
Statesboro, Ga 30458**

A motion was made to open the public hearing.

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

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.

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

A motion was made to approve the alcohol application for Five Points Store.

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

9. Public Hearing & Consideration of a Motion to approve application for 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: 09-24-2019**
 - 8pm – 11pm**

A motion was made to open the public hearing.

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

No one spoke for or against.

A motion was made to close the Public Hearing.

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

A motion was made to approve application for Eagle Creek Brewing Company

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

B) The Blue Room
1830 Chandler Road
Statesboro, Ga 30458
Kaleo Lyles – Manager
Type of Event: Outdoor Concert in the parking lot
Date of Event: 10-03-2019
6pm – 10:30pm

A Motion was made to open the Public Hearing

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

A Motion was made to close the Public Hearing

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

A Motion was made to approve the application for The Blue Room.

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

10. 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).

A Motion was made to open the Public Hearing

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

Tony Crosby with Statesboro properties spoke in favor of the request.
No one spoke against the request.

A Motion was made to close the Public Hearing

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

A Motion was made to approve the applications V19-08-01, RZ19-07-02, and V19-18-03.

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

11. **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).

A Motion was made to open the Public Hearing

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

No one spoke for or against the request.

A Motion was made to close the Public Hearing

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

A Motion was made to approve application V19-08-04 with staff recommendations.

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|------------------|---------------------------------|
| RESULT: | Unanimous |
| MOVER: | Councilman Phil Boyum |
| SECONDER: | Councilman Sam Jones |
| AYES: | Boyum, Jones, Yawn, Riggs, Duke |
| ABSENT: | |

12. 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).

A Motion was made to open the Public Hearing

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| RESULT: | Unanimous |
| MOVER: | Councilman Sam Jones |
| SECONDER: | Councilman Phil Boyum |
| AYES: | Boyum, Jones, Yawn, Riggs, Duke |
| ABSENT: | |

Lindsey Thomas with Parker Engineering spoke in favor of the request.
No one spoke against the request.

A Motion was made to close the Public Hearing

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

A Motion was made to approve the application V19-08-06 with staff recommendations.

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

13. 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).

A Motion was made to open the Public Hearing

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

No one spoke for or against the request.

A Motion was made to close the Public Hearing

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

A Motion was made to approve the applications V19-08-08, RZ19-08-09, and RZ19-08-10 with staff recommendations.

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

14. 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).

A Motion was made to open the Public Hearing

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

John Dotson spoke in favor of the request.

No one spoke against the request.

A Motion was made to close the Public Hearing

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

A Motion was made to approve the application SUB 19-08-11 with staff recommendations.

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

**15. 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.**

A Motion was made to open the Public Hearing

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

No one spoke for or against the request.

A Motion was made to close the Public Hearing

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

A Motion was made to approve the first reading and to move forward with Ordinance 2019-09.

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

16. 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.

A Motion was made to approve the award of bid to SETCO Sales Company, LLC.

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

17. 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.

A Motion was made to approve a sole source contract to Yancey Brothers for repairs to the CAT loader in the Solid Waste Disposal Division of Public Works & Engineering Department.

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

18. 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.

A Motion was made to award a Professional Services Contract to Wood Engineering to provide a computer model and pressure study for the Natural Gas System.

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| RESULT: | Unanimous |
| MOVER: | Councilman Jeff Yawn |
| | Councilman Derek Duke |

SECONDER:

AYES:

ABSENT:

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| Boyum, Jones, Yawn, Riggs, Duke |
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19. 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

A Motion was made to Approve Resolution 2019-31: first amendment to the fiscal year 2020 budget.

RESULT:

MOVER:

SECONDER:

AYES:

ABSENT:

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|---------------------------------|
| Unanimous |
| Councilman Jeff Yawn |
| Councilman Derek Duke |
| Boyum, Jones, Yawn, Riggs, Duke |
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20. 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.

A Motion was made to Approve Resolution 2019-32: adopting the first amendment to the six-year capital improvements program for the fiscal year 2019-2020 through 2024-2025

RESULT:

MOVER:

SECONDER:

AYES:

ABSENT:

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|---------------------------------|
| Unanimous |
| Councilman Derek Duke |
| Councilman Jeff Yawn |
| Boyum, Jones, Yawn, Riggs, Duke |
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21. 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.

A Motion was made to authorize the Mayor to enter into a contract agreement with Freese and Nichols, Inc. for engineering and surveying services to conduct an environmental feasibility study for the Creek on the Blue Mile project.

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

22. Consideration of a Motion to Approve an Employment Agreement with City Clerk, Leah Harden.

A Motion was made to approve an Employment Agreement with City Clerk, Leah Harden.

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

23. Other Business from City Council

Councilman Derek Duke thanked the Police Department for their rapid response to the shooting that took past weekend.

24. City Managers Comments:

City Manager Charles Penny stated there will be a Work Session on October 1, 2019 at 7:30 am before the regularly scheduled Council Meeting. He also stated there will be a community clean up on October 5, 2019.

City Clerk Leah Harden informed Mayor and Council about three vacancies on the Planning Commission. The three incumbents are willing to serve another term. If Council has any nominations to email the City Clerk and the appointments will be discussed and appointed at the October 1, 2019 Council Meeting.

25. Public Comments (General):

Voncellis Allen stated his displeasure with Council regarding the denial of his alcohol application.

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

There was no executive session.

27. Consideration of a Motion to Adjourn

A motion was made to adjourn the meeting at 7:02 pm.

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



**CITY OF STATESBORO
CITY COUNCIL WORK SESSION MINUTES
September 17, 2019 4:00 PM**

A work session of the Statesboro City Council was held on September 17, 2019 at 4:00 p.m. at Joe Brannen Hall, 58 East Main Street. Present was Mayor Jonathan McCollar; Council Members: Phil Boyum, Sam Lee Jones, Jeff Yawn, and Derek Duke. Also present was City Clerk Leah Harden, City Attorney Cain Smith, City Manager Charles Penny and Assistant City Manager Jason Boyles. Councilman John Riggs was absent.

The meeting was called to order by Mayor Jonathan McCollar. Mayor McCollar explained these work sessions are to inform Council of things going on in the City and the status of projects. The following topics were discussed:

a) Financial Report

Director of Finance Cindy West presented an overview of the revenues and expenditures for Fiscal Years 2018 and 2019.

b) Creek on the Blue Mine Presentation

Chuck Perry with EMC Engineering, George Kelley Project manager, and Eric Nease, Reservoir design expert presented the Reservoir Environmental Feasibility study for the “Creek on the Blue Mile”. The primary goal of the project is for floodplain mitigation. This will be done in three phases, technical, environmental and permitting.

c) Transit Plan

Kiara Ahmad, civil engineer with the engineering department presented the Statesboro Transit Feasibility Study. She presented four route ideas along with the cost for each one and staff recommendations as to which route would best suit the City of Statesboro. She also stated we would apply for a Federal grant that would provide 80 percent of the cost, the City would do a 10 percent match and the State would do a 10 percent match as well. The grant application with GDOT are due in November.

d) Special Event Permit

Cain Smith explained Special Event Permits are required when there is selling of alcoholic beverages at an event. This allowance is governed by 6-8 (d)(3) locally and statewide by O.C.G.A 3-14-1. He explained City Code is more restrictive than that of the State. The reason for this presentation is due to citizen complaints regarding the permitting for Special Events where alcohol is sold.

e) Parks & Recreation

City Manager Charles Penny presented a review of parks and recreation in both the City and County. The County has more active parks where the City parks are more passive parks. The County cares for 11 parks and/or facilities of these 11 six of them are located within the city. We need to work collaboratively with the County for park improvements. Mr. Penny recommends obtaining a professional to evaluate the parks in the City to recommend improvements and enhancements.

The meeting was adjourned at 5:10 pm

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 24, 2019

RE: October 01, 2019 City Council Agenda Items

Policy Issue: *Second 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. First Reading 09-17-2019.

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:

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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 licensee, 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)

RECEIVED
9/13/19



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: 9/13/2019
2. Name of applicant: Koles LV/PS
5. Date of event: 11/6/2019
6. Time of event: 6:00pm - 11:00pm
7. Location of event: 1430 Chancellor Rd. Statesboro GA 30458
8. Type of event (detailed description): Outdoor 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:
 $2700 \times 50 \text{ ft} = 13,500 \text{ sqft} / 7 \text{ sqft per person} = 1928 \text{ people}$

11. Description of the method and structures that will be used to secure and separate such area from other public areas: U line fencing along with card

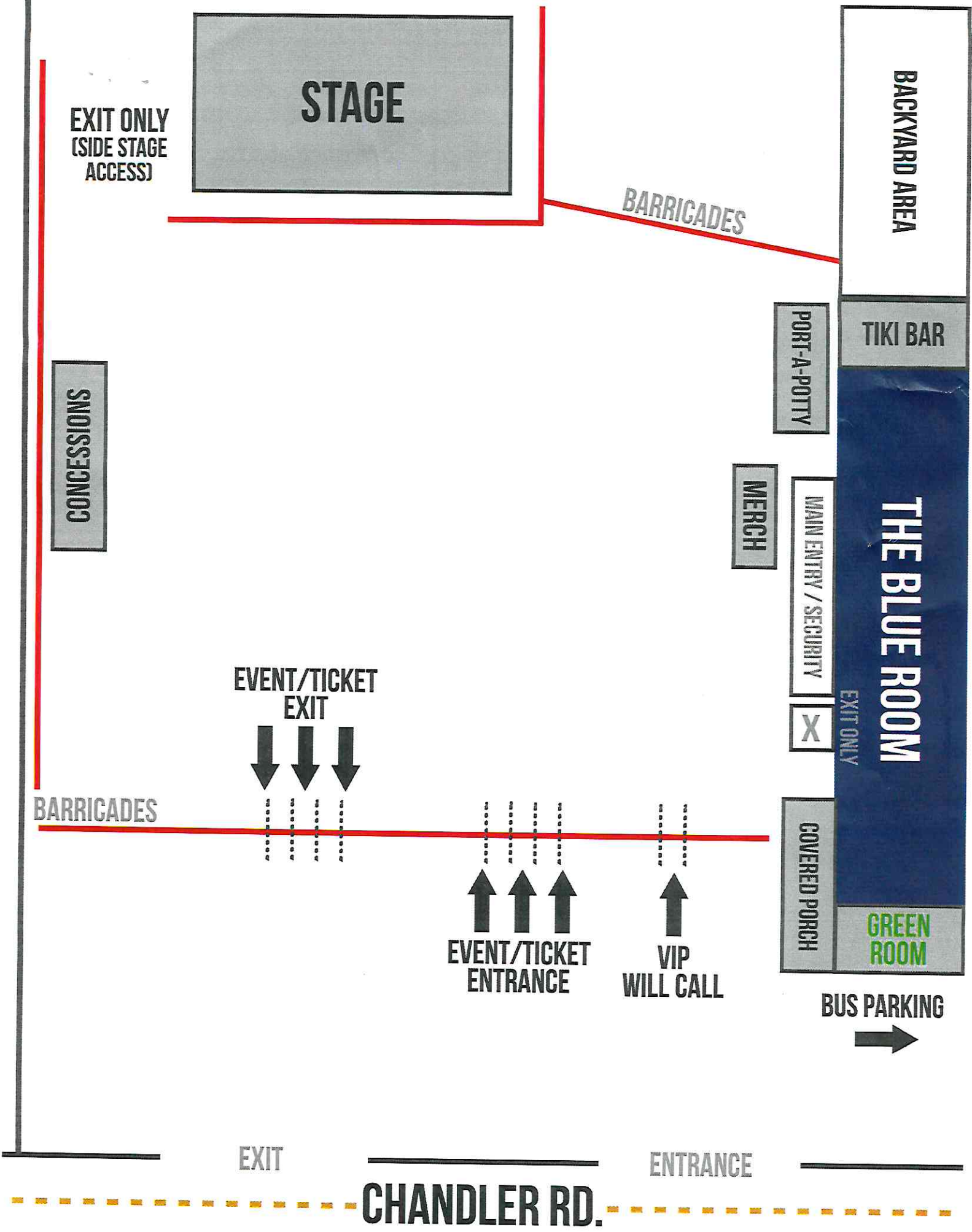
control metal gates.



Signature of applicant

9/13/2019

Date



STAGE

**EXIT ONLY
(SIDE STAGE
ACCESS)**

BARRICADES

BACKYARD AREA

TIKI BAR

PORT-A-POTTY

MERCH

MAIN ENTRY / SECURITY

X

EXIT ONLY

THE BLUE ROOM

COVERED PORCH

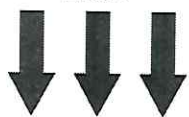
GREEN ROOM

BUS PARKING

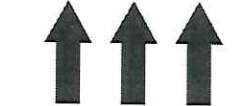


CONCESSIONS

**EVENT/TICKET
EXIT**



BARRICADES



**EVENT/TICKET
ENTRANCE**

**VIP
WILL CALL**



EXIT

ENTRANCE

CHANDLER RD.

The Blue Room
Kaleo Lyles
1830 Chandler Road
11/6/2019
6pm-11:00 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 | Make sure they get a copy of letter submitted. I emailed one to them already. |
| Public Works | Robert Seamans | Approve | |
| Police | Mike Broadhead | Approve | Listed as possible max crowd of 1900+ people, PD approval contingent on Fire Department assessment of size/crowd limitations |
| Legal | Cain Smith | Approve | |
| | | | |
| | | | |



Timothy E. Grams
Fire Chief

Statesboro Fire Department

*Proudly serving the City of Statesboro and
surrounding communities since 1905!*



Jonathon M. McCollar
Mayor

September 20, 2019

To: Kaleo Lyles
The Blue Room
1830 Chandler Road

From: Stephan Hutchins
Prevention Division Battalion Chief
Statesboro Fire Department

RE: Outdoor Concert for November 6, 2019

Mr. Lyles,

The Statesboro Fire Department has reviewed the application for Exemptions to Open Container Prohibition submitted on September 13, 2018. The Statesboro Fire Statesboro Department has no objections with approving this request contingent upon the following conditions:

1. The maximum occupant load for the premises shall no exceed more than **1,928**, which also includes all staff members and the band group. Please note that the occupancy load for **The Blue Room** is **680** and shall not exceed inside the building at any time.
2. Georgia requires a trained Crowd Control Manager for assembly occupant loads of 100 or more with an additional Crowd Control Manager for every 250 people.
 - a. For example, an establishment has an occupant load of 260. This establishment would have to be staffed with a minimum two (2) Crowd Control Managers anytime it is open and in operation (1 for the first 100 people, 1 for the additional 150 people.). The individual(s) must complete the certification process before the event and have their cards in hand.
 - b. 1,928-occupant load will require **10 crowd managers** for the outside event and **3 crowd managers** for the inside of The Blue Room.
3. The drawing submitted with the application shows only **6** means of egress. Based on this drawing the **number of openings is inadequate for the total number of occupant load of 2,608 people**. In order to meet the requirements, the egress capacity must equal or exceed that of the total occupancy load (2,280). The calculations used to determine required egress can be found in NFPA 101 Life Safety Code Edition 2012 section 7.3.3.1.

All six opening shall not be less than 6 feet (72in.) wide and add on 8 foot (96 in.) gate by the stage area, egress requirements would be satisfied.

Statesboro Fire Department only has three crowd managers on-file, all 13 crowd managers require to have approved card at the time of event.

Failure to comply with the conditions listed within at any time during the event could cause a revocation of this permit.

Thank you.

Stephan Hutchins
Prevention Division Battalion Chief
Statesboro Fire Department

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

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

To: Charles Penny, City Manager
From: John Washington, City Engineer
Date: September 24, 2019
RE: List of Roads – Statesboro Speed Limit Ordinance
Policy Issue: Ordinance - Speed Limit

Recommendation: Attached for Mayor and City Council’s consideration and adoption is the 2019 List of Roads (LOR) with City Street Speed Limits as recommended by the City Public Works and Engineering Department and approved by Georgia Department of Transportation (GDOT).

Background: The City Public Works and Engineering Department works with GDOT and the City Police Department (SPD) to update the current speed limit list for Statesboro’s streets and roads. The adoption of the 2019 List of City Streets Speed Limits is a recurring process for the City of Statesboro, with the goal of being certified to use SDDs to enforce speed limits within the city limits. Adoption of this document by Mayor and City Council is one of the steps required by the state to allow the use of approved speed detection devices (SDD) (e.g. radar or laser detectors) to enforce city and state speed limits inside Statesboro’s city limits. This process is repeated every three years or when speed changes occur within the city limits. After the document has been adopted by City Council and signed by the Mayor, the document will be returned to GDOT for documentation and filing.

Budget Impact: None.

Council Person and District: All

Attachment(s): Ordinance - Speed

City Manager’s Recommendation: Recommend approval and authorization for the Mayor to sign the GDOT LOR on the Council’s behalf and Council’s adoption is the 2019 List of Roads (LOR) with City Street Speed Limits.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
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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 18, 2019

RE: City of Statesboro - Speed Limit Ordinance
List of Roads (LOR)

Policy Issue: Ordinance

Summary: Attached for Mayor and City Council's consideration and adoption is the 2019 List of Roads (LOR) with City Street Speed Limits recommended by the City Public Works and Engineering Department and approved by Georgia Department of Transportation (GDOT). Engineering works with GDOT and the City Police Department (SPD) to update the current speed limit list for Statesboro's streets and roads. The adoption of the 2019 List of City Streets Speed Limits is a recurring process for the City of Statesboro, with the goal of being certified to use SDDs to enforce speed limits within the city limits.

This 2019 revision adds the S&S Railroad Bed Road, a length of 1.02 miles from Cawana Road to 2,972 feet Northwest of Pretoria Rushing Road. As a result of annexation of parcels adjacent to the "Clubhouse" commercial development, Old Register Road was extended 0.56 mile per agreement with Bulloch County. The next step in accordance with GDOT Policy 6780-4- Establishment of Speed Zones is adoption of the LOR as an ordinance by the Mayor and City Council.

Adoption of this document by Mayor and City Council is one of the steps required by the state to allow the use of approved speed detection devices (SDD) (e.g. radar or laser detectors) to enforce city and state speed limits inside Statesboro's city limits. This process is repeated every three years or when speed changes occur within the city limits. After the document has been adopted by City Council and signed by the Mayor, the document will be returned to GDOT for documentation and filing.

The entire process will culminate with the Georgia Department of Public Safety (DPS) issuing the City of Statesboro a SDD Certificate that allows us to use approved SDDs to enforce speeds for a period of three years. The City of Statesboro has a DPS issued SDD Certificate that expires December 31, 2019.

Attachment: 09092019 - STATESBORO NEW



Russell R. McMurry, P.E., Commissioner
One Georgia Center
600 West Peachtree NW
Atlanta, GA 30308
(404) 631-1990 Main Office

September 13, 2019

John Washington
City Engineer
City of Statesboro
P.O. Box 348
Statesboro, GA 30459-0348

Subject: List of Roadways 09092019

Dear Mr. Washington:

Attached are two (2) copies of a proposed list of roadways for the Speed Ordinance for the City of Statesboro in Bulloch County. Please have this list adopted by your council and **return one (1) of the original, signed copies (with original signatures)**; to this office (P.O. Box 610, Jesup, GA 31598) for filing, **(any changes or photocopies are not acceptable)**.

If you have any questions or comments, please contact Bryan Hillyard of this office at (912) 530-4465, or mail at P.O. Box 610, Jesup GA 3159-0610.

Yours very truly,

For: Robert T. McCall
District Engineer

A handwritten signature in blue ink that reads 'Cynthia Y. Phillips'.

By: Cynthia Y. Phillips
District Traffic Engineer

Enclosure:
cc: CYP: DBB: BTH

The City of Statesboro is hereby requesting that the following roadways be approved for the use of speed detection devices:

LIST OF ROADWAYS
for
CITY OF STATESBORO

ON-SYSTEM

| STATE ROUTE | WITHIN THE CITY / TOWN LIMITS OF and/or School Name | FROM | MILE POINT | TO | MILE POINT | LENGTH IN MILES | SPEED LIMIT |
|-------------------|---|--|------------|---|------------|-----------------|-------------|
| S.R. 24 | STATESBORO | S.R. 26/US 80 | 0.00 | CR 459 Packing House Rd. | 0.33 | 0.33 | 35 |
| S.R. 24 | STATESBORO | CR 459 Packing House Rd. | 0.33 | S.R. 73 Bypass | 1.12 | 0.79 | 45 |
| S.R. 24 | STATESBORO | S.R. 73 Bypass | 1.12 | CR 340 Beasley Rd. (E. Statesboro City Limits) | 1.72 | 0.60 | 45 |
| S.R. 26 US 80 | STATESBORO | 0.07 mi. West of CR 692 Fox Lake Rd. (W. Statesboro City Limits) | 16.00 | CR 622 Williams Rd. | 16.87 | 0.87 | 45 |
| S.R. 26 US 80 | STATESBORO | CR 622 Williams Rd. | 16.87 | S.R. 24 | 18.37 | 1.50 | 35 |
| S.R. 26 US 80 | STATESBORO | S.R. 24 | 18.37 | S.R. 73 Bypass | 19.70 | 1.33 | 40 |
| S.R. 26 US 80 | STATESBORO | S.R. 73 Bypass | 19.70 | 0.06 mi. West of CR 342 Rushing Rd. (E. Statesboro City Limits) | 20.72 | 1.02 | 45 |
| S.R. 67 | STATESBORO | 0.22 mi. South of S.R. 67 Bypass (S. Statesboro City Limits) | 16.90 | CS 673 Gentilly Rd. | 18.43 | 1.53 | 45 |
| S.R. 67 | STATESBORO | CS 673 Gentilly Rd. | 18.43 | CS 699 Zetterower Ave. | 19.35 | 0.92 | 35 |
| S.R. 67 | STATESBORO | CS 699 Zetterower Ave. | 19.35 | S.R. 73/US 301 | 19.74 | 0.39 | 30 |
| S.R. 67 | STATESBORO | S.R. 73/US 301 | 19.74 | CS 702 East Cherry St. | 20.24 | 0.50 | 35 |
| S.R. 67 | STATESBORO | CS 702 East Cherry St. | 20.24 | S.R. 26/US 80 | 20.81 | 0.57 | 30 |
| S.R. 67 BYPASS | STATESBORO | S.R. 67 | 0.00 | 0.15 miles south of Old Register Rd | 2.15 | 2.15 | 50 |
| S.R. 67 BYPASS | STATESBORO | 0.15 mi south of Old Register Rd | 2.15 | 0.26 mi north of SR 73/US301 (S. Statesboro City Limits) | 2.60 | 0.45 | 45 |
| S.R. 73 US 301 | STATESBORO | S.R. 67 Bypass (S. Statesboro City Limits) | 12.18 | 0.10 mi. south of Rucker Lane. | 12.73 | 0.55 | 45 |

| STATE ROUTE | WITHIN THE CITY / TOWN LIMITS OF and/or School Name | FROM | MILE POINT | TO | MILE POINT | LENGTH IN MILES | SPEED LIMIT |
|-------------------|---|---|------------|--|------------|-----------------|-------------|
| S.R. 73 US 301 | STATESBORO | 0.10 mi. south of Rucker Lane. | 12.73 | S.R. 67 | 14.14 | 1.41 | 35 |
| S.R. 73 US 301 | STATESBORO | <i>This segment of roadway runs common with State Route 67 from M.P. 14.14 to M.P. 15.21.</i> | | | | | |
| S.R. 73 US 301 | STATESBORO | S.R. 26/US 80 | 15.21 | CR 451 Shelby St. | 15.89 | 0.68 | 35 |
| S.R. 73 US 301 | STATESBORO | CR 451 Shelby St. | 15.89 | S.R. 73 Bypass (N. Statesboro City Limits) | 16.80 | 0.91 | 45 |
| S.R. 73 BYPASS | STATESBORO | S.R. 73/US 301 | 0.00 | 0.28 mi. North of S.R. 26/US 80 | 2.17 | 2.17 | 55 |
| S.R. 73 BYPASS | STATESBORO | 0.28 mi. North of S.R. 26/US 80 | 2.17 | 0.28 mi. South of Brannen St. Conn. | 2.73 | 0.56 | 45 |
| S.R. 73 BYPASS | STATESBORO | 0.28 mi. South of Brannen St. Conn | 2.73 | S.R. 67 | 4.53 | 1.80 | 50 |

OFF-SYSTEM

| ROAD NAME | WITHIN THE CITY / TOWN LIMITS OF and/or School Name | FROM | TO | LENGTH IN MILES | SPEED LIMIT |
|---------------------------|---|--------------------------------|-------------------------------|-----------------|-------------|
| Beasley Rd. | STATESBORO | East Main St. | Jones Mill Rd. | 0.90 | 35 |
| Beasley SCHOOL ZONE | STATESBORO <i>Mill Creek Elementary</i> | East Main St. | Brannen Rd. | 0.33 | 25 |
| Beasley Rd. | STATESBORO | Jones Mill Rd. | Northside Dr. East | 0.80 | 45 |
| Bermuda Run Rd. | STATESBORO | Fair Rd. | Brampton Ave. | 0.47 | 35 |
| Brampton Ave. | STATESBORO | Fair Rd. | SR 73 Bypass | 0.62 | 35 |
| Brannen St. | STATESBORO | Fair Rd. | Gentilly Rd. | 0.92 | 25 |
| Brannen St. | STATESBORO | Gentilly Rd. | Cawana Rd. | 1.19 | 35 |
| Broad St. | STATESBORO | Savannah Ave. | Brannen St. | 0.60 | 25 |
| Bruce Dr. | STATESBORO | Vista Circle | Shady Trail | 0.60 | 25 |
| Bulloch St. | STATESBORO | South Main St. | Johnson St. | 0.60 | 25 |
| Carmel Dr. | STATESBORO | Northside Dr. | Lee St. | 0.30 | 25 |
| Cawana Rd | STATESBORO | E. Northside Dr. | Brannen St. | 0.28 | 30 |
| Cawana Rd. School Zone | STATESBORO <i>Sallie Zetterower School</i> | 0.24 mi. north of Bartlett Dr. | 250 ft. north of Bartlett Dr. | 0.21 | 35 |
| Chandler Rd. | STATESBORO | Fair Rd. | Lanier Dr. | 1.10 | 30 |
| College Blvd. | STATESBORO | Stillwell St. | Savannah Ave. | 0.60 | 25 |
| Cromartie Dr. | STATESBORO | West Jones St. | Bruce Dr. | 0.40 | 25 |

| ROAD NAME | WITHIN THE CITY / TOWN LIMITS OF and/or School Name | FROM | TO | LENGTH IN MILES | SPEED LIMIT |
|-----------------------------------|--|---------------------------------|--|-----------------|-------------|
| Debbie Dr. | STATESBORO | North Main St. | Aldred Ave. | 0.40 | 25 |
| Debbie Dr. SCHOOL ZONE | STATESBORO <i>Mattie Lively Elementary</i> | 0.03 mi. west of North Main St. | 0.03 mi. east of Aldred | 0.37 | 25 |
| Denmark St. | STATESBORO | City Limits/Altman St. | Johnson | 0.64 | 30 |
| Donaldson St. | STATESBORO | Stillwell St. | Savannah Ave. | 0.60 | 25 |
| Donnie Simmons Way | STATESBORO | Carver St. | Stockyard Rd. | 0.60 | 30 |
| East Grady St. | STATESBORO | South Main St. | Deanna Dr. | 1.00 | 25 |
| East Jones St. | STATESBORO | South Main St. | Gentilly Rd. | 0.90 | 25 |
| East Main St. | STATESBORO | South Main St. | South Zetterower Ave. | 0.33 | 25 |
| East Main St. | STATESBORO | South Zetterower Ave. | E. Northside Dr. | 0.28 | 30 |
| East Olliff St. | STATESBORO | North Main St. | Packinghouse Rd. | 1.00 | 30 |
| Fleming Dr. | STATESBORO | Lester Rd. | Carmel Drive | 0.40 | 30 |
| Fleming Dr. SCHOOL ZONE | STATESBORO <i>Statesboro High School</i> | Lester Rd. | 500 West of Marsham Dr. | 0.31 | 25 |
| Fletcher Dr. | STATESBORO | North Main St. | City Limits | 0.40 | 25 |
| Foss St. | STATESBORO | Donnie Simmons Way | West Main St. | 0.30 | 30 |
| Foss St. SCHOOL ZONE | STATESBORO <i>Julia P. Bryant Elementary School</i> | West Main St. | Donnie Simmons Way | 0.30 | 25 |
| Georgia Ave. | STATESBORO | Chandler Rd. | Fair Rd. | 0.60 | 30 |
| Gentilly Rd. | STATESBORO | East Grady St. | Fair Rd. | 1.20 | 35 |
| Greenbriar Trail | STATESBORO | Wildwood Dr. | Wood Valley | 0.30 | 25 |
| Harden Rd. | STATESBORO | West Jones St. | Bruce Dr. | 0.50 | 25 |
| Hill St. | STATESBORO | North Main St. | North Gordon St. | 0.60 | 25 |
| Jef Rd. | STATESBORO | North Main St. | Zetterower Rd. | 0.40 | 25 |
| Jewel Dr. | STATESBORO | North College St. | West Parrish St. | 0.41 | 25 |
| Johnson St. | STATESBORO | West Jones St. | West Main St. | 0.70 | 30 |
| Jones Mill Rd. | STATESBORO | Lester Rd. | Beasley Rd. | 0.90 | 35 |
| Knight Dr. | STATESBORO | Harvey St. | Chandler Rd. | 0.40 | 25 |
| Lanier Rd. | STATESBORO | North Main St. | Zetterower Rd. | 0.30 | 25 |
| Lanier Dr. | STATESBORO | Georgia Ave. | City Limits/ 650 ft. south of SR 73 Bypass | 1.15 | 35 |
| Lee St. | STATESBORO | Northside Dr. | East Main St. | 0.30 | 25 |
| Lester Rd. | STATESBORO | Northside Dr. | East Main St. | 0.80 | 35 |
| Lester Rd. SCHOOL ZONE | STATESBORO <i>Statesboro High School</i> | 500 ft. N. of Northside Dr. E. | 1000 ft. N. of Fleming Dr. | 0.60 | 25 |
| Lovett Rd. | STATESBORO | E. Northside Dr. | Brannen St. | 0.35 | 30 |
| Martin Luther King Dr. | STATESBORO | West Main St. | West Parrish St. | 0.70 | 30 |
| Marvin Ave. | STATESBORO | Gentilly Rd. | Fair Rd. | 0.40 | 25 |
| Matthews Rd. | STATESBORO | East Parrish St. | City Limits/Fletcher | 0.90 | 35 |
| Miller St. Ext. | STATESBORO | Northside Dr. W. | City Limits/1,172 ft. northwest of Stockyard Rd. | 0.63 | 35 |
| Morris St. | STATESBORO | Donnie Simmons Way | Proctor St. | 0.30 | 25 |
| North College St. | STATESBORO | Pinewood Dr. | West Main St. | 1.00 | 35 |

| ROAD NAME | WITHIN THE CITY / TOWN LIMITS OF <i>and/or</i> School Name | FROM | TO | LENGTH IN MILES | SPEED LIMIT |
|-------------------------------------|--|-----------------------------|---|-----------------|-------------|
| North Edgewood Dr. | STATESBORO | Gentilly Rd. | Windsor Way | 0.80 | 25 |
| North Main St. | STATESBORO | Parrish St. | Fletcher Dr. | 1.01 | 35 |
| North Main St. | STATESBORO | Fletcher Dr. | City Limits/Zetterower Rd. | 0.77 | 45 |
| North Mulberry St. | STATESBORO | East Olliff St. | East Main St. | 0.40 | 25 |
| Old Register Rd. | STATESBORO | South Main St. | SR 73 Bypass | 0.80 | 35 |
| Old Register Rd. | STATESBORO | SR 73 Bypass | City Limits/ 0.54 mi north of Langston Chapel Rd. | 0.56 | 45 |
| Packinghouse Rd. | STATESBORO | SR 73/US 301 | East Main St. | 0.98 | 45 |
| Park Ave. | STATESBORO | Stillwell St. | Savannah Ave. | 0.60 | 25 |
| Pegwen Blvd. | STATESBORO | Northside Dr. | Jones Mill Rd. | 0.80 | 25 |
| Pitt-Moore Rd. | STATESBORO | Gentilly Rd. | Fair Rd. | 0.45 | 25 |
| Pine Needle Dr. | STATESBORO | Wildwood Dr. | Oak Leaf Dr. | 0.30 | 25 |
| Proctor St. | STATESBORO | West Main St. | Martin Luther King Dr. | 0.39 | 25 |
| Rucker Lane | STATESBORO | South Main St. | 1900 Ft. North-West of South Main Street | 0.28 | 25 |
| S&S Rail Road Bed | STATESBORO | Cawana Rd. | Pretoria Rushing Rd. | | |
| Savannah Ave. | STATESBORO | East Main St. | Northside Dr. | 0.90 | 30 |
| South College St. | STATESBORO | West Main St. | Azalea Dr. | 1.30 | 30 |
| South Edgewood Dr. | STATESBORO | Gentilly Rd. | Windsor Way | 0.70 | 25 |
| South Mulberry St. | STATESBORO | East Jones St. | Savannah Ave. | 0.40 | 25 |
| Stockyard Rd. | STATESBORO | West Main | Northside Dr. West | 1.14 | 35 |
| Stockyard Rd. SCHOOL ZONE | STATESBORO <i>Julia P. Bryant Elementary School</i> | West Main St. | Donnie Simmons Way | 0.30 | 25 |
| Tillman Rd. | STATESBORO | South Main St. | Fair Rd. | 0.20 | 35 |
| Wendwood Dr. | STATESBORO | Gentilly Rd. | Ed Moore Ct. | 0.60 | 25 |
| West Grady St. | STATESBORO | South Main St. | Parker St. | 0.50 | 25 |
| West Jones Ave. | STATESBORO | City Limit/Country Club Rd. | Johnson St. | 0.40 | 35 |
| West Jones Ave. | STATESBORO | Johnson St. | South Main St. | 0.80 | 30 |
| West Main St. | STATESBORO | College St. | City Limits/Stockyard Rd. | 1.00 | 30 |
| West Main St. | STATESBORO | South Main St. | College St. | 0.14 | 25 |
| West Main St. | STATESBORO <i>Julia P. Bryant Elementary School</i> | Proctor St. | City Limits/ 385 ft. west of Stockyard Rd. | 0.31 | 25 |
| West Parrish St. | STATESBORO | Northside Dr. | North Main St. | 0.70 | 35 |
| Wildwood Dr. | STATESBORO | Fair Rd. | Wood Valley | 0.40 | 25 |
| Williams Rd. | STATESBORO | Martin Luther King Dr. | Stockyard Rd. | 0.70 | 25 |
| Williams Rd. | STATESBORO | Stockyard Rd. | City Limits/Timber Rd. | 0.25 | 45 |

LIST NUMBER 09092019

| ROAD NAME | WITHIN THE CITY / TOWN LIMITS OF and/or School Name | FROM | TO | LENGTH IN MILES | SPEED LIMIT |
|-----------------------|--|------------------|----------------------|------------------------|--------------------|
| Whispering Pines Ave. | STATESBORO | Cypress Lake Rd. | Cul-de-sac/ Dead End | 0.64 | 25 |
| Woodlawn Dr. | STATESBORO | Fair Rd. | Chelsea Circle | 0.40 | 25 |
| Zetterower Ave. | STATESBORO | East Parrish St. | Fair Rd. | 1.70 | 35 |
| Zetterower Rd. | STATESBORO | North Main St. | Northside Dr. West | 1.40 | 35 |

ALL LISTS AND PARTS OF LISTS IN CONFLICT WITH THIS LIST ARE HEREBY REPEALED.

Signature of Governing Authority:

 Mayor, City of Statesboro

Sworn and Subscribed before me
 This _____ day of _____, _____.

 Clerk

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

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

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

From: John Washington, City Engineer

Date: September 24, 2019

RE: Georgia Transportation Infrastructure Bank (GTIB) - Grant Application
State Road and Tollway Authority (SRTA)

Policy Issue: Purchasing

Recommendation: Consideration of a motion for Council and Mayor to authorize preparation of a grant application to GTIB. Funds will be used to supplement eligible costs to include design, construction, and right of way (ROW) acquisition costs.

Background: Georgia Department of Transportation (GDOT) has submitted the Fair road & South Main Street Intersection Control Evaluation (ICE) report with anticipated costs to the city for review. The preliminary cost estimates range from \$1.8 M to \$3.5 M for phases to include design, right-of-way and construction. GDOT will fund the design and construction phases with the city's responsibility being ROW certification and acquisition. GTIB is a grant and low-interest loan program administered by SRTA. Since inception, GTIB has provided over \$125 million in grants and loans to highly competitive transportation projects that have enhanced mobility and driven economic development in local communities throughout Georgia. Applications are accepted from August 15th through **October 15th**. Awards are expected to be announced in February 2020.

Budget Impact: None.

Council Person and District: All

Attachment(s): Resolution 2019-33

City Manager's Recommendation: Recommend approval and authorization for Council and Mayor to authorize Engineering Department staff prepare grant application to GTIB.

RESOLUTION 2019 – 33: A RESOLUTION APPROVING APPLICATION FOR THE FY2019 GEORGIA TRANSPORTATION INFRASTRUCTURE BANK (GTIB) GRANT FOR THE CITY OF STATESBORO, GEORGIA AND COMMITTING MATCHING FUNDS

THAT WHEREAS, the Mayor and City Council have found that the Georgia Transportation Infrastructure Bank (GTIB) program is necessary and desirable in order to improve traffic conditions of persons living in the City of Statesboro, Georgia; and,

WHEREAS, the Mayor and City Council desire that the 2019 GTIB application be submitted to the Georgia Transportation Infrastructure Bank for funding of design, construction, and right of way (ROW) acquisition; and,

WHEREAS, City staff shall prepare a GTIB grant application to provide funding for an amount up to the eligible award of \$2,000,000 maximum in grant funds to be utilized for design, construction, and right of way (ROW) acquisition to roadway improvements for SR67 (Fair road and SR73 (S. Main Street); and,

WHEREAS, said application requires a match which is funded by GDOT and Federal dollars, in addition to local funds being provided as “grant” to the GTIB application; and,

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

Section 1. That the Mayor and City Council hereby authorize the submittal of a 2019 GTIB Grant application to the Georgia Transportation Infrastructure Bank and such supporting material as necessary.

Section 2. That the Mayor and City Council hereby pledge \$0.00 in local funds toward a GTIB award of \$2,000,000 maximum award.

Section 3. That the Mayor and City Manager are hereby authorized to execute all documents related to the application of said grant.

Adopted this 1st day of October, 2019.

STATESBORO, GEORGIA

By: Jonathan McCollar, Mayor

Attest: Leah Harden, City Clerk

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 19, 2019

RE: Bulloch County Historical Marker "Statesboro High and Industrial School"

Policy Issue: Easement to place historical marker on public property located at the Zadie Lundy Douglas Little League Field, 580 Martin Luther King Jr Drive, Statesboro, Georgia. City of Statesboro owned property.

Recommendation: Staff and Beautification Commission have reviewed and recommend approval of the request by the Bulloch County Historical Society to request an easement to place a historical marker at the Zadie Lundy Douglas Little League Field parking lot on Martin Luther King Jr Drive. Staff has met with Mike Rollins, Director, Statesboro Bulloch County Parks and Recreation. Mr. Rollins supports the request.

Background:

This is the original site of the Statesboro High and Industrial School built in 1905 – 08. This location now serves as the site for Zadie Lundy Douglas Little League Field and parking lot. The sign will go on the North West corner of the park near the parking lot.

Budget Impact:

None

Council Person and District: Sam Jones / District 2

Attachments: Easement, Sign Verbiage, Location map

CC: Beautification Commission

Statesboro High and Industrial School

The origins of the Statesboro High and Industrial School can be traced to the early 1900s. The African American community's vision to organize a high school for their children in Bulloch County took shape in 1905 when a group of citizens purchased land at this site. The facility that opened in 1908 became known as the City Colored School, with educator William James (1872—1935), who had attended Atlanta Baptist Seminary (now Morehouse College), serving as head.

Despite unequal public funding, James sustained operations and financed building projects with assistance from philanthropic interests including Rosenwald, Slater, and Jeanes Funds, the Knox and Crane families, and Quaker abolitionist Emily Howland, for whom a dormitory was named. An industrial laboratory was added in 1910 and the school became the Statesboro High and Industrial School. A 1924 fire destroyed two buildings. The school re-emerged through community fundraising efforts and by 1930 was one of the few accredited high schools for African Americans in Georgia.

Enrollment peaked at over 500. Students attended Chapel daily and curriculum included: Latin, Physics, American History and Literature, Biology, Chemistry, Algebra and Geometry. Boarding students paid \$10 and tuition ranged from .50 to \$2.50 depending on grade level. (Continued on back side)

Supported by the Jack N. and Addie D. Averitt Foundation

(Continued from front side)

Also technical education in agriculture, mechanical and domestic service classes was offered. The school held annual summer sessions for teacher training and enhanced the city's cultural life by sponsoring guest lecturers and artists in concert, notably violinist Joseph Douglass, grandson of Frederick Douglass, and concert pianist Hazel Harrison.

As principal for 28 years, James lived with his wife Julia and their children nearby at 205 Church Street, hosting famed scientist Dr. George Washington Carver in 1933. James was quoted as having said: "I have spent the best years of my life in building this school, sometimes teaching all day, with a very small salary, and plowing by moonlight so that my family and the students of the school might have food. With the help of my friends I am building a school for colored people of which I am proud. It is the nearest and dearest to my heart."

L. S. Wingfield succeeded James as principal in 1935. This school was renamed William James High School in 1948. The Bulloch County Board of Education has since operated schools and facilities elsewhere named in James' honor.

Supported by the Jack N. and Addie D. Averitt Foundation

Bulloch County Historical Society
Supported by the Jack N. and Addie D. Averitt Foundation
Historical Marker Property Owner Easement/Agreement

As the owner of the property at _____ 580 Martin Luther King Jr Drive, City of Statesboro Park at Zadie Lundy Douglas Little League Field parking lot, Statesboro Georgia__

I/We agree to allow the erection of said historical marker for/on this property.

I/We have been notified by the Bulloch County Historical Society as to the subject of/proposed site for said marker and agree that this is acceptable. It is understood that the marker will not be moved, removed, or altered in any way without prior consent from the Bulloch County Historical Society.

I/We understand that it is the responsibility of the Bulloch County Historical Society to maintain and repaint said marker. If the marker requires maintenance or in the event of damage, vandalism or loss I/We should contact the Bulloch County Historical Society at (912) 682-9003.

I/We understand that upon the sale or transfer of said property, this agreement shall also be transferred and honored as a binding easement for the said marker and that it is the seller's responsibility to inform the buyer of this easement.

Title of Marker ___ Statesboro High Industrial School _____

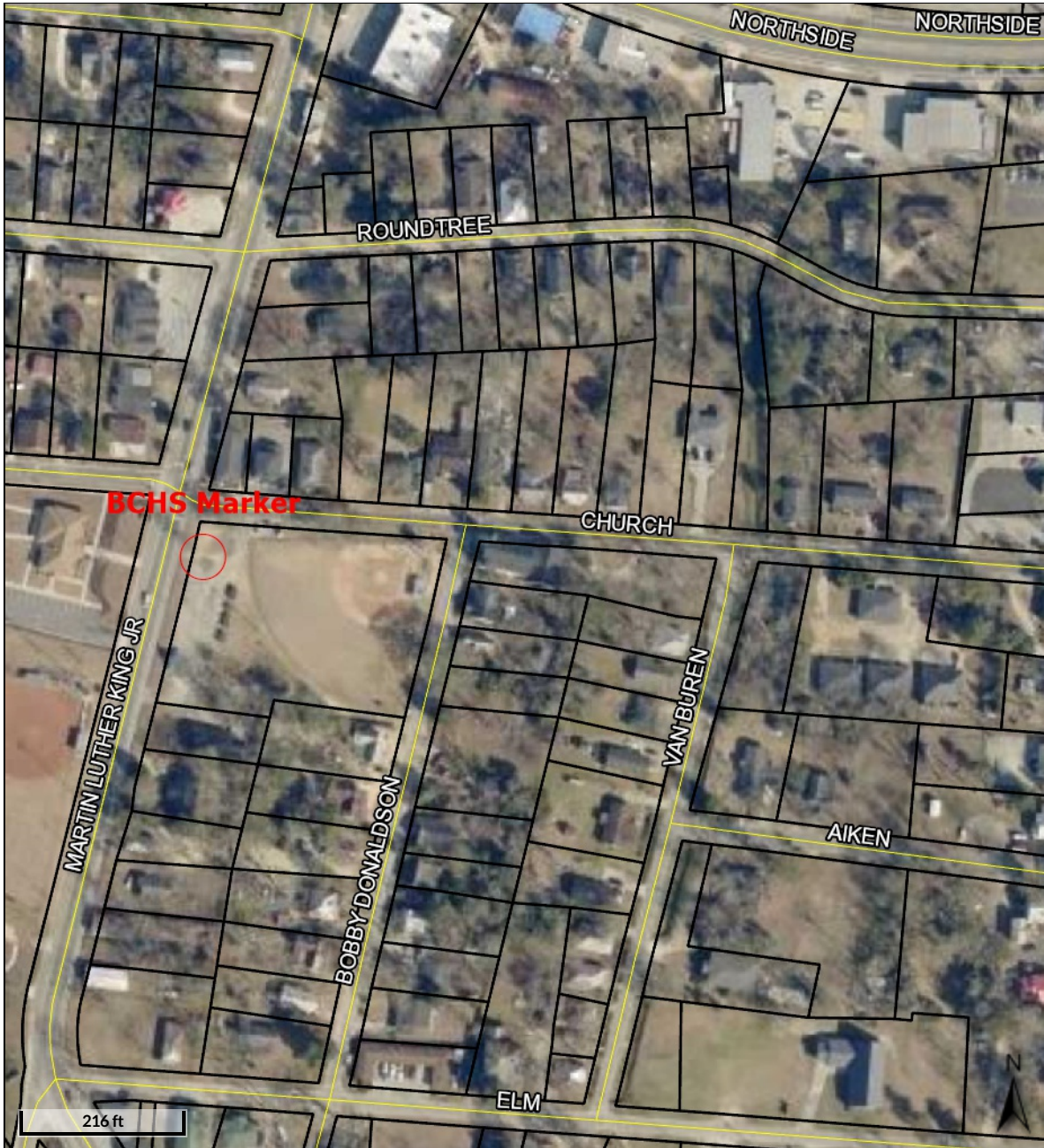
Name of Property Owner ___ City of Statesboro ___ Attn: Robert Seamans _____

Mailing Address ___ PO Box 348 Statesboro, Georgia 30459 _____

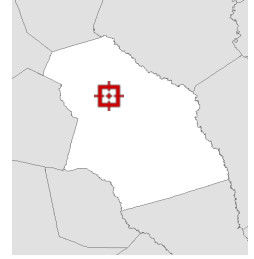
Telephone ___ 912-764-0681 _____ Email ___ robert.seamans@statesboroga.gov _____

Signature of Property Owner _____




Mayor, Jonathan McCollar



Overview



Legend

-  Parcels
-  Roads
-  Bulloch County Outlines

Date created: 9/19/2019
Last Data Uploaded: 9/19/2019 12:33:37 AM

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GEOSPATIAL

CITY OF STATESBORO



COUNCIL

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

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

To: Charles Penny, City Manager

From: John Washington, P.E., City Engineer
Kiara J. Martin Ahmed, Civil Engineer (Transit Project Manager)

Date: September 23, 2019

RE: Recommendation of contract approval for Transit Implementation Plan

Policy Issue: Purchasing

Recommendation:

Staff recommends sole sourcing a contract with Connetics Transportation Group (CTG) in the amount of \$29,636.00 to develop a Transit Implementation Plan for the City of Statesboro.

Background:

The Transit Feasibility Study was completed by CTG in May 2019 and the results were presented at the 5/14/19 council meeting and 9/17/19 work session. To continue with a City transit system, the City needs to draft a Transit Implementation Plan. The scope of the Transit Implementation Plan development is included in the attached proposal.

CTG completed the original Transit Feasibility Study and have all the necessary data and documentation to complete the Transit Implementation Plan. Due to CTG's familiarity with the project, sole sourcing this contract with CTG will enable the City to meet the application deadline for FY 2019 grant funding.

Budget Impact: Funding is provided by FY 2019 TSPLOST revenues.

Council Person and District: All

Attachments: CTG Proposal

CC: Jason Boyles, Assistant City Manager
Darren Prather, Director of Central Services

August 29, 2019

Ms. Kiara Ahmed
City of Statesboro
50 East Main Street
Statesboro, GA 30458

Re: Statesboro Transit Implementation Plan

Dear Ms. Ahmed:

We are pleased to submit this proposed scope of work and fee to develop a Transit Implementation Plan for the City of Statesboro (City). Per our conversation on August 23rd, we have split this scope of work into two phases. Phase 1 encompasses work to be done in preparation for the September 17th City Council meeting. Phase 2 encompasses the development of the Implementation/Start-Up Plan in advance of the November 2019 deadline for FTA Section 5311 grant applications to GDOT.

Scope of Work

Our proposed scope of work is detailed below.

Phase 1 – Refine Preferred Service Alternative

- **Task 1 – Document Preferred Service Alternative:** At the City's direction, the Consultant (CTG) will refine the City's preferred conceptual service plan (Alternative 3 – Red/Blue Fixed Routes) as defined in the Transit Feasibility Study Final Report (May 7th, 2019). Work under this task may include refinement of the baseline service assumptions and costs and/or financial plan assumptions. CTG will assist the City with the development of a presentation to be delivered by City staff to the Statesboro City Council detailing the City's preferred service alternative. This presentation will cover the conceptual service plan, associated capital and operations costs, financial and management plan assumptions, and the process and timeline to apply for grant funding.

It is assumed that Phase 1 will be completed no later than September 17th, 2019.

Phase 2 – Develop Implementation Plan

- **Task 2 – Project Management:** CTG will maintain regular communication with City staff for the duration of this task order via email and conference calls. CTG will also assist the City with the formation of a Transit Advisory Committee (TAC) and will facilitate up to four TAC meetings. The purpose of the TAC is to provide guidance relating to service and policy issues that will need to be addressed as part of the implementation planning process. It is assumed that CTG will participate in TAC meetings via conference call.
- **Task 3 – Develop Operating Plan:** CTG will develop an operating plan for the preferred service alternative. This task will include one two-day trip to Statesboro to review field conditions, assess potential stop and transfer site locations, conduct run time surveys for each route, and meet with

City and/or stakeholder staff. The output of this task will be a comprehensive operating plan document that includes the following components:

- Fixed-Route Service Plan
 - Final Route Alignments with Turn-by-Turn Directions
 - Conceptual Stop and Transfer Center Locations
 - Draft Operating Schedules
 - Operating Requirements and Costs
 - Capital Requirements and Costs (fleet vehicles and facilities)
- ADA Paratransit Service Plan
 - Service Area Map
 - Operating Requirements and Costs
 - Capital Requirements and Costs (fleet vehicles and facilities)
- **Task 4 – Develop Implementation Plan:** CTG will develop a Service Implementation Plan for the City’s preferred service alternative. A general proposed outline of this document is provided in Attachment 1. It should be noted that this Implementation Plan will provide the minimum level of detail necessary to satisfy GDOT guidelines for a Start-Up Plan that is to be included as part of the Section 5311 grant application. Future work will be required by others to further refine and build out policies and procedures identified in the Implementation Plan.
- **Task 5 – GDOT Coordination Support:** CTG will support the City with various coordination meetings with GDOT and City staff relating to the City’s application for Section 5311 grant funding. Furthermore, CTG will assist the City by supplying written materials, data, and technical guidance relating to its application for Section 5311 grant funding.

It is assumed that Phase 2 will be completed no later November 30th, 2019.

Fee Proposal

Our proposed fee to complete the scope of work described above is summarized by phase in Table 1, below. A full breakdown by task is provided in Attachment 2.

Table 1: Proposed Fee

| Phase | Labor Hours | Fee |
|-----------------|-------------|-----------------|
| Phase 1 | 30 | \$4,469 |
| Phase 2 | 184 | \$24,650 |
| Direct Expenses | -- | \$518 |
| Total | 214 | \$29,636 |

Please review this proposal and contact me or Dan Nelson with any questions.

Best regards,



Milbrey Heard, AICP
Vice President

ATTACHMENT 1

Draft Implementation Plan Outline

1. Introduction

- 1.1. Plan Purpose and Organization
- 1.2. Project Background

2. Service Plan

- 2.1. Fixed-Route Service Plan
 - 2.1.1. Route Descriptions
 - 2.1.2. Service Span and Schedules
- 2.2. ADA Paratransit Service Plan
 - 2.2.1. Service Description
 - 2.2.2. ADA Requirements
- 2.3. Capital Requirements
 - 2.3.1. Vehicles
 - 2.3.2. Facilities
- 2.4. Fare Policy
 - 2.4.1. Fixed Route
 - 2.4.2. ADA Paratransit

3. Administrative and System Management

- 3.1. System Administration
- 3.2. System Management / Service Delivery
- 3.3. Staffing Plan
- 3.4. Standard Operating Procedures (to be developed by others)
- 3.5. Standard Maintenance Procedures (to be developed by others)
- 3.6. Administrative Policies and Procedures (to be developed by others)
 - 3.6.1. State and Federal Reporting Requirements
 - 3.6.2. National Transit Database Reporting
 - 3.6.3. ADA Paratransit Eligibility Guidelines and Process
 - 3.6.4. Drug and Alcohol Testing Policy
 - 3.6.5. Title VI Policy and Reporting Procedures
 - 3.6.6. Service Standards and Monitoring Procedures
- 3.7. Outreach and Coordination (to be developed by others)
 - 3.7.1. Public Involvement Plan
 - 3.7.2. Marketing Plan

4. Financial Plan

- 4.1. Estimated Capital Costs
- 4.2. Estimated Annual Operating Costs
- 4.3. Federal, State, and Local Funding Sources

5. Start-Up Plan

- 5.1. Start-Up Task List
- 5.2. Start-Up Schedule

ATTACHMENT 2

**City of Statesboro - Transit Feasibility Study - Implementation Phase Services
Connetics Transportation Group - Fee Proposal - 8/29/2019**

| PROJECT TASK | Connetics Transportation Group | | | | TOTAL HOURS | TOTAL PRICE |
|---|--------------------------------|-----------------|--------------|----------------|-----------------|-----------------|
| | Principal | PM | Sr. Planner | Planner 1 | | |
| | Heard | Nelson | Waters | McComb | | |
| | \$191.51 | \$145.91 | \$161.87 | \$84.35 | | |
| PHASE 1 - REFINE PREFERRED SERVICE ALTERNATIVE | | | | | | |
| 1. Document Preferred Service Alternative | | | | | | |
| 1.1 - Refine Operating Plan and Costs | | 4 | | | 4 | \$584 |
| 1.2 - Refine Financial Plan Assumptions | | 8 | | | 8 | \$1,167 |
| 1.3 - Assist with Council Presentation Development | | 8 | | | 8 | \$1,167 |
| 1.4 - Misc. Coordination Activities | 2 | 8 | | | 10 | \$1,550 |
| Task 2 Subtotal | 2 | 28 | 0 | 0 | 30 | \$4,469 |
| Phase 1 Subtotal | 2 | 28 | 0 | 0 | 30 | \$4,469 |
| PHASE 2 - DEVELOP IMPLEMENTATION PLAN | | | | | | |
| 2. Phase 2 Project Management | | | | | | |
| 2.1 - Project Management | 2 | 4 | | | 6 | \$967 |
| 2.2 - Start-Up Advisory Committee Support | 8 | 8 | | | 16 | \$2,699 |
| Task 3 Subtotal | 10 | 12 | 0 | 0 | 22 | \$3,666 |
| 3. Develop Operating Plan | | | | | | |
| 3.1 - Finalize Route Alignment(s) and Facilities | | 8 | | 8 | 16 | \$1,842 |
| 3.2 - Develop Draft Operating Schedule | | | 4 | 16 | 20 | \$1,997 |
| 3.3 - Refine O&M and Capital Costs | | 8 | | | 8 | \$1,167 |
| 3.4 - Develop Draft and Final Operating Plan | | 10 | | 16 | 26 | \$2,809 |
| Task 4 Subtotal | 0 | 26 | 4 | 40 | 70 | \$7,815 |
| 4. Develop Implementation Plan | | | | | | |
| 4.1 - Draft Plan | 8 | 40 | | 16 | 64 | \$8,718 |
| 4.2 - Final Plan | | 8 | | | 8 | \$1,167 |
| Task 5 Subtotal | 8 | 48 | 0 | 16 | 72 | \$9,885 |
| 5. GDOT Coordination Support | | | | | | |
| 5.1 - Coordination Meetings | 4 | 4 | | | 8 | \$1,350 |
| 5.2 - Grant Application Support | 4 | 8 | | | 12 | \$1,933 |
| Task 6 Subtotal | 8 | 12 | 0 | 0 | 20 | \$3,283 |
| Phase 2 Subtotal | 26 | 98 | 4 | 56 | 184 | \$24,650 |
| TOTAL PROJECT HOURS BY RESOURCE | 28 | 126 | 4 | 56 | 214 | -- |
| TOTAL PROJECT LABOR COST BY RESOURCE | \$5,362 | \$18,385 | \$647 | \$4,724 | -- | \$29,118 |
| DIRECT EXPENSES | Connetics Transportation Group | | | TOTAL DIRECT | | |
| | Units | Unit Cost | Cost | | | |
| Car Rental / Mileage | 2 | \$45 | \$90 | | | |
| Hotel | 2 | \$115 | \$230 | | | |
| Per Diem / Meals | 4 | \$38.25 | \$153 | | | |
| Rental Car Fuel | 1 | \$45 | \$45 | | | |
| Printing / Collateral Development | 0 | \$1 | \$0 | | | |
| TOTAL DIRECT EXPENSES | | | \$518 | \$518 | | |
| TOTAL PROJECT FEE | | | | | \$29,636 | |

CITY OF STATESBORO

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Jeff B. Yawn
John C. Riggs
Derek Duke



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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: 8-21-2019

RE: Mini Skid Steer for the Natural Gas Department

Policy Issue: Council Approval

Recommendation: Consideration of a motion to award a contract to Vermeer Southeast Sales & Service in the amount of \$43,568.00 for one Vermeer CTX Mini Skit Steer with funds approved in the 2020 CIP Budget Item #NGD 61.

Background: This item is part of a planned replacement of an existing 2003 Ford trencher used by the Natural Gas Department. This unit is in excess of 16 years of age and is past its useful service life. Because of its age many of the replacement parts are no longer available and the City Shop has told us they would no longer be able to provide service and support for the unit.

We are proposing to purchase this unit using the Sourcewell cooperative purchasing service of which we are a member. There are no local providers for this piece of equipment, sales and service will be through the Vermeer dealer in Savannah Ga.

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

CITY OF STATESBORO

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I. Cain Smith, City Attorney

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Budget Impact: Funding will come from Gas System Revenue as part of the Council approved 2020 CIP Budget Item #NGD 61.

Council Person and District: All

Attachments: Sales Quote from Vermeer Southeast Sales and Service using Sourcewell pricing agreement.



Vermeer Southeast Sales & Service, Inc.
 65 Chandler Street
 Richmond Hill, GA 31324

QUOTE

Date: 08/12/19

Sales Rep: Mark A. Faddis

Customer Information:

City of Statesboro
50 East Main Street
Statesboro, GA 30459
Sourcewell Member #: 33094

Delivered to:

City of Statesboro
36 Hill Street
Statesboro, GA 30458

Contact Name: Joe Hollingsworth
 Phone Number: 912-531-9249

Payment method: P O #

| Qty | DESCRIPTION and SERIAL # | Unit Price | TOTAL |
|-----------------------|--|--------------|--------------|
| 1 | New Vermeer CTX100 mini skid steer s/n 40hp Kohler Diesel Engine 9" Track Assemblies Rated Tip Capacity of 2,958 pounds SAE Operating Capacity of 1,035 pounds | \$ 34,227.00 | \$ 34,227.00 |
| 1 | Dealer Freight & Prep | \$ 990.00 | \$ 990.00 |
| 1 | Vermeer STR48 Trenching Attachment 36" X5" Boom and Shark Combo Chain | \$ 4,781.00 | \$ 4,781.00 |
| 1 | Dealer Freight & Prep | \$ 475.00 | \$ 475.00 |
| 1 | Erskine Sourced Good / 4 in 1 Bucket #900522 | \$ 3,095.00 | \$ 3,095.00 |
| Sourcewell Contract # | | | |

THANK YOU FOR YOUR BUSINESS!

| | |
|--------------------|---------------------|
| SubTotal | \$ 43,568.00 |
| Tax | |
| Total | \$ 43,568.00 |
| Less Down Payment | |
| Balance Due | \$ 43,568.00 |

TERMS:

All warranties, if any, made with respect to this equipment are those warranties made by the Manufacturer. Dealer makes no warranties express or implied, including, but not limited to, warranties of MERCHANTABILITY AND FITNESS OF A PARTICULAR PURPOSE.

Customer Signature _____

CITY OF STATESBORO

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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: 8-21-2019

RE: Compact Excavator for the Natural Gas Department

Policy Issue: Council Approval

Recommendation: Consideration of a motion to award a contract to Takeuchi Mfg. (US.) Ltd. in the amount of \$36,816.43 for one Takeuchi TB230 Compact Excavator with funds approved in the 2020 CIP Budget item # NGD 62.

Background: This is a scheduled replacement of a 2004 Compact Backhoe used by the Natural Gas Department. This unit is 15 years of age, is past its useful service life and the manufacturer is no longer in business making it impossible to obtain parts. The selection of Compact Backhoes is limited with few options in size and attachments, so the decision was made to switch to a Mini Excavator instead. Our plan is to use our existing truck and trailer to transport the equipment, in doing so we have a strict weight limit and a requirement for an angling dozer blade.

We have investigated all brands of excavators and have found only one that meets our requirements and as a result we are recommending the purchase of the Takeuchi TB230.

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

CITY OF STATESBORO

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

We are proposing to purchase this item using the HGAC (Houston Galveston Area Council) cooperative purchasing service of which we are a member. There are no local providers for this machines, service will be provided through Atlantic Coastal Equipment in Richmond Hill Ga.

Budget Impact: Funding will come from Gas System Revenue as part of the Council approved 2020 CIP Budget item # NGD 62.

Council Person and District: All

Attachments: HGACBuy Contract Pricing Worksheet



CONTRACT PRICING WORKSHEET
For Catalog & Price Sheet Type Purchases

Contract No.:

EM06-19

Date Prepared:

8/21/2019

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

| | | | |
|-----------------|------------------------------------|--------------|--------------------------|
| Buying Agency: | City of Statesboro (GA) | Contractor: | Takeuchi Mfg |
| Contact Person: | Joe Hollingsworth | Prepared By: | David Pearson |
| Phone: | 912-764-0693 | Phone: | 706-693-3630 |
| Fax: | 912-764-0928 | Fax: | 706-693-3730 |
| Email: | joe.hollingsworth@statesboroga.gov | Email: | dpearson@takeuchi-us.com |

| | |
|---------------------------------|-----------------|
| Catalog / Price Sheet Name: | HGAC Buy Price |
| General Description of Product: | TB230 Excavator |

A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary

| Quan | Description | Unit Pr | Total |
|---|--|---------|-------|
| 1 | TB230RA (Canopy, Rubber Tracks with Angle Blade) | 34170 | 34170 |
| 1 | BTB12518 (18" Pin-on Bucket with teeth) | 513 | 513 |
| 1 | ATH230K (Thumb Kit Assy) | 1197 | 1197 |
| | | | 0 |
| | | | 0 |
| | | | 0 |
| | | | 0 |
| | | | 0 |
| | | | 0 |
| | | | 0 |
| | | | 0 |
| | | | 0 |
| | | | 0 |
| | | | 0 |
| Total From Other Sheets, If Any: | | | |
| Subtotal A: | | | 35880 |

B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary

(Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)

| Quan | Description | Unit Pr | Total |
|---|-------------|---------|-------|
| | | | 0 |
| | | | 0 |
| | | | 0 |
| | | | 0 |
| Total From Other Sheets, If Any: | | | |
| Subtotal B: | | | 0 |

Check: Total cost of Unpublished Options (B) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).

For this transaction the percentage is:

0%

C. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

| | |
|----------------------------------|--------|
| Freight to Dealer | 536.43 |
| PDI, Delivery, and Thumb Install | 400 |
| | |
| Subtotal C: | 936.43 |

Delivery Date: To be Determined

D. Total Purchase Price (A+B+C):

36816.43



JOHNSON CONTROLS, INC.
2305 Louisville Rd, Suite #4
Savannah, GA 31415
Tel: (843) 261-4609 Fax: (912) 232-8441
Email: mark.a.zip@jci.com

Proposal

TO: Rob Bryan

Date: August 12, 2019

PROJECT: Statesboro Police Department Rooftop Unit Replacement

Attn: Rob Bryan

On behalf of Johnson Controls, I want to thank you for the opportunity to provide a proposal for the replacement of the existing YORK Packaged Rooftop Units for the Statesboro Police Department.

Johnson Controls will remove the existing (2) units and replace with these (2) new units. Installation will be performed during normal working hours. Disposal of the existing units.

The new units will be interfaced with the existing Metasys Energy Management System, cost for interface is included in this proposal.

Series 40 - 40 Ton Units:

- Johnson Controls Series 40 Single Packaged R-410A Air Conditioner, Four Stage Cooling setup for VAV Application
- Natural Gas Heat
- 460-3-60
- Copper Tube/Aluminum Fin Evaporator Coil
- Dry Bulb Low Leak Economizer w/Barometric Relief and Hoods.
- All Doors Hinged
- Stainless Steel Drain Pan
- Phase Monitor
- Hot Gas Bypass
- Factory Wired External Non Fused Disconnect Switch and Powered Convenience Outlet (110 VAC)
- Simplicity® SE Controller with Gateway to BACnet MS/TP Protocol with Discharge Air Sensor, Return Air, and Outside Air Sensor
- 1 Year Parts & Labor Warranty on entire unit, 2nd thru 5th year parts only on compressor.
- **Factory Start-up is included during normal working hours.**
- Freight is included, approx lead time is 8 weeks.

Exclusions:

- Curb adapters are not required, direct replacement units.
- Any new curbs, existing to be re-used.
- All work to be performed during normal working hours.

Base Bid 40 Ton Series 40 Rooftop Unit (match existing).....\$109,193



JOHNSON CONTROLS, INC.
2305 Louisville Rd, Suite #4
Savannah, GA 31415
Tel: (843) 261-4609 Fax: (912) 232-8441
Email: mark.a.zip@jci.com

(IMPORTANT: This proposal incorporates by reference the terms and conditions on the reverse side hereof.)

Purchaser

Signature

Name: _____

Title: _____

Date: _____

JOHNSON CONTROLS, INC.

Signature

Name: Mark Zip

Title: Account Executive



JOHNSON CONTROLS, INC.
2305 Louisville Rd, Suite #4
Savannah, GA 31415
Tel: (843) 261-4609 Fax: (912) 232-8441
Email: mark.a.zip@jci.com

TERMS AND CONDITIONS

By accepting this proposal, Purchaser agrees to be bound by the following terms and conditions:

1. **SCOPE OF WORK** This proposal is based upon the use of straight time labor only. Plastering, patching, and painting are excluded. "In-line" duct and piping devices, including, but not limited to, valves, dampers, humidifiers, wells, taps, flow meters, orifices, etc., if required there under to be furnished by Johnson, shall be distributed and installed by others under Johnson's supervision but at no additional cost to Johnson. Purchaser agrees to provide Johnson with required field utilities (electricity, toilets, drinking water, project hoist, elevator service, etc.) without charge. Johnson agrees to keep the job site clean of debris arising out of its own operations. Purchaser shall not back charge Johnson for any costs or expenses without Johnson's written consent.

Unless specifically noted in the statement of the scope of work or services undertaken by JCI under this agreement, JCI's obligations under this agreement expressly exclude any work or service of any nature associated or connected with the identification, abatement, clean up, control, removal, or disposal of environment Hazards or dangerous substances, to include but not be limited to asbestos or PCBs, discovered in or on the premises. Any language or provision of the agreement elsewhere contained which may authorize or empower the Purchaser to change, modify, or alter the scope of work or services to be performed by JCI shall not operate to compel JCI to perform any work relating to Hazards without JCI's express written consent.

2. **INVOICING & PAYMENTS** Johnson may invoice Purchaser monthly for all materials delivered to the job site or to an off-site storage facility and for all work performed on-site. Purchaser agrees to pay Johnson additional amounts invoiced upon receipt of the invoice. Waivers of lien will be furnished upon request, as the work progresses to the extent payments are received. If Johnson's invoice is not paid within 30 days of its issuance, it is delinquent.

3. **MATERIALS** If the materials or equipment included in this proposal become temporarily or permanently unavailable for reasons beyond the control and without the fault of Johnson, then in the case of such temporary unavailability, the time for performance of the work shall be extended to the extent thereof, and in the case of permanent unavailability, Johnson shall (a) be excused from furnishing said materials or equipment, and (b) be reimbursed for the difference between the cost of the materials or equipment permanently unavailable and the cost of a reasonably available substitute therefore.

4. **WARRANTY** Johnson warrants that the equipment manufactured by it shall be free from defects in material and workmanship arising from normal usage for a period of one (1) year from delivery of said equipment, or if installed by Johnson, for a period of one (1) year from installation. Johnson warrants that for equipment furnished and/or installed but not manufactured by Johnson, Johnson will extend the same warranty terms and conditions which Johnson receives from the manufacturer of said equipment. For equipment installed by Johnson, if Purchaser provides written notice to Johnson of any such defect within thirty (30) days after the appearance or discovery of such defect, Johnson shall, at its option, repair or replace the defective equipment. For equipment not installed by Johnson, if Purchaser returns the defective equipment to Johnson within thirty (30) days after appearance or discovery of such defect, Johnson shall, at its option, repair or replace the defective equipment and return said equipment to Purchaser. All transportation charges incurred in connection with the warranty for equipment not installed by Johnson shall be borne by Purchaser. These warranties do not extend to any equipment which has been repaired by others, abused, altered or misused, or which has not been properly and reasonably maintained. THESE WARRANTIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO THOSE OF MERCHANTABILITY AND FITNESS FOR A SPECIFIC PURPOSE.

5. **LIABILITY** Johnson shall not be liable for any special, indirect or consequential damages arising in any manner from the equipment or material furnished or the work performed pursuant to this agreement.

6. **TAXES** The price of this proposal does not include duties, sales, use, excise, or other similar taxes, unless required by federal, state or local law. Purchaser shall pay, in addition to the stated price, all taxes not legally required to be paid by Johnson or, alternatively, shall provide Johnson with acceptable tax exemption certificates. Johnson shall provide Purchaser with any tax payment certificate upon request and after completion and acceptance of the work.

7. **DELAYS** Johnson shall not be liable for any delay in the performance of the work resulting from or attributed to acts of circumstances beyond Johnson's control, including, but not limited to, acts of God, fire, riots, labor disputes, conditions of the premises, acts or omissions of the Purchaser, Owner, or other Contractors or delays caused by suppliers or subcontractors of Johnson, etc.

8. **COMPLIANCE WITH LAWS** Johnson shall comply with all applicable federal, state and local laws and regulations and shall obtain all temporary licenses and permits required for the prosecution of the work. Licenses and permits of a permanent nature shall be procured and paid for by the Purchaser.

9. **DISPUTES** All disputes involving more than \$15,000.00 shall be resolved by arbitration in accordance with the rules of the American Arbitration Association. The prevailing party shall recover all legal costs and attorney's fees incurred as a result. Nothing here shall limit any rights under construction lien laws.

10. **INSURANCE** Insurance coverage in excess of Johnson's standard limits will be furnished when requested and required. No credit will be given or premium paid by Johnson for insurance afforded by others.

11. **INDEMNITY** The Parties hereto agree to indemnify each other from any and all liabilities, acclaims, expenses, losses or damages, including attorneys' fees, which may arise in connection with the execution of the work herein specified and which are caused, in whole or in part, by the negligent act or omission of the Indemnifying Party.

12. **OCCUPATIONAL SAFETY AND HEALTH** The Parties hereto agree to notify each other immediately upon becoming aware of an inspection under, or any alleged violation of, the Occupational Safety and Health Act relating in any way to the project or project site.

13. **ENTIRE AGREEMENT** This proposal, upon acceptance, shall constitute the entire agreement between the parties and supersedes any prior representations or understandings.

14. **CHANGES** No change or modification of any of the terms and conditions stated herein shall be binding upon Johnson unless accepted by Johnson in writing.

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
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
Leah Harden, City Clerk

From: Jason Boyles, Assistant City Manager

Date: 9/24/19

RE: Replacement of HVAC System at Statesboro Police Department

Policy Issue: Purchasing

Recommendation: Consideration of a Motion for Award of Contract to Johnson Controls, Inc in the amount of \$109,193.00 for replacement of the HVAC system at the Police Department facility.

Background: During the FY2020 budget process the Police Chief requested \$90,000 in funds for the replacement of the heating and air conditioning system at the Police Department facility and planned for this work in FY2021. Several months ago the system sustained a lightning strike and temporary repairs were made to bypass the electronic controls and keep the system operational, however, this resulted in uninterruptable, continuous cooling. Recently the system sustained a mechanical failure which resulted in complete failure of the unit. The mechanical items have since been repaired but this emphasized the vulnerability of the system and the need to expedite replacement of the HVAC system. Purchasing is being expedited under the emergency procurement procedures in the purchasing policy.

The Finance Director advises as follows:

The SPD HVAC was originally budgeted in FY 2021 in the General Capital Improvements Program Fund (Fund 350) for \$90,000. The General Capital Improvements Program Fund is funded with a transfer from the General Fund every year. At the end of FY2019, Fund 350 had a fund balance of \$111,488. Due to a carry-over project, \$10,000 will be used from the 350 Fund Balance in FY2020. The HVAC system will need to be charged to Fund 350. I would recommend transferring an additional \$10,000 from the General Fund to Fund 350 for FY2020, therefore minimizing the reduction in General Fund reserves.

Budget Impact: Draw down of funds from the CIP Fund and General Fund

Council Person and District: District 2, Sam Lee Jones