



CITY OF STATESBORO
COUNCIL MINUTES
OCTOBER 04, 2022

Regular Meeting

50 E. Main St. City Hall Council Chambers

9:00 AM

1. Call to Order

Mayor Jonathan McCollar called the meeting to order

2. Invocation and Pledge

Councilmember Phil Boyum gave the Invocation and led the Pledge of Allegiance.

ATTENDANCE

Attendee Name	Title	Status	Arrived
Jonathan McCollar	Mayor	Present	
Phil Boyum	Councilmember	Present	
Paulette Chavers	Councilmember	Present	9:08 am
Venus Mack	Councilmember	Present	
John Riggs	Councilmember	Absent	
Shari Barr	Mayor Pro Tem	Present	

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

3. Public Comments (Agenda Item): None

4. Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

- a) **09-20-2022 Work Session Minutes**
- b) **09-20-2022 Council Minutes**
- c) **09-20-2022 Executive Session Minutes**

A motion was made to approve the consent agenda.

RESULT:

Approved (Unanimous)

MOVER:

Councilmember Venus Mack

SECONDER:

Mayor Pro Tem Shari Barr

AYES:

Boyum, Mack, Barr

ABSENT

Councilmember Paulette Chavers and Councilmember John Riggs

**5. Public hearing & Consideration of a motion to approve application for an alcohol license in accordance with the City of Statesboro alcohol ordinance Sec. -13 (a):
 Statesboro Entertainment Concepts LLC, DBA Fifth Quarter Bar & Grill
 67 Gata Drive
 Statesboro, GA 30458
 License Type: Bar with Kitchen**

A Motion was made to open the public hearing.

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

Jefferson Allen an attorney with Cole, Cooper, Estero, and Allen in Atlanta spoke in opposition to the request. He stated he represents an entity who has entered into an agreement with Turtle Partners LLC to purchase the property 67 Gata Drive and the entire membership interest. He further stated that the lease is on a month to month basis and that there are current litigation issues with the property.

Councilmember Paulette Chavers joined the meeting.

Wes Taulbee an attorney with Taulbee, Rushing, and Snipes confirmed that the current owners have entered into an agreement to sell to Mr. Allen’s client. Currently the litigation is pending awaiting a trial date. He also stated that rent for this month has been tendered but there is no written lease in place, it is an oral agreement prior to the sale. The lease is basically month to month while litigation is pending.

Jerrold Miller stated he is a vested owner of Fifth Quarter and that at this time last year they tried to get this interest going. We are locked in a litigation battle but we are still able to operate until that is complete and if we are able to purchase that building we will still be here.

A Motion was made to close the public hearing.

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

Councilmember Venus Mack asked why this business did not open last year. Mr. Miller stated they had issues with the previous owner who leased the property to them. The current owners are doing a lease with us month to month.

Mayor Pro Tem Shari Barr asked if it would be appropriate to pause the application until the property issue is resolved.

City Attorney Cain Smith stated that is not a factor to be considered under 6-13. The question is, who has rights to the property at the time of application and at this point, the applicant does have property rights on a month to month basis. The application is proper and anything beyond that is private property dispute best handled by the courts. Having an alcohol license in no way affects the owner's rights to the property.

Councilmember Phil Boyum asked how we verify the legality and validity of leases.

City Attorney Cain Smith stated that leases are not a factor to be considered under chapter six. Is just a practical matter we do, typically we have a lease but in this situation we relied on information given to us from Wes Taulbee the owners legal representation, that they are currently in a month to month lease.

A Motion was made to approve an application for an alcohol license in accordance with the City of Statesboro alcohol ordinance Sec. -13 (a):

Statesboro Entertainment Concepts LLC, DBA Fifth Quarter Bar & Grill
67 Gata Drive
Statesboro, GA 30458
License Type: Bar with Kitchen

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

6. Consideration of a motion to approve an Intergovernmental Agreement with Bulloch County Board of Commissioners. For Geographic Information System (GIS) operation and maintenance.

A motion was made to approve an Intergovernmental Agreement with Bulloch County Board of Commissioners. For Geographic Information System (GIS) operation and maintenance.

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

7. Consideration of a motion to approve the award of a Department owned firearm to retiring Advanced Patrol Officer Justin Gawthrop.

A motion was made to approve the award of a Department owned firearm to retiring Advanced Patrol Officer Justin Gawthrop.

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

8. Consideration of a motion to approve a Development Agreement with Statesboro Convention and Visitors Bureau to use \$135,000.00 in TAD funds for funding assistance for the Statesboro Main Street Farmers Market building and Access Project within the South Main Tax Allocation District (TAD 1).

A motion was made to approve a Development Agreement with Statesboro Convention and Visitors Bureau to use \$135,000.00 in TAD funds for funding assistance for the Statesboro Main Street Farmers Market building and Access Project within the South Main Tax Allocation District (TAD 1).

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

City Attorney Cain Smith stated the agreement in the packet has an error on the definition of Private Infrastructure, it should read “those improvement identified and more fully described in Developer’s application for TAD financing, namely an access bridge and walkways and new picnic areas.”

9. Consideration of a motion to approve a Development Agreement with West District Events OZ Business, LLC to use \$151,193.00 in TAD funds for funding assistance for the Foxhall Event Space in the West District within the South Main Tax Allocation District (TAD 1).

A motion was made to approve a Development Agreement with West District Events OZ Business, LLC to use \$151,193.00 in TAD funds for funding assistance for the Foxhall Event Space in the West District within the South Main Tax Allocation District (TAD 1).

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

City Attorney Cain Smith stated the agreement in the packet has an error on the definition of Private Infrastructure, it should read “those improvement identified and more fully described in Developer’s application for TAD financing, namely water service expansion, fire suppression, and site work for expanded parking.”

10. Consideration of a motion to award a contract for the Joe Brannen Hall and City Hall improvements project to BAK Builders in the amount of \$1,383,335.00. Funding will be from 2013 SPLOST and 2019 SPLOST.

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

11. Consideration of a motion to approve a contract with Y-Delta to construct a shelter extension for the maintenance shop at the Waste Water Treatment Plant in the amount of \$34,000. This project is budgeted in the amount of \$40,000 in FY 2023 CIP #WTP-13.

A motion was made to approve a contract with Y-Delta to construct a shelter extension for the maintenance shop at the Waste Water Treatment Plant in the amount of \$34,000. This project is budgeted in the amount of \$40,000 in FY 2023 CIP #WTP-13.

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

12. Consideration of a motion to approve Task Order #6 in the amount of \$49,840.00 with Goodwyn, Mills, and Cawood (GMC). This project will be paid from 2013 SPLOST funds.

A motion was made to approve Task Order #6 in the amount of \$49,840.00 with Goodwyn, Mills, and Cawood (GMC). This project will be paid from 2013 SPLOST funds.

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

13. Other Business from City Council:

Mayor Pro Tem Shari Barr stated she is pleased with the progress staff is making towards sustainability. Mrs. Barr announced that the City’s Public Information Officer, Layne Phillips won a national award for the City Employee Newsletter. In addition she recognized that Statesboro Fire Chief Tim Grams has been with the city for 25 years. She reminded everyone about Ag Night Out this Friday and that the farmers market is still going on every Saturday from 8:30 am to 12:30 pm.

14. City Managers Comments

City Manager Charles Penny stated that due to hurricane Ian that Green Fest was cancelled and thanked staff for their diligence in making the call to cancel. He also stated that the city was not awarded the CDBG funds this time but we will continue to apply for those funds. Mr. Penny brought to Mayor and Council’s attention the update of the location reservation tracking that was in the FYI packet. Also in the FYI packet a memo regarding the discussion at the last meeting about a resolution allowing an additional permit to exceed the City noise restriction for the Blue Room however it is no longer needed. Lastly, a request was made to Bulloch County staff about working collaboratively on the Long Range Transportation Plan.

15. Public Comments (General): None

16. Consideration of a Motion to enter into Executive Session to discuss “Potential Litigation” in accordance with O.C.G.A. 50-14-3(b).

No Executive Session was held.

17. Consideration of a Motion to Adjourn

A motion was made to adjourn.

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

The meeting was adjourned at 9:55 am.

Jonathan McCollar, Mayor

Leah Harden, City Clerk