



August 21, 2012 6:00 P.M.

1. Call to Order by Mayor Joe Brannen
2. Invocation and Pledge of Allegiance by Councilman Blitch
3. Public Comments (Agenda Item):
4. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 07-07-2012 Council Minutes
 - B) Consideration of a Motion to approve 2nd reading of **Ordinance 2012-05**: An Ordinance amending the Code of Statesboro Chapter Two in Article One establishing division IV, open records, to comply with O.C.G.A. "The Georgia Open Records Law" as amended in the 2012 session of the Georgia General Assembly
 - C) Notification of an alcohol license application:
Licensee: Janetta Alabi-Isama
DBA: South and Vine Public House
Location: 19 South Main Street
Type of Alcohol License: Restaurant
Type of Business: Beer, Wine, Liquor by the Drink-Pouring Sales
 - D) Consideration of a Motion to approve Special Event Permits
 - a) Averitt Center for the Arts-Gallery Reception "Warhol Prints"
 - b) GSU Botanical Garden-Beer Tasting Concert Fundraiser
 - E) Consideration of a Motion to approve "Vehicle for Hire" Driver Applications
 - a) D W Yellow Cab – Timothy F. McFarland
 - b) D W Yellow Cab- Justin Phillips
 - F) Consideration of a motion for the surplus and disposal of three trucks in the Public Works divisions:
 - a) 1998 Volvo/Heil garbage truck (Sanitation Division)
 - b) 2003 Autocar/Wayne garbage truck (Sanitation Division)
 - c) 2001 Dodge Ram pickup (Street Division)
 - G) Consideration of a Motion to change the Administrative Assistant position for the Police Department from a part time position to a full time position as it was budgeted for full time in the 2013 budget
5. Consideration of a Motion to approve 1st reading of **Ordinance 2012-06**: An Ordinance Amending Certain Sections of Chapter 6 of the Statesboro Code of Ordinances (Alcoholic Beverages)

6. Consideration of a Motion to Enter into an Agreement between the City of Statesboro and the Georgia Department of Transportation for an Off-System Safety Enhancement Project including roadway striping, signage and pavement markings. GDOT to provide funding up to \$72,000
7. Public Hearing and Consideration of a Motion to approve the following:
 - a. **APPLICATION # RZ 12-06-10**: James M. Hood requests a zoning map amendment from R-20 (Single-Family Residential) District to R-4 (High Density Residential) District for property located at 444 South College Street (Tax parcel # S21000011001).
 - b. **APPLICATION # RZ 12-07-01**: Josh Whitfield requests a zoning map amendment from O (Office) District to CR (Commercial Retail) District for property located at 56 Zetterower Avenue (Tax Parcel # S38000056000).
 - c. **APPLICATION # RZ 12-07-02**: Copper Beech Town Home Communities, LLP, requests a zoning map amendment from CR (Commercial Retail) District to R-4 (High Density Residential) District for property located on Statesboro Place Circle.
8. Consideration of a Motion to approve **Resolution 2012-19**: A Resolution Adopting the Grant Policy for the City of Statesboro.
9. Consideration of a Motion to approve **Resolution 2012-20**: A Resolution to adopt the first amendment to the Fiscal Year 2013 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
10. Other Business from City Council
11. Public Comments / Presentations (General)
 - A) Shannon Mixon request to speak to Council concerning the 911 change of address for some locations on North Side Drive East and West
12. Consideration of a Motion to enter into Executive Session to discuss “Personnel Matters” in accordance with **O.C.G.A. §50-14-3 (2010)**
13. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
CITY COUNCIL MINUTES
AUGUST 07, 2012**

A regular meeting of the Statesboro City Council was held on August 7th, 2012 at 9:00 am in the Council Chambers at City Hall Present were Mayor Joe R. Brannen, Council Members: Will Britt, Tommy Blitch, John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Attorney Alvin Leaphart, City Engineer Robert Cheshire and Director of Community Development Mandi Cody.

Recognitions/Public Presentations

- A) Proclamation recognizing August as “Brain Injury Awareness Month”**
- B) Chief Tim Grams recognition of fire fighters for performance during a structure fire**
- C) Reginald Mosley to address Council concerning Ethics**
- D) Cheryl LaBon representing the NAACP request to speak to Council concerning a reported case**

Mayor Joe Brannen read the “Brain Injury Awareness” Proclamation and presented it to Mr. Murkinson, whose son had suffered a brain injury at age 7.

Chief Tim Grams recognized fire fighters with awards for their performance during a local fire. The **Unit Citation Medal** was given to: Battalion Chief Jason Baker, Captain Chris Whitehead, Captain Steven Morris, Firefighter Brad Bouchillon, Firefighter Tim Alderman, Firefighter Jamie Strosnider, Firefighter Andrew Farrar, Firefighter Lamar Matthews, Firefighter Jon Patterson, Firefighter Tyler Thompson, Firefighter Ben Adams, Firefighter/Police Officer Justin Gawthrop

The **Medal of Valor** was given to: Captain Chris Whitehead, Firefighter Lamar Matthews, Firefighter Andrew Farrar

Reginald Mosley spoke briefly to Council stating employees should not be intimidated by others when trying to do the right thing. He also thanked Council for their help in working thru some of his concerns.

Cheryl LaBon was not present to speak with Council.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

A) Approval of Minutes

a) 07-17-2012 Council Minutes

B) Consideration of a Motion to call a Public Hearing for August 30, 2012 at 4:00 p.m. in the Council Chambers at City Hall on the proposed 2012 Calendar Year Ad Valorem (Property) Tax Millage Rate of 6.358 for the City of Statesboro.

C) Consideration of a Motion to approve Resolution 2012-18: A Resolution Approving

the Uncollectable Personal Property Tax Bill List for 2010 in the total amount of \$1,644.22

D) Consideration of a motion to approve an increase in personnel in the Solid Waste Collection Fund to hire two (2) additional collection drivers

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to approve the consent agenda in its entirety. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve a temporary alcohol license for Van Gogh's Pizza Brewery not to exceed 90 days contingent on the completion of construction of the business

Councilman Lewis made a motion, seconded by Councilman Blitch to approve a temporary alcohol license for Van Gogh's Pizza Brewery not to exceed 90 days contingent on the completion of construction of the business. Councilman Britt, Blitch, Riggs and Lewis voted in favor of the motion. Councilman Chance voted against the motion. The motion carried by a 4-1 vote.

Public Hearing and Consideration of a Motion to approve 1st reading of Ordinance 2012-05: An Ordinance amending the Code of Statesboro Chapter Two in Article One establishing division IV, open records, to comply with O.C.G.A. "The Georgia Open Records Law" as amended in the 2012 session of the Georgia General Assembly

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to approve 1st reading of Ordinance 2012-05: An Ordinance amending the Code of Statesboro Chapter Two in Article One establishing division IV, open records, to comply with O.C.G.A. "The Georgia Open Records Law" as amended in the 2012 session of the Georgia General Assembly. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to award the purchase contract for a cab and chassis with utility body truck to Wade Ford at a bid price of \$31,775.00

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Riggs to award the purchase contract for a cab and chassis with utility body truck to Wade Ford at a bid price of \$31,775.00. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to award the purchase contract for construction of a steel building to Smith Steel Structures at a bid price of \$57,295.00

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to award the contract for construction of a steel building to Smith Steel Structures at a bid price of \$57,295.00. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to award the purchase of contract for a tractor to Blanchard Equipment at a bid price of \$49,850.00

Councilman Lewis made a motion, seconded by Mayor Pro tem Will Britt to award the contract for a tractor to Blanchard Equipment at a bid price of \$49,850.00. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve the award of an Engineering Service contract for the upgrade and design of a reclaimed water system

Councilman Riggs made a motion, seconded by Councilman Chance to approve the award of an engineering service contract to EMC Engineering in the amount of \$73,400.00. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to award the purchase of two (2) new knuckleboom trash loader trucks to Freightliner of Savannah in the amount of \$124,097.00 each via a bid price extension from a previous bid award by City Council on September 20, 2011, as they offered the lowest responsive bid and have satisfactorily delivered the awarded product.

Mayor Pro Tem Will Britt made a motion, seconded by Councilman Lewis to award the purchase of two (2) new knuckleboom trash loader trucks to Freightliner of Savannah in the amount of \$124,097.00 each via a bid price extension from a previous bid award by City Council on September 20, 2011, as they offered the lowest responsive bid and have satisfactorily delivered the awarded product. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a motion to approve a policy within the Fleet Maintenance Division to provide a step increase for achievement of emergency vehicle technician (EVT) level certification for the Mechanic III position.

Councilman Riggs made a motion, seconded by Mayor Pro Tem Will Britt to approve a policy within the Fleet Maintenance Division to provide a step increase for achievement of emergency vehicle technician (EVT) level certification for the Mechanic III position. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of Motion to award contract to Jerry D. Rushing Construction Co., Inc. in the amount of \$99,500.00 to construct a sidewalk on South Main Street between Rucker Lane and existing sidewalk near Jones Lane Park. The South Main Street Sidewalk Project is to be funded by 2007 SPLOST.

Councilman Blitch made a motion, seconded by Councilman Riggs to award contract to Jerry D. Rushing Construction Co., Inc. in the amount of \$99,500.00 to construct a sidewalk on South Main Street between Rucker Lane and existing sidewalk near Jones Lane Park. The South Main Street Sidewalk Project is to be funded by 2007 SPLOST. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Consideration of a Motion to approve the Sole Sourcing with HD Supply for the purchase of Sensus Water Meters for Fiscal Year of 2013 and approval to place an order for meters in the amount of \$51, 300.00

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to approve the Sole Sourcing with HD Supply for the purchase of Sensus Water Meters for Fiscal Year of 2013 and approval to place an order for meters in the amount of \$51, 300.00. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Other Business from City Council

Mayor Pro Tem Will Britt led a discussion with City Manager Frank Parker as to why the 2013 budgets for the Arts Council and DSDA were cut. After much discussion Mayor Pro Tem Will Britt asked City Manager Frank Parker to reverse the changes and give the 1% raise to them and to also include them in the 2% bonus if approved by Council in December. Council asked that City Manager Frank Parker bring a motion back to Council at the next meeting to reverse the changes and also explain what accounts would be affected by the changes.

City Manager Frank Parker led a discussion of the possibility of the Hotel-Motel Tax going from 5% to 6% if the City decided to take it to our Legislators.

Director of Human Resource Jeff Grant asked Council to approve the addition of a clerk position in the Clerk's Department. City Clerk Sue Starling stated the position has always been there but has not been filled for several years. She also stated the position needed to be filled to handle the City's growth. Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to approve the motion to fill the customer service clerk vacancy. Councilman Britt, Blitch, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Director of Human Resource Jeff Grant gave an update on the Health Clinic. He stated it was going well and the City has already seen a savings of \$50,000.00 as of July. He also stated there would be a campaign for all dependents to visit the clinic at no charge.

Director of Human Resource Jeff Grant updated everyone on the 5K run that would be scheduled for Friday, December 7th in connection with First Friday Downtown.

Councilman Chance asked the Public Safety Department to monitor and give warnings for several weeks for those who are parking in fire lanes or other off limit parking areas.

Consideration of a Motion to enter into Executive Session to discuss personnel matters in accordance with O.C.G.A. §50-14-3 (2010)

Mayor Brannen cancelled the Executive Session.

Consideration of a Motion to Adjourn

Councilman Lewis made a motion, seconded by Mayor Pro Tem Will Britt to adjourn. Councilman Britt, Blich, Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

The meeting was adjourned sat 10:35 am.

OPEN RECORDS ORDINANCE
ORDINANCE 2012-05

AN ORDINANCE AMENDING THE CODE OF STATESBORO, GEORGIA, IN CHAPTER TWO (ADMINISTRATION) IN ARTICLE ONE BY ESTABLISHING DIVISION IV, OPEN RECORDS, TO COMPLY WITH O.C.G.A. §50-18-70, ET SEQ., "THE GEORGIA OPEN RECORDS LAW", AS AMENDED IN THE 2012 SESSION OF THE GEORGIA GENERAL ASSEMBLY; DESIGNATING AN "OPEN RECORDS OFFICER" AND "ASSISTANT OPEN RECORDS OFFICER(S)" FOR SAID CITY; DEFINING THE DUTIES THEREOF; PROVIDING FOR PUBLIC RECORD REQUESTS TO BE SERVED UPON THE OPEN RECORDS OFFICER OR, IN THE OFFICER'S ABSENCE OR UNAVAILABILITY, UPON AN ASSISTANT OPEN RECORDS OFFICER; PROVIDING FOR THE MANNER OF SERVING PUBLIC RECORDS REQUESTS ON THE OPEN RECORDS OFFICER; PROVIDING FOR NOTICE OF THE CITY'S OPEN RECORDS PROCEDURES; PROVIDING REASONABLE CHARGES FOR COMPLIANCE WITH PUBLIC RECORDS REQUESTS; TO REPEAL CONFLICTING CODE PROVISIONS, ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT WITH THE FOREGOING; TO RESTATE THE CODE OF THE CITY OF STATESBORO, GEORGIA, AS MODIFIED HEREINTO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Georgia's Open Records Law, O.C.G.A. §50-18-70, et seq., was amended in the 2012 Session of the General Assembly to enact new procedures for local governments (defined therein as "agencies") to comply with said law and to provide greater transparency in making public records available to the public for inspection and copying, which instills greater public trust in government;

WHEREAS, under the amended law, agencies may designate one or more "Open Records Officers" for the purpose of accepting service of written requests in order to assure timely response if made to the proper officer, who has been trained in the law and procedures for public records compliance;

WHEREAS, the City of Statesboro, a Georgia municipal corporation, is an "agency" as defined at O.C.G.A. §50-18-70; and

WHEREAS, this City Council adopts as City public policy the statement of the General Assembly found at O.C.G.A §50-18-70 (a);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

SECTION ONE

Article One of Chapter Two of the Municipal Code of the City of the City of Statesboro is amended by adding a new Division Four, which shall be referred to as "Open Records Ordinance", and shall include the following language:

Division 4. Open Records Ordinance

Sec. 2-12. Short Title.

This Article shall be known as the "Open Records Ordinance."

Sec. 2-12-1. Open Records Officer.

There is hereby created the office of Open Records Officer. The City Clerk is hereby designated as the City's Open Records Officer; the Open Records Officer may designate, in writing, Assistant Open Records Officer(s) as required to perform the duties of his or her office. Before undertaking the duties of the office, the Open Records Officer and Assistant Open Records Officers shall take an oath, in writing, to diligently perform such duties. Compensation for the Open Records Officer and his or her Assistant Open Records Officers shall be initially recommended by the City Manager and approved by the City Council and scheduled on the City's Pay Classification Plan, as from time to time amended. The Open Records Officer shall serve at the pleasure of the Mayor and City Council.

Sec. 2-12-2. Duties.

It shall be the duty of the Open Records Officer and his or her duly designated Assistant Open Records Officer(s) to accept written requests to inspect and copy public records, pursuant to O.C.G.A. §50-18-70, et seq., and to produce to the requester all records responsive to a request within a reasonable amount of time not to exceed three (3) business days of receipt of a request, unless the time for response is extended in accordance with law. No request shall be deemed filed until served upon the Open Records Officer, either by hand delivery to the Officer at City Hall; 50 East Main Street, Statesboro, Georgia, 30458; by certified United States mail to Open Records Officer, P.O. Box 348, Statesboro, Georgia 30459, return receipt requested; by statutory overnight delivery to 50 East Main Street, Statesboro, Georgia, 30458; by email to openrecordsofficer@statesboroga.gov, or by facsimile transmission to 912-764-4691. Oral requests and requests, whether oral or in writing, served upon any other officer or employee of the City shall not be deemed filed, until the requester has filed his or her request, in writing, with the Open Records Officer. In the absence or unavailability of the Open Records Officer an Assistant Open Records Officer shall perform the duties of the Open Records Officer. The absence or unavailability of a designated Open Records Officer shall not delay the City's response to a properly served request.

Sec. 2-12-3. Request Response.

Upon receipt of a request it shall be the duty of the Open Records Officer to promptly ascertain the availability of all public records responsive to the request and to produce to the requester those records that can be located and produced within a reasonable time, not to exceed three (3) business days of receipt of a request. For purposes of computing the time within which a response must be made, the Open Records Officer shall not count the business day on which a request is received, nor any intervening Saturday, Sunday, or designated holiday on which City offices are closed for general business. Upon intake of a request, the Open Records Officer shall stamp the request with the date and time of receipt, and initial the request. In any instance where records are unavailable within three (3) business days of the request, it shall be the duty of the Open Records Officer to provide the requester with a written description of such records and a timeline for when the records will be available for inspection or copying and to provide the responsive records to the requester as soon thereafter as practicable. Such response shall also contain a good faith estimate of the cost to the requester for the search, retrieval, redaction, and production and copying of records.

A. It is the intent that the Open Records Officer be accessible within City Hall during the normal hours of general operation of the City's administrative staff, i.e. 8:30 a.m. to 5:00 p.m. Monday through Friday, except on recognized holidays and those days when City Hall is closed. The Open Records Officer shall coordinate his or her work schedule with the Assistant Open Records Officers to assure coverage within City Hall during normal hours at all times when the Open Records Officer is scheduled to be absent or unavailable for extended periods of time. Backup procedures will be implemented by the City Clerk to assure such coverage by Assistant Open Records Officers during the Open Records Officer's unplanned absence or unavailability.

B. Notice of the designation of Open Records Officers shall be posted on the official bulletin board at City Hall, in the legal organ of Bulloch County, and on the City's website. In addition, City officers, department managers, and administrative staff shall follow the direction of the Open Records Officer on how to assist and direct persons desiring to request inspection and copying of public records.

C. To further assist persons desiring to inspect records, a request form will be available at City Hall and on the City's website.

D. The Open Records Officer shall confer with every officer or department manager of the City, as necessary, to ascertain the existence of public records responsive to a request (including electronically-stored information), and it shall be the duty of every City officer and department manager to confer with and provide records, or true and correct copies of the originals thereof, to the Open Records Officer promptly, time being of the essence. Upon receipt of a public record responsive to a request, the Open Records Officer shall determine, in consultation with the City Attorney, if the record is exempt from disclosure by order of a court of this state or by law; if the record is exempt from disclosure, the written response by the Open Records Officer shall set forth the specific legal authority under which withholding of inspection of the record is claimed. The Open Records Officer shall maintain a log or other documentation of his or her due diligence to comply with a proper request

Sec. 2-12-4. Fees.

The Open Records Officer shall further have the duty to collect from a requester a reasonable charge for the search, retrieval, redaction, and production/copying of records, utilizing the most economical means available to identify and produce non- excluded records. The charge for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the Open Records Officer, has the necessary skill and training to perform the request; provided, however, no charge shall be made for the first quarter hour. In addition thereto, where certified copies of specific records are sought, the fees for certified copies prescribed by law shall apply; otherwise, a fee for the copying of records shall not exceed 10¢ per page for letter or legal size documents or, in the case of other documents and electronic records, the actual cost of reproducing the document or media on which the records or media are produced. It shall be the right of the requester, at the time of inspection, to make photographic copies or other electronic reproductions of records, at his or her own expense, using suitable portable devices brought to the place of inspection. Whenever any person has requested to inspect and copy public records and received a written response estimating the cost of the search, retrieval, redaction, and production/copying-of the records responsive to the request, and the City has actually incurred such costs but the requester fails to inspect or accept copies of the records, the Open Records Officer shall be authorized to collect such charges in any manner authorized by law.

In any instance in which the Open Records Officer has estimated costs in excess of \$25.00 for responding to a request, the Open Records Officer may defer the search, retrieval, redaction, and production/copying of the records until the requester has stated, in writing, his or her willingness to pay an amount equal to the estimate of costs. In any instance in which the estimated costs exceed \$500.00, the Open Records Officer shall insist, in writing, upon prepayment of the estimated costs prior to beginning search, retrieval, redaction, production or copying of the records. In any instance in which a requester has outstanding costs owing to the City for a previous records request, the Open Records Officer shall insist upon prepayment of the outstanding costs and estimated costs prior to beginning search and retrieval.

Sec. 2-12-5. Litigation.

Requests by civil litigants, or their counsel of record, in any ongoing civil action or administrative proceeding shall be made in writing and shall include the style of the action or proceeding, the names and addresses of all parties and, if a party is represented by counsel, the name, address, and telephone number of the party's attorney; a copy of the request shall be served by the requester upon all parties or their counsel of record in the action or proceeding contemporaneous to filing the written request with the Open Records Officer. The Open Records Officer shall make duplicate set(s) of records provided in response to the request available to all parties or their counsel for the cost of copies only, unless a party or its counsel elects not to receive the records and pay the copying charge. If the City is a party to the action or proceeding, a set of responses shall be provided to counsel for the City at no charge.

Sec. 2-12-6. Training.

The Open Records Officer and Assistant Open Records Officer(s) shall, prior to assuming the duties of their office, undergo a course of training in public records management and specifically compliance with the Georgia Open Records Law, O.C.G.A. §50-18-70, et seq., as approved by the City Attorney. It shall be the responsibility of the City Clerk, at least annually, to conduct a workshop for City officers and department managers on the minimum requirements and procedures for public records management and open records disclosure, including the penalties or civil fines that may be imposed for violating Georgia's public records laws.

Sec. 2-13 through 2-35. Reserved.

SECTION TWO

All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

SECTION THREE

Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

SECTION FOUR

Except as modified herein, The Code of the City of Statesboro, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

SECTION FIVE

This ordinance shall become effective immediately upon its adoption by the City Council.

SO ORDAINED, this ____ day of _____ 2012 in Statesboro, Georgia

First Reading: August 7, 2012
Second Reading: August 21, 2012

Joe R. Brannen, in his capacity as Mayor of
Statesboro, Georgia.

ATTEST:

Sue Starling, in her capacity as City Clerk of
Statesboro, Georgia.

CITY OF STATESBORO, GEORGIA

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

DATE OF APPLICATION 8/2/12 NEW X RENEWAL _____

TYPE OF BUSINESS TO BE OPERATED:

_____	RETAIL BEER & WINE PACKAGED ONLY	\$1,250.00
_____	RETAIL BEER & WINE BY THE DRINK	\$1,250.00
<u>X</u>	BEER, WINE & LIQUOR BY DRINK	\$3,750.00
_____	WHOLESALE LICENSE	\$1,000.00
_____	APPLICATION FEE - PACKAGED SALES	\$ 150.00
<u>X</u>	APPLICATION FEE - POURING SALES	\$ 150.00

APPLICANTS FULL NAME Janetha Alabi-Isama

OWNERS NAME Janetha Alabi-Isama

DBA (BUSINESS NAME) South and Vine Public House

CHECK THE TYPE OF ALCOHOL LICENSE YOU ARE APPLYING FOR:
RESTAURANT ✓ SPORTS RESTAURANT _____ PRIVATE CLUB _____ PACKAGE _____

BUSINESS ADDRESS 19 South Main St.

BUSINESS MAILING ADDRESS 1821 Old carriage Trail

BUSINESS TELEPHONE # (404) 242 9151

APPLICANTS HOME ADDRESS _____

APPLICANTS HOME PHONE _____

ARE YOU A CITIZEN OF THE UNITED STATES? ✓ YES _____ NO

HAVE YOU EVER BEEN ARRESTED FOR ANYTHING? _____ YES ✓ NO

IF YES, WHEN AND WHY _____

IS THE APPLICANT THE OWNER OF THE BUSINESS? ✓ YES _____ NO

IF NO, WHAT IS YOUR TITLE IN THE BUSINESS? _____

HOW MANY PARTNERS, SHAREHOLDERS, ETC. ARE INVOLVED IN THE BUSINESS 0

PLEASE LIST BELOW:

CITY OF STATESBORO
P O BOX 348
STATESBORO, GEORGIA 30459
Telephone (912) 764-5468 Fax (912) 764-4691

APPLICATION FOR A SPECIAL EVENT PERMIT

DATE OF APPLICATION June 22, 2012

DATE OF EVENT September 20, 2012

TIME OF EVENT 6-8pm

LOCATION OF EVENT 33 East Main Street

TYPE OF EVENT (DETAILED DESCRIPTION) Gallery
Opening - Warhol Prints

PRODUCTS TO BE SERVED: BEER ☒ WINE ☐ LIQUOR ☐

** ALCOHOL MUST BE PURCHASED THROUGH A LICENSED WHOLESALE DISTRIBUTOR.

**THE APPLICANT IS NOT ALLOWED TO HAVE A CASH BAR AT THE EVENT.

ARE FLYERS BEING DISTRIBUTED? YES ☒ NO ☐
IF YES ATTACH TO APPLICATION.

NAME OF APPLICANT Avenitt Center for the Arts

APPLICANT'S ADDRESS 33 East Main Street

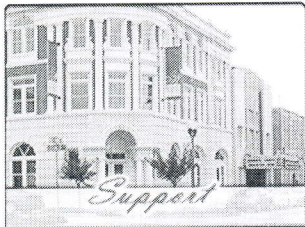
APPLICANT'S PHONE NUMBER 912-212-2787

I HAVE READ AND AGREE TO THE REQUIREMENTS OF THIS PERMIT.

Jim Chapman
SIGNATURE OF APPLICANT

OFFICE USE:
DATE OF COUNCIL MEETING _____

DATE APPROVED BY MAYOR AND CITY COUNCIL _____


[Home](#)
[Performances](#)
[Exhibits](#)
[Learn](#)
[Youth Programs](#)
[Rent](#)
[Support](#)
[About Us](#)


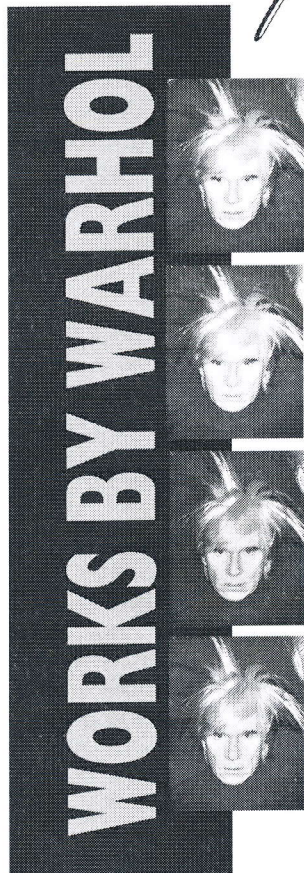
Warhol: Gala Reception

In conjunction with the Averitt Center's opening night of Warhol: Prints from the Cochran Collection, a Gala Reception will be held to benefit the Averitt Center.

Thursday, September 20, 2012

Support **the Averitt**
season opening gala

you're invited!
september 20, 2012
7:00 p.m.



meet the collectors
Wes & Missy Cochran

win a Warhol Print!

enjoy heavy hors d'oeuvres
and an open bar

dance under the stars
to smoky saxophone blues

dress like Warhol
or one of his famous subjects

Tickets\$50 each | \$75 per couple
Corporate tables..... \$500

RSVP to Melinda Roell
mroell@averittcenterforthearts.org
912-212-2787

P.001/001

(WED) 09:23

CITY OF STATESBORO
P O BOX 348
STATESBORO, GEORGIA 30459
Telephone (912) 764-5468 Fax (912) 764-4691

APPLICATION FOR A SPECIAL EVENT PERMIT

DATE OF APPLICATION August 1, 2012DATE OF EVENT Sept 28, 2012TIME OF EVENT 6:30 - 10 PMLOCATION OF EVENT 1505 Bland Ave (Botanical Garden)

TYPE OF EVENT (DETAILED DESCRIPTION) _____

Beertasting + Concert FundraiserPRODUCTS TO BE SERVED: ☒ BEER ☒ WINE ☐ LIQUOR

** ALCOHOL MUST BE PURCHASED THROUGH A LICENSED
WHOLESALE DISTRIBUTOR.

**THE APPLICANT IS NOT ALLOWED TO HAVE A CASH BAR AT THE
EVENT.

ARE FLYERS BEING DISTRIBUTED?
IF YES ATTACH TO APPLICATION.

☒ YES ☐ NONAME OF APPLICANT Carlynn Altman Director, Georgia
Southern Botanical GardenAPPLICANT'S ADDRESS PO Box 8039, 1201 Fair Road 30458
Statesboro 30460APPLICANT'S PHONE NUMBER 912-871-1149

I HAVE READ AND AGREE TO THE REQUIREMENTS OF THIS PERMIT.

Carlynn Altman
SIGNATURE OF APPLICANT

OFFICE USE:

DATE OF COUNCIL MEETING _____

DATE APPROVED BY MAYOR AND CITY COUNCIL _____



**GEORGIA
SOUTHERN
UNIVERSITY**

GEORGIA SOUTHERN BOTANICAL GARDEN

POST OFFICE BOX 8039
STATESBORO, GEORGIA 30460-8039
TELEPHONE (912) 871-1149
FAX (912) 871-1777
<http://ceps.georgiasouthern.edu/garden/>

August 1, 2012

City of Statesboro
50 East Main Street
PO Box 348
Statesboro, GA 30459

To Whom It May Concern:

Georgia Southern Botanical Garden will be holding their annual fund raising event Rhythm and Brews Friday, September 28 from 6:30-10 PM. Tickets will be sold to the general public. Beer and wine will be served at this event and is included in the price of the ticket, as is food.

Sincerely

A handwritten signature in black ink, appearing to read 'Carolyn Altman', with a long horizontal line extending to the right.

Carolyn Altman
Director

CITY OF STATESBORO
P O BOX 348
STATESBORO, GEORGIA 30459
(912) 764-5468
FAX (912) 764-4691

APPLICATION FOR VEHICLE FOR HIRE PERMIT - DRIVER

DATE 7/24/12

NAME OF BUSINESS Yellow Cab

OWNER OF BUSINESS Wilfrid Francois

BUSINESS ADDRESS 1 Greenwood Avenue

CITY, STATE & ZIP Statesboro GA.

BUSINESS TELEPHONE 681-1143

NAME OF DRIVER Timothy F. McFarland

HOME ADDRESS

CITY, STATE & ZIP

HOME TELEPHONE

ALIASES _____

AGE OF DRIVER

HAVE YOU EVER BEEN ARRESTED? YES ☒ NO ☐

SIGNATURE Tim McFarland

DATE 7/24/12



Scott P. Brunson
Police Major

Statesboro Police Department

25 West Grady Street
Statesboro, Georgia 30458
Phone: (912) 764-9911 / **Fax:** (912) 489-5050



Wendell Turner
Public Safety Director

August 2, 2012

Sue Starling, City Clerk
City of Statesboro

Via Hand-Delivery

REF: Licensing

BUSINESS: D W Yellow Cab, 1 Greenwood Ave., Statesboro, GA
APPLICANT: Timothy F. McFarland

The response received **from** the fingerprints submitted shows the following record on file in the state for Mr. **McFarland**:

11/11/1985 DUI
06/11/1987 Purchase/**Possession**/Control (Drug Unknown)
10/24/1987 Contempt **of** State Court for Fingerprintable Charge – Misdemeanor
Deposit **Account**/Bad Checks
12/20/1989 DUI

(Federal records are not **s**earched for this type of license.)

Respectfully submitted,

A handwritten signature in black ink, appearing to be "WB Turner", written over a horizontal line.

Wendell B. Turner
Public Safety Director

CITY OF STATESBORO
P O BOX 348
STATESBORO, GEORGIA 30459
(912) 764-5468
FAX (912) 764-4691

APPLICATION FOR VEHICLE FOR HIRE PERMIT - DRIVER

DATE 7/30/2012

NAME OF BUSINESS DW Yellow Cab

OWNER OF BUSINESS Wilfrid Francois

BUSINESS ADDRESS 1 Greenwood Avenue

CITY, STATE & ZIP Statesboro, Ga, 30458

BUSINESS TELEPHONE _____

NAME OF DRIVER Justin Phillips

HOME ADDRESS _____

CITY, STATE & ZIP _____

HOME TELEPHONE _____

ALIASES _____

AGE OF DRIVER _____

HAVE YOU EVER BEEN ARRESTED? YES _____ NO ☒

SIGNATURE Justin Phillips

DATE 7/30/2012



Scott P. Brunson
Police Major

Statesboro Police Department

25 West Grady Street
Statesboro, Georgia 30458
Phone: (912) 764-9911 / **Fax:** (912) 489-5050



Wendell Turner
Public Safety Director

August 13, 2012

Sue Starling, City Clerk
City of Statesboro

Via Hand-Delivery

REF: Licensing

BUSINESS: DW Yellow Cab, 1 Greenwood Ave., Statesboro, GA
APPLICANT: Justin Davon Phillips,

The response received **from** the fingerprints submitted shows no record in the state on Mr. Phillips.

(Federal records are not **s**earched for this type of license.)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. B. Turner", with a long horizontal flourish extending to the right.

Wendell B. Turner
Public Safety Director



City of Statesboro
Engineering Department – Public Works

P.O. Box 348
Statesboro, Georgia 30459

912.764.0681 (Voice)
912.764.7680 (Fax)

MEMORANDUM

To: Frank Parker, City Manager

From: Jason Boyles, Senior Assistant City Engineer

Date: August 13, 2012

Re: Request to Surplus Three Vehicles in the Public Works Divisions

Public Works has the following three vehicles that need to be declared as surplus and sold by electronic auction:

- a) 1998 Volvo cab and chassis with Heil garbage body (Sanitation Division)
- b) 2003 Autocar cab and chassis with Wayne garbage body (Sanitation Division)
- c) 2001 Dodge Ram pickup (Street Division)

These vehicles have exceeded their useful life cycle for the city and have recently been replaced. Therefore, I respectfully request to place this on the city council agenda for August 21, 2012. Let me know if you need anything further from me on this request.

Cc: Robert Cheshire, PE, City Engineer
Mike Clifton, Sanitation Superintendent
Robert Seamans, Street and Parks Superintendent
Ronnie Lane, Fleet Superintendent

Memo

To: Jason Boyles
From: Robert Seamans
CC: Robert Cheshire, Sue Starling, Darren Prather
Date: 8/13/2012
Re: Truck to be declared surplus

The Engineering / Public Works Streets and Parks Division has the following vehicle we would recommend to have surplus and be disposed of. This unit has recently been replaced by a newer unit and is no longer needed.

2001 Dodge Ram 150 pickup truck VIN: 1B7HC13Y41J548838.

Mayor, Joe Brannen

Public Works Director, Jason Boyles

Public Works Adm. Sec. Tammy Rushing

Fleet Maintenance, Ronnie Lane

CITY OF STATESBORO

PUBLIC WORKS

5 BRASWELL ST

P.O. BOX 348

STATESBORO, GA. 30459-0348

City Manager, Frank Parker

Transfer Station, Jeff McCarty

Sanitation Div, Mike Clifton

Street & Parks Div, Robert

Seamans

Memo

Date: 8-2-2012

To: Jason Boyles, Senior Assistant City Engineer

From: Mike Clifton, Sanitation Superintendent

Subject: Request Surplus Two Garbage Trucks

The Sanitation Division has the following vehicles we would recommend to have surplus and disposed of. These units have recently been replaced by newer units or are no longer needed.

Residential Garbage Truck #766 - 1998 Volvo Expedito with Heil Body VIN # 4VMDCLPFXN793251

Residential Garbage Truck # 767- 2003 Auto car Expedito with Wayne Body Vin # 5VCD36CEX3N194727



City of Statesboro
Finance Department Memorandum

50 East Main Street

P.O. Box 348

(912) 764-0652

Statesboro, Georgia 30458

Statesboro, Georgia 30459

(912) 489-6825 (Fax)

DATE: August 15, 2012

TO: Mayor and Council

FROM: Cindy S. West

SUBJECT: Authorized Personnel

In the FY 2013 Budget, the Administrative Assistant for the Police Department was inadvertently categorized as a part-time position instead of a full time position. The position's salary and all benefits were budgeted as full time.

This is a request for council to change the position from a Part-time position to a Full-time position in Authorized Personnel.

Thank you.

Ordinance 2012-06
An Ordinance Amending Certain Sections of Chapter 6 of the Statesboro Code of Ordinances (Alcoholic Beverages)

WHEREAS, the City has previously adopted an ordinance regulating alcoholic beverages; and

WHEREAS, the Mayor and City Council has determined there is sufficient reason and need to amend certain sections of Chapter 6 (Alcoholic Beverages) of the Code of Ordinances, City of Statesboro, Georgia;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

SECTION 1:

Section 6-56 of the Code of Ordinances, City of Statesboro, Georgia is hereby amended by replacing it in full, and shall read as follows:

Sec. 6-56. - Sale/service in public places.

(a) 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. 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 article from dispensing through kegs, barrels, cylinders or other such receptacles inside the establishments or premises approved for a pouring license.

(b) The consumption of alcoholic beverages shall not be permitted at outdoor events unless an Outdoor Event Permit is obtained as provided for in this Code Section.

(1) A producer is any person, group of persons, organization, association, club, or other entity responsible for planning, producing and conducting an Outdoor Event. The producer of an event, if a group or organization, shall be fully identified on the application. However, an Outdoor Event Permit shall be issued only to an individual person, who may be the actual producer or a designated agent of the producer, and such individual person shall be solely and fully responsible for compliance with all provisions, including all financial requirements, of this chapter and other applicable laws.

(2) A producer seeking an Outdoor Event Permit shall make application at the office of the City Clerk on a form prescribed by the City Clerk. Application forms may be obtained from the office of the City Clerk.

(3) An application for an Outdoor Event Permit should be filed at least 45 days prior to the date the event is scheduled to occur. However, no application shall be accepted earlier than one year prior to the date of the event. A nonrefundable application fee of \$25.00 shall be paid at the time of application.

(4) The application for an Outdoor Event Permit shall include, in addition to the map identifying the outermost boundaries of the event, a map no smaller than $8\frac{1}{2} \times 11$ inches in size, clearly identifying the area where the consumption of alcoholic beverages is proposed.

(5) The application for an Outdoor Event Permit shall include a description of the area, including the size and the maximum number of persons for such area. The application also shall contain a description of the method and structures that will be used to secure and separate such area from other public areas. The structure shall be inspected by the Director of Public Safety or his designee and the City Engineer or his designee, to determine compliance with applicable fire and safety codes. Unless approved by the Director of Public Safety and the City Engineer no Outdoor Event Permit shall be issued.

(7) The City Clerk or her designee shall cause the application to be circulated to each government department and/or other agency whose services would be affected by the nature and activities of the proposed event. Each department of the government reviewing an application may recommend in writing certain conditions or restrictions as deemed necessary to facilitate the event, to comply with other laws or regulations, and/or to ensure the safety, health and welfare of the community. In reviewing the recommendations of the departments, the City Clerk may impose such conditions or restrictions as a part of the permit and such special conditions so imposed shall be construed to have the full force and effect of law as a provision of this chapter. A violation of such conditions or restrictions shall be deemed a violation of this chapter.

(8) After considering all comments and conditions of the reviewing departments and agencies as well as other information pertaining to the proposed event as described on the application, and with the consent of the Director of Public Safety and the City Engineer, and upon payment of all applicable fees the City Clerk is authorized to approve and issue an Outdoor Event Permit.

(9) Prior to the issuance of a permit for the event, the proposed licensee shall sign a statement of understanding and agreement to the terms and conditions imposed on the event. Such a statement shall become a part of the conditions of the permit for the event.

(10) The producer shall provide, at his/her own expense, a sufficient number of security personnel at any outdoor event issued an Outdoor Event Permit. The Director of Public Safety shall determine what number of security personnel is sufficient.

(11) The producer of an outdoor event shall be required to provide temporary outdoor toilet facilities. The number of toilets and their locations shall be determined by the Director of Public Safety or his designee.

(12) The consumption of alcoholic beverages at outdoor events pursuant to an Outdoor Event Permit shall occur within the delineated boundaries of the event.

(13) The delineated boundaries of the event shall be securely enclosed on all sides by a fence, barricade or other similar such structure approved by the Director of Public Safety, or his designee, and the City Engineer or his designee so as to completely separate that area from the areas in which alcoholic beverages are not permitted.

(14) The dispensing of alcoholic beverages under an Outdoor Event Permit shall be restricted to those persons having a valid business license and a retail consumption-on-the-premises alcoholic beverage license issued by the City of Statesboro, and the dispensing of the alcoholic beverages shall only occur within the boundaries of the licensed premises as defined in Section 6-2 of the Code of Ordinances. The name of each licensee who will dispense alcoholic beverages to be consumed by patrons within the delineated boundaries of the outdoor event shall be required as a part of the application for an Outdoor Event Permit.

(15) Patrons within the delineated boundaries of the Outdoor Event Permit are exempt from the restrictions contained in Section 6-163 of the Code of Ordinances.

(16) The delineated boundaries of the event shall be conspicuously posted at all times at each point of entrance/exit with signs stating the following: "The possession of alcoholic beverages beyond this point is prohibited." The letters of such signs shall not be less than three inches in height and one-half inch in width and shall be in black letters on a contrasting light background.

(17) It shall be unlawful for patrons of any area within the delineated boundaries of an Outdoor Event Permit to bring into or take outside the designated area(s) any alcoholic

beverage or to furnish any alcoholic beverage to any person outside the designated area where alcoholic beverages are permitted.

(18) The fee for a licensed Outdoor Event Permit shall be \$5000.00.

(19) No permit issued under this chapter shall be valid prior to or past the date of the special event for which it is issued.

(20) The safety, health, welfare and good order of all citizens and the community shall be first and foremost and every outdoor event shall be conducted in such manner. The Director of Public Safety may terminate any activity, whether a part of or the entire event, which does not meet this community standard. Upon notification to the event producer in person by the Director of Public Safety to cease any activity, it shall be unlawful for such producer and/or any participants to permit such activity to continue.

(21) Notwithstanding the provisions of this section, any person dispensing and/or consuming alcoholic beverages in accordance with this section shall comply with all other laws and ordinances pertaining to the sale, possession and consumption of alcoholic beverages.

SECTION 2:

Section 6-89 of the Code of Ordinances, City of Statesboro, Georgia is hereby amended by replacing it in full, and shall read as follows:

Sec. 6-89 **Illumination**

The exterior of each building in which alcoholic beverages are sold for consumption on the premises shall contain sufficient lighting so that all entrances thereto are clearly visible at all times.

SECTION 3. All other sections of Chapter 6 not here expressly amended here remain in full force and effect.

SECTION 4. Should any section, subsection, or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after its adoption on two separate readings.

THE MAYOR AND CITY COUNCIL OF THE CITY OF STATESBORO, GEORGIA

First Reading August 21st, 2012

Second Reading September 5th, 2012

By: Joe R. Brannen, Mayor

Attest: Sue Starling, City Clerk

AGREEMENT
for
OFF SYSTEM SAFETY PROJECT
between
DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA
and
Statesboro, GEORGIA

This Agreement, made and entered into this _____ day of _____ 2012, by and between the DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the "DEPARTMENT", and City of STATESBORO, GEORGIA, hereinafter called the "SPONSOR."

WHEREAS, the SPONSOR has been approved by the DEPARTMENT to carry out an Off-System Safety Project which consists of the construction of **P.I. NUMBER 0010945**, hereinafter referred to as the "PROJECT"; and

WHEREAS, the DEPARTMENT is authorized to receive federal funding for Safety Projects for Georgia pursuant to provisions of 23 U.S.C. Section 133(b) (8); and

WHEREAS, the PROJECT is expected to positively impact the quality of transportation in the State of Georgia; and

WHEREAS, the DEPARTMENT desires to participate with the SPONSOR in the implementation of the PROJECT; and

WHEREAS, the SPONSOR has represented to the DEPARTMENT that it has the authority to receive and expend federal funds for the purpose of this PROJECT and is qualified and experienced to provide such services necessary for the construction of the PROJECT and the DEPARTMENT has relied upon such representations; and

WHEREAS, under Section 32-2-2 (a) (7) of the Official Code of Georgia Annotated, the DEPARTMENT is authorized to participate in such an undertaking:

NOW, THEREFORE, in consideration of the mutual promises and covenant contained herein, it is agreed by and between the DEPARTMENT and the SPONSOR THAT:

ARTICLE I
SCOPE AND PROCEDURE

The SCOPE AND PROCEDURE for this PROJECT shall be the installation of the safety elements consisting of the placement of pavement markings, roadway striping, raised pavement markers, and stop bars, as set forth in Exhibit A, WORK PLAN, which is further defined by the PROJECT estimate sheets ("PROJECT PLANS") on file with the DEPARTMENT and the SPONSOR and referenced as if attached hereto and incorporated as if fully set forth herein.

The SPONSOR shall be responsible for assuring that the PROJECT will be economically feasible and based upon sound engineering principles, meet American Association of State Highway and Transportation Officials ("AASHTO") Guidelines and will be sensitive to ecological, environmental and archaeological issues.

The WORK PLAN sets out the scope of work for the PROJECT. It is understood and agreed that the DEPARTMENT shall participate only in the PROJECT as specified in Exhibit A, WORK PLAN.

The SPONSOR shall work with the Georgia Department of Transportation District 5 to advise the SPONSOR on the WORK PLAN and provide guidance during implementation of the PROJECT.

During the development of the PROJECT the SPONSOR has taken into consideration, as applicable, the DEPARTMENT'S Standard Specifications for the Construction of Roads and Bridges, AASHTO standards for sidewalks; FHWA guidelines for pedestrian facilities; compliance with the U.S. Secretary of the Interior "Standards and Guidelines, Archaeology and Historic Preservation"; compliance with Section 106 of the National Historic Preservation Act of 1966 and with Section 4(f) of the US DOT Act of 1966; compliance with the Archaeology and Historic Preservation Act of 1974; compliance with the Archaeological Resources Protection Act of 1979 and with the Native American Graves Protection and Repatriation Act, the Georgia Abandoned Cemeteries and Burial Grounds Act of 1991; compliance with the DEPARTMENT'S Scenic Byways Designation and Management Program, and with the American Society of Landscape Architect Guidelines; compliance with the Outdoor Advertising Requirements as outlined in the Official Code of Georgia Annotated, Section 32-6-70 et.seq. and other standards and guidelines as may be applicable to the PROJECT.

The SPONSOR has acquired rights of way, if required, and related services for the PROJECT in accordance with State and Federal Laws, DEPARTMENT's Right of Way Procedure Manual, Federal Regulations and particularly Title 23 and 49 of the Code of Federal Regulations ("CFR"), as amended. The SPONSOR further acknowledges that no acquisition of rights of way occurred until all applicable archaeological, environmental and historical preservation clearances were approved.

The SPONSOR shall ensure that all contracts as well as any subcontracts for the construction of the PROJECT shall comply with the Federal and State legal requirements imposed on the DEPARTMENT and any amendments thereto. Specifically, but not limited to the provisions governing the DEPARTMENT's authority to contract, Sections 32-2-60 through 32-2-77 of the Official Code of Georgia Annotated; the DEPARTMENT's Rules and Regulations governing the Prequalification of Prospective Bidders, Chapter 672-5; and the DEPARTMENT's Standard Specifications and Special Provisions.

The SPONSOR further agrees to comply with and shall require the compliance and physical incorporation of Federal Form FHWA-1273 into all contracts or subcontracts for construction, as attached hereto and incorporated herein as Exhibit B, Terms and Conditions.

ARTICLE II COVENANTS AGAINST CONTINGENT FEES

The SPONSOR shall comply with all relevant requirements of Federal, State and local laws including but not limited to those applicable requirements as outlined in Exhibit B, TERMS AND CONDITIONS. The SPONSOR warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the SPONSOR, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the SPONSOR, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the DEPARTMENT shall have the right to annul this Agreement without liability, or, in its discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fees.

ARTICLE III
REVIEW OF WORK

Authorized representatives of the DEPARTMENT and the Federal Highway Administration, ("FHWA"), may at all reasonable times review and inspect the activities and data collected under the terms of this Agreement and amendments thereto, including but not limited to, all reports, drawings, studies, specifications, estimates, maps, and computations, prepared by or for the SPONSOR. The DEPARTMENT reserves the right for reviews and acceptance on the part of effected public agencies, railroads and utilities insofar as the interest of each is concerned.

Acceptance shall not relieve the SPONSOR of its professional obligation to correct, at its expense, any of its errors in the work. The DEPARTMENT's review recommendations shall be incorporated into the work activities of the SPONSOR.

ARTICLE IV
TIME OF PERFORMANCE

TIME IS OF THE ESSENCE IN THIS AGREEMENT. The SPONSOR shall perform its responsibilities for the PROJECT, commencing on receipt of written "Notice to Proceed" from the DEPARTMENT, and shall complete the Project no later than **August 31, 2013**. The work shall be carried on in accordance with the schedule attached to this Agreement as "Exhibit C", WORK SCHEDULE, with that unforeseen events may make necessary some minor variations in that schedule.

The work shall be carried on expeditiously, it being understood, however, that this Agreement may be extended or continued in force by mutual consent of the parties and evidenced by a written amendment thereto.

ARTICLE V
RESPONSIBILITY FOR CLAIMS AND LIABILITY

The SPONSOR shall, to the extent permitted by law, be responsible for any and all damages to property or persons and shall save harmless the DEPARTMENT, its officers, agents and employees from all suits, claims, actions or damages of any nature whatsoever resulting from the negligence of the SPONSOR in the performance of the work under this Agreement.

It is understood by the SPONSOR that claims, damages, losses, and expenses may include monetary claims made by the construction contractor for the PROJECT, and its related facilities, that are a result of the SPONSOR's negligence or improper representation in the plans.

The SPONSOR shall ensure that the provisions of this Article are included in all contracts and subcontracts.

These indemnities shall not be limited by reason of any insurance coverage held by the SPONSOR or the SPONSOR's contractors or subcontractors.

ARTICLE VI INSURANCE

Prior to beginning work, the SPONSOR shall obtain and where applicable cause its subcontractors to obtain and furnish certificates to the DEPARTMENT for the following minimum amounts of insurance:

- A. Workmen's Compensation Insurance in accordance with the laws of the State of Georgia.
- B. Public Liability Insurance in an amount of not less than one hundred thousand dollars (\$100,000) for injuries, including those resulting in death to any one person, and in an amount of not less than three hundred thousand dollars (\$300,000) on an account of any one occurrence.
- C. Property Damage Insurance in an amount of not less than fifty thousand dollars (\$50,000) from damages on account of any occurrence, with an aggregate limit of one hundred thousand dollars (\$100,000).
- D. Valuable Papers Insurance in an amount sufficient to assure the restoration of any plans, drawings, field notes, or other similar data relating to the work covered by the PROJECT.

Insurance shall be maintained in full force and effect during the life of the Agreement and until final completion of the PROJECT.

ARTICLE VII
COMPENSATION AND PAYMENT

It is agreed that the compensation hereinafter specified includes both direct and indirect costs chargeable to the PROJECT under generally accepted accounting principles and as allowed in the Federal Acquisition Regulations Subpart 31.6 and not prohibited by the Laws of the State of Georgia.

It is understood and agreed that the total estimated construction cost of the PROJECT as outlined in this Article and as shown in Exhibit "D", BUDGET ESTIMATE, attached hereto and incorporated as if fully set out herein, is **Seven Two Thousand Dollars and No Cents (\$72,000.00)**. The total estimated cost of the PROJECT to be financed under the Off-System Safety Program using Federal Safety funds is **Seven Two Thousand Dollars and No Cents (\$72,000.00)** which is the total state contribution to the PROJECT and is the maximum amount of the DEPARTMENT'S obligation. The approved PROJECT budget shall include any claims by the SPONSOR for all costs incurred by the SPONSOR in the conduct of the entire scope of work for the PROJECT.

The SPONSOR shall provide the DEPARTMENT with the amount awarded, the name of the contractor, and the completion date provided by the lowest responsive bidder. It is understood that the DEPARTMENT will pro-rate the maximum participation should the PROJECT be awarded at less than is **Seventy Two Thousand Dollars and No Cents (\$72,000.00)**. The SPONSOR shall be solely responsible for any and all amounts in excess of such amount being payable only with non-Federal aid funds. In no event shall the State contribution of the project exceed **\$72,000.00**, which is the DEPARTMENT'S maximum obligation.

It is understood and agreed that nothing in the foregoing shall prevent an adjustment of the estimate of the PROJECT costs, provided that the DEPARTMENT'S maximum obligation under this Agreement is not exceeded and that the original intent of the PROJECT is not substantially altered from the approved PROJECT. Installation of safety elements set out in Article I of this agreement on additional qualified roadways, not exceeding twenty percent (20%) of the original project miles, shall not be considered a substantial alteration of the approved project. In order to adjust said budget estimate, it is also understood that the SPONSOR shall request any and all budget changes in writing and that the DEPARTMENT shall approve or disapprove the requested budget estimate change in writing.

The SPONSOR shall submit to the DEPARTMENT a revised budget estimate in accordance with the successful contractor's bid within ninety days from the date of the contractor's contract being awarded for construction, and before any construction work on the PROJECT may begin.

The SPONSOR shall submit to the DEPARTMENT monthly reports of the PROJECT's progress to include a report on what was accomplished during the month, anticipated work to be done during the next month and any problems encountered or anticipated. Payment on account of the above fee will be made monthly on the basis of calendar months, in proportion to the percentage of the work completed for each phase of work. Payments shall be made after approval of a certified voucher from the SPONSOR. Upon the basis of its review of such vouchers, the DEPARTMENT shall, at the request of the SPONSOR, make payment to the SPONSOR as the work progresses, but not more often than once a month. Should the work for the PROJECT begin within any one month, the first voucher shall cover the partial period from the beginning date of the work through the last date of the month in which it began. The vouchers shall be numbered consecutively and subsequent vouchers submitted each month until the work is completed.

Payment will be made in the amount of sums earned less previous partial payments. The final invoice shall reflect the actual cost of work accomplished by the SPONSOR under the terms of this Agreement, and shall be the basis for final payment.

No expense for travel shall be an allowable expense for the SPONSOR under this Agreement unless such travel is listed in the approved PROJECT budget submitted by the SPONSOR to the DEPARTMENT. In addition, budgeted costs for travel shall be limited to the amount included in the approved PROJECT budget, unless prior DEPARTMENT approval is obtained for increasing such amount.

Should the work under this Agreement be terminated by the DEPARTMENT, pursuant to the provisions of ARTICLE XIV, the SPONSOR shall be paid based upon the percentage of work completed at the point of termination, notwithstanding any just claims by the SPONSOR.

ARTICLE VIII
FINAL PAYMENT

IT IS FURTHER AGREED that upon completion of the work by the SPONSOR and acceptance by the DEPARTMENT of the work, including the receipt of any final written submission by the SPONSOR and a final statement of costs, the DEPARTMENT shall pay to the SPONSOR a sum equal to one hundred percent (100%) of the total compensation as set forth in all approved invoices, less the total of all previous partial payments, paid or in the process of payment.

The SPONSOR agrees that acceptance of this final payment shall be in full and final settlement of all claims arising against the DEPARTMENT for work done, materials furnished, costs incurred, or otherwise arising out of this Agreement and shall release the DEPARTMENT from any and all further claims of whatever nature, whether known or unknown, for and on account of said Agreement, and for any and all work done, and labor and materials furnished, in connection with the same.

The SPONSOR will allow examination and verification of costs by the DEPARTMENT's representatives before final payment is made, in accordance with the provisions of Article XII, herein. If the DEPARTMENT'S examination of the contract cost records, as provided for in Article XII, results in unallowable expenses, the SPONSOR shall immediately be responsible for reimbursing the DEPARTMENT the full amount of such disallowed expenses.

ARTICLE IX
CONTINGENT INTEREST

The DEPARTMENT shall retain a contingent interest in the PROJECT for as long as there continues a Federal interest in the PROJECT as determined by the DEPARTMENT's calculation of the economic life of the PROJECT. Based on the scope of work, as set forth in Exhibit A, WORK PLAN, the DEPARTMENT has determined the economic life of the PROJECT to be five years from the date of the PROJECT Final Acceptance.

ARTICLE X
RIGHT OF FIRST REFUSAL

A determination by the SPONSOR to sell or dispose of the PROJECT shall entitle the DEPARTMENT to the right of first refusal to purchase or lease the PROJECT at net liquidation value. Such right of first refusal shall be retained for as long as the DEPARTMENT holds a contingent interest in the PROJECT pursuant to Article IX of this Agreement.

Should the DEPARTMENT elect to purchase or lease the PROJECT at any time after completion of the PROJECT no compensation shall be provided for the value added as a result of the PROJECT.

ARTICLE XI
SUBSTANTIAL CHANGES

No material changes in the scope, character, complexity, or duration of the PROJECT from those required under the Agreement shall be allowed without the execution of a Supplemental Agreement between the DEPARTMENT and SPONSOR.

Minor changes in the work which do not involve increased compensation, extensions of time, or changes in the goals and objectives of the PROJECT, may be made by written notification of such change by either party with written approval by the other party.

ARTICLE XII
MAINTENANCE OF CONTRACT COST RECORDS

The SPONSOR shall maintain all books, documents, papers, accounting records, and other evidence pertaining to costs incurred on the PROJECT and used in support of its proposal and shall make such material available at all reasonable times during the period of the Agreement, and for three years from the date of final payment under the Agreement, for inspection by the DEPARTMENT and any reviewing agencies, and copies thereof shall be furnished upon request. The SPONSOR agrees that the provisions of this Article shall be included in any Agreement it may make with any subcontractor, assignee, or transferee.

An Audit of the Agreement shall be provided by the SPONSOR. The audit shall be conducted by an independent accountant or accounting firm in accordance with audit requirements, 49 CFR 18.26 and OMB Circular 128 or any revision or supplement thereto. PROJECT costs shall be documented within the OMB Circular 128 audit. An audit shall be submitted to the DEPARTMENT in a timely manner in each of the SPONSOR's fiscal years for the period of the Agreement.

ARTICLE XIII SUBLETTING, ASSIGNMENT, OR TRANSFER

It is understood by the parties to this Agreement that the work of the SPONSOR is considered personal by the DEPARTMENT. The SPONSOR agrees not to assign, sublet, or transfer any or all of its interest in this Agreement without prior written approval of the DEPARTMENT.

The DEPARTMENT reserves the right to review all subcontracts prepared in connection with the Agreement, and the SPONSOR agrees that it shall submit to the DEPARTMENT proposed subcontract documents together with sub-contractor cost estimates for the DEPARTMENT's review and written concurrence in advance of their execution.

All subcontracts in the amount of \$10,000.00 or more shall include the provisions set forth in this Agreement.

ARTICLE XIV TERMINATION

The DEPARTMENT reserves the right to terminate this Agreement at any time for just cause, or for any cause upon 30 days written notice to the SPONSOR, notwithstanding any just claims by the SPONSOR for payment of services rendered prior to the date of termination.

It is understood by the parties hereto that should the DEPARTMENT terminate this Agreement prior to the completion of an element of work the SPONSOR shall be reimbursed for such work element based upon the percentage of work completed.

Failure to meet the time set for completion of an approved work authorization may be considered just cause for termination of the Agreement.

ARTICLE XV
OWNERSHIP OF DOCUMENTS

The SPONSOR agrees that all reports, drawings, studies, specifications, survey notes, estimates, maps, computations, computer diskettes and printouts and other data prepared by or for it under the terms of this Agreement shall remain the property of the SPONSOR upon termination or completion of the work. The DEPARTMENT shall have the right to use the same without restriction or limitation and without additional compensation to the SPONSOR other than that provided for in this Agreement.

ARTICLE XVI
CONTRACT DISPUTES

This Agreement shall be deemed to have been executed in Fulton County, Georgia, and all questions of interpretation and construction shall be governed by the Laws of the State of Georgia.

ARTICLE XVII
COMPLIANCE WITH APPLICABLE LAWS

- A. The undersigned certify that the provisions of Section 45-10-20 through 45-10-28 of the Official Code of Georgia Annotated relating to Conflict of Interest and State employees and officials trading with the State have been complied with in full.
- B. IT IS FURTHER AGREED that the SPONSOR shall comply and shall require its subcontractors to comply with the regulations for COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, as amended and 23 CFR 200, as stated in Exhibit E of this Agreement.
- C. IT IS FURTHER CERTIFIED that the provisions of Section 50- 24-1 through 50-24-6 of the Official Code of Georgia Annotated relating to the "Drug-Free Workplace Act" have been complied with in full, as stated in Exhibit F of this Agreement.
- D. The SPONSOR acknowledges and agrees that failure to complete appropriate certifications or the submission of a false certification shall result in the termination of this Agreement pursuant to the provisions of Article XIV.

- E. IT IS FURTHER AGREED that the SPONSOR shall subcontract a minimum of ten percent (10%) of the total amount of PROJECT funds to Disadvantaged Business Enterprise (DBE) as defined and provided for under the Federal Rules and Regulations 49 CFR parts 23 and 26. The SPONSOR shall ensure that DBE firms are certified with the DEPARTMENT's Equal Employment Opportunity Office. The SPONSOR shall submit to the DEPARTMENT for its review and concurrence, a copy of the proposed subcontract including the name of the DBE subcontractor.
- F. IT IS FURTHER AGREED that the SPONSOR shall comply and shall require its subcontractors to comply with all applicable requirements of the American with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101 et.seq. and 49 U.S.C. 322; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791; and regulations and amendments thereto.
- G. IT IS FURTHER AGREED that the SPONSOR shall, and shall require its contractors and subcontractors to, comply with all applicable requirements of the Davis-Bacon Act of 1931, 40 U.S.C. 276(a); as prescribed by 23 U.S.C. 113, for Federal-aid highway projects, except roadways classified as local roads or rural minor collectors.
- H. IT IS FURTHER AGREED that the SPONSOR shall, and shall require its contractors and subcontractors to, comply with GA Code Title 25, Section 9, "Georgia Utility Facility Protection Act", CALL BEFORE YOU DIG 1-800-282-7411.

The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, said parties have hereunto set their hands and affixed their seals the day and year above first written.

Department of Transportation

City of Statesboro, Georgia

By: _____ (Seal)
Commissioner

By: _____ (Seal)
Mayor

Attest:

Treasurer

Signed, sealed and delivered
This ____ day of _____,
2012, in the presence of:

Witness

Notary Public

This Agreement, approved by
Statesboro, Georgia, the ____
day of _____, 2012.

Attest:

Name and Title

Federal Employer Identification
Number:



City of Statesboro – Department of Community Development DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

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

RZ 12-06-10 ZONING MAP AMENDMENT 444 SOUTH COLLEGE STREET

LOCATION: 444 South College Street

REQUEST: Rezone from R20 (Single Family Residential) to R4 (High Density Residential)

APPLICANT: Dr. James Hood

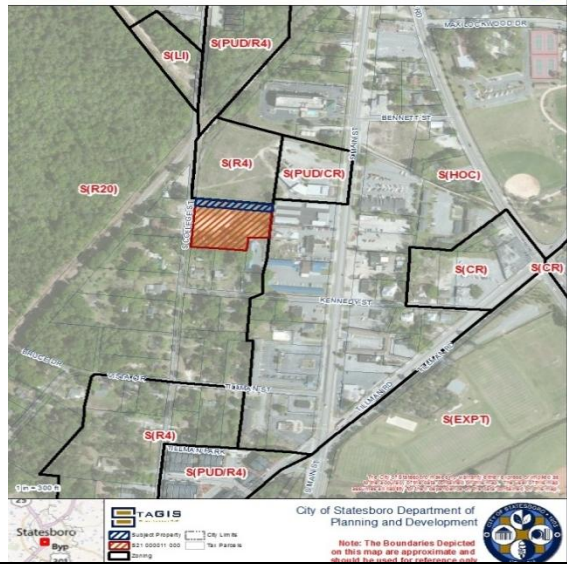
OWNER(S): Dr. James Hood

LAND AREA: Approximately .27 acres

PARCEL TAX MAP #s: S21000011000

COUNCIL DISTRICT: 2 (Lewis)

RZ 12-06-10, Parcel # S21 000011 000
Location Map



PROPOSAL:

The applicant is requesting rezoning of approximately .27 acres of an entire 1.59 acre lot located at 444 South College Street from R20 (Single Family Residential) District to R4 (High Density Residential) in anticipation of subdividing the property for the sale and combination with the northern adjacent property. (See **Exhibit A** – Location Map & **Exhibit B** – Sketch Plan)

BACKGROUND:

The subject area of this request is adjacent to property on South College Street that was recently rezoned from PUD/CR (Planned Unit Development with Commercial Retail overlay) to R4 (High Density Residential) for the construction of residential development within the downtown district in case RZ 12-05-02. The applicant of the aforementioned case wishes to combine the subject property with the northern property for development purposes necessitating a zoning map amendment.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R4 (High Density Residential)	Vacant with proposed residential duplexes
SOUTH:	R20 (Single Family Residential)	Residential
EAST:	HOC (Highway Oriented Commercial)	Commercial
WEST:	R20 (Single Family Residential) & HOC (Highway Oriented Commercial)	Vacant, Residential, & Commercial

The subject property is located in a primarily residential use area with the property's eastern property line surrounded by commercial uses such as restaurants, convenience stores, etc. (**See Exhibit C**)

COMPREHENSIVE PLAN:

The subject site lies within the “Urban Core” character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The “Urban Core” character areas are identified as the activity and cultural hub of the region and support a wide range of acceptable uses. As a major gateway into downtown, traditional development patterns of buildings along the sidewalk and a lively streetscape are respected and promoted, while encouraging retail uses with large storefront windows at street level.

Neighborhood-scaled retail and commercial, arts and entertainment venues, civic centers, office, neighborhood services, lofts and urban residential, mixed use, multi-story buildings with retail on the street and office/residential above are all appropriate land uses for properties within the Urban Core character area. Some suggested development and implementation strategies for the area include the following:

- Encourage mixed-use infill and redevelopment.
- New development should respect historic context of building mass, height and setbacks.
- Economic development strategies should continue to nurture thriving commercial activity.

Statesboro Comprehensive Plan, Community Agenda pages 12-13.

As illustrated in the *Comprehensive Plan*, setback and height requirements should be maintained when possible. Allowing this portion of the subject property to be rezoned allows the adjacent property owner the opportunity to purchase the rezoned lot to combine with the proposed development to maintain necessary setbacks. See **Exhibit B**.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

The subject property does not contain wetlands but is located in a flood hazard; however, this request should not generate any additional issues. There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The entire 1.59 acre site is currently zoned R20 (Single Family Residential) and contains single family homes. The applicant's request to rezone a portion (approximately .27 acres) of the property from R20 (Single Family Residential) to R4 (High Density Residential) would allow for subdivision and combination with the adjacent lot to the north to be developed with the proposed residential development recently rezoned to R4 (High Density Residential). Staff recommends that Council consider the effect this request would have on split zoning which can be defined as two or more zoning designations on one piece of property. Split zoning can be viewed as a short-term solution but can easily turn into a long-term problem if, for example, the applicant does not follow through with subdivision and combination. In such instance, accurately mapping split-zoned properties can be difficult, causing potential liability issues. The current zoning ordinance does not provide guidance for split-zone requests nor does it prohibit the practice; therefore, staff must consider each request on a case by case basis.

The request to rezone the subject property should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's two (2) primary land use policies: The *Statesboro Comprehensive Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed R4 (High Density Residential) zoning district for residential uses only as set forth in the *Statesboro Zoning Ordinance*.

Section 2007 of the Statesboro Zoning Ordinance provides eight (8) standards for the Mayor and City Council to consider “in making its determination” regarding a zoning map amendment and “balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.” Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council's consideration of the application:

- (1) Existing uses and zoning or (of) property nearby;**
 - Existing uses and zoning of nearby property range from commercial to single family residential homes. According to the *Statesboro Comprehensive Master Plan*, this area provides urban style housing opportunities through live-work and loft housing. Expanding housing options in downtown is encouraged.
- (2) The extent to which property values are diminished by the particular zoning restrictions.**

- (3) **The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
- (4) **The relative gain to the public, as compared to the hardship imposed upon the property owner.**
 - o The proposed residential development is much more desirable and aesthetically pleasing than the existing vacant property while providing unique housing options to the public and downtown area.
- (5) **The suitability of the subject property for the zoned purposes.**
 - o The proposed land use meets the provisions of the *Statesboro Zoning Ordinance* and the *Comprehensive Plan*.
 - o The property is currently utilized in a residential manner.
- (6) **The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
 - o The entire parcel currently holds single family homes. The portion of the lot to be rezoned is vacant. Allowing the applicant to rezone for subdivision/combination purposes will allow development of an underutilized portion of property.
- (7) **The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;**
 - o Traffic counts for the immediate area (and thereby relative to the subject property's proposed use) states that the total average annual daily trips reached approximately 1,310 trips both ways for the year 2011 which is an increase of 1,000 trips from 2010 but is not expected to increase significantly with the applicant's request.
 - o *The Long Range Transportation Plan* does not identify the level of service at this segment.
 - o The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns and property values in adjacent areas given its current single family zoning district, and is not expected to be negative or burdensome to the general public or surrounding property owners.
- (8) **Consistency with other governmental land use, transportation, and development plans for the community.**
 - o The requested zoning map amendment is consistent with the policies articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*.
 - o As illustrated on the sketch plan submittal, the subject property can be developed in conformance with the requirements for the proposed R4 (High Density Residential) zoning district when combined with the adjacent lot. The combined property will be sufficient in size and shape for proposed residential use and should meet the setback and other standards of the R4 (High Density Residential) zoning districts as well as the parking, buffering, and other development requirements set forth in the *Statesboro Zoning Ordinance*. If the subject property does not combine with the adjacent parcel after being rezoned, the provisions of the *Statesboro Zoning Ordinance* could not be met.
 - o The *Statesboro Comprehensive Plan* adopts a goal of "promot[ing] infill and redevelopment" stating that "infill development, which consists of developing vacant lots dispersed in developed areas, strengthens neighborhoods and reinvests money into infrastructure which is already in place". (*Community Agenda*, page 51). The requested utilization of the subject site would achieve this goal.
 - o Use of the property as high density residential is consistent with the vision and guiding principles of the "Urban Core" character area as articulated within the *Statesboro Comprehensive Plan* which promotes new developments to include mixed uses such as small to mid-size retail, single family residential, and multifamily residential.
 - o This request may pose an issue of split-zoning the property until subdivision and combination is completed. The *Statesboro Zoning Ordinance* does not offer any provisions or guidance in regards to split-zoning parcels. In this case, no negative impact on zoning is expected as result of this request.

STAFF RECOMMENDATION:

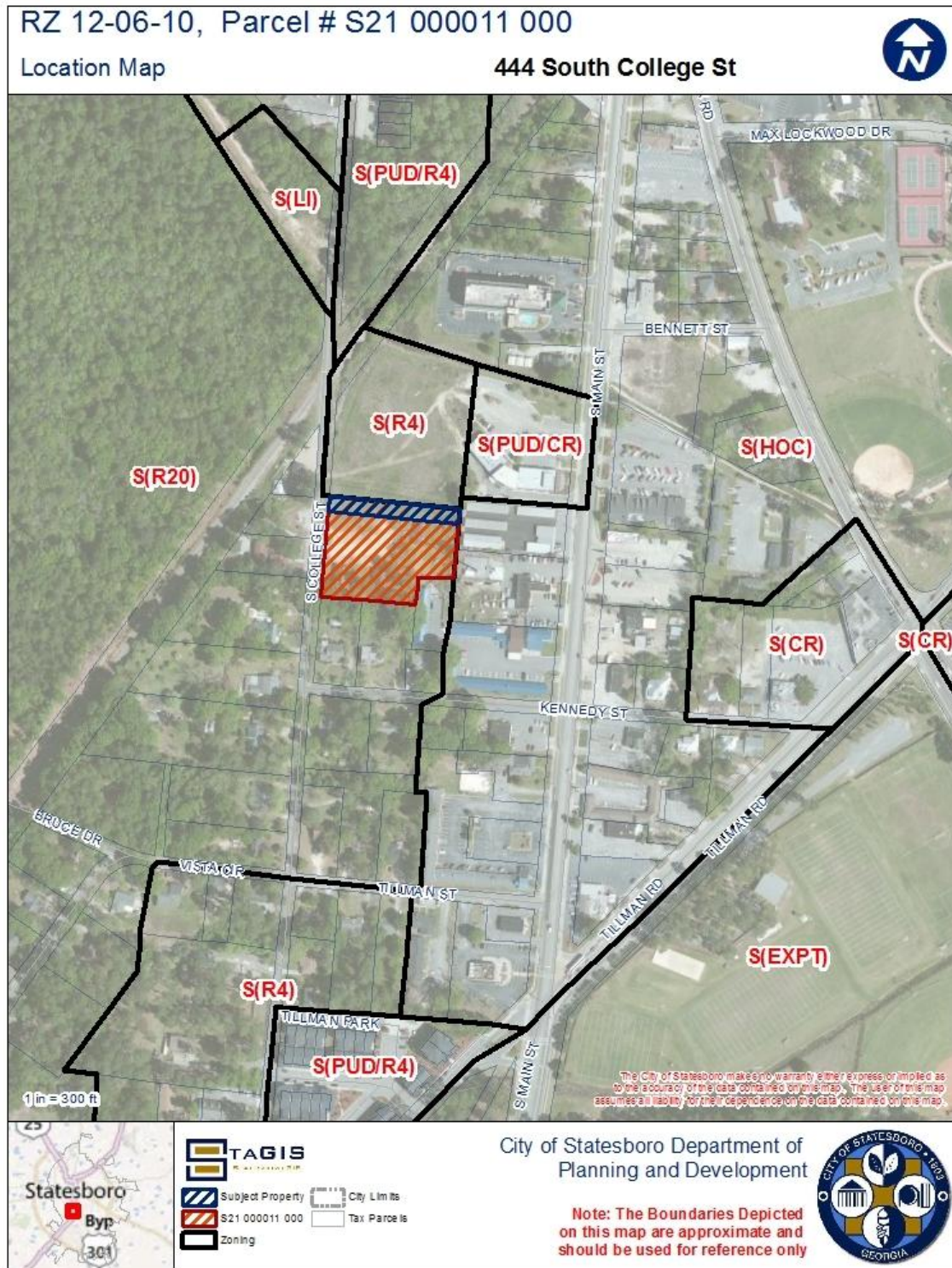
Based on the factors of consideration for zoning map amendments given in Section 2007, *the Comprehensive Plan*, and the *Long Range Transportation Plan*, staff recommends approval of the zoning map amendment requested by application RZ 12-06-10.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 4-0 to recommend approval of the zoning map amendment requested by Case RZ 12-06-10. Commissioner Hendley recused himself from the case due to conflict of interest.

(Please note: Unless otherwise stated in any formal motion by City Council, staff considers the conceptual site plan (Exhibit B) submitted on behalf of the applicant for this request to be illustrative only. Approval of the application does not constitute approval of any final building or site plan).

EXHIBIT A: LOCATION MAP



*DEVELOPMENT SERVICES REPORT
Case # RZ 12-06-10
Amended August 15, 2012*

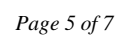


EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The Subject Property from South College Street.



Figure 2: Subject Property from the Adjacent Northern Parcel.

EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 4: Northern Parcel Adjacent to Subject Site – Anticipated Combination.



Figure 5: Across South College Street from Subject Property.



City of Statesboro – Department of Community Development DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

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

RZ 12-07-01 ZONING MAP AMENDMENT 56 NORTH ZETTEROWER AVENUE

LOCATION: 56 North Zetterower Avenue

REQUEST: Rezone from O (Office) to CR (Commercial Retail)

APPLICANT: Josh Whitfield

OWNER(S): Carroll Baird, III

LAND AREA: .68 acres

PARCEL TAX MAP #s: S38000056000

COUNCIL DISTRICT: 1 (Blitch)



PROPOSAL:

The applicant is requesting rezoning of approximately .68 acres of property located at 56 North Zetterower Avenue from O (Office) District to CR (Commercial Retail). (See **Exhibit A** – Location Map & **Exhibit B** – Sketch Plan)

BACKGROUND:

The subject area of this request was rezoned from O (Office) to R3 (Medium Density Residential) in 2007. The following year, the property was rezoned from R3 (Medium Density Residential) to CR (Commercial Retail) for an office use. After a proposal to construct two buildings on the same lot was made, the property was later rezoned from CR (Commercial Retail) to O (Office) due to a previous provision in the ordinance that required a minimum lot size of 20,000 ft² per structure. Approximately two weeks following the latest rezone, previous administration amended the text of the ordinance to reduce minimum lot sizes from 20,000 ft² to 10,000 ft² in CR (Commercial Retail) districts; thus, making the most previously mentioned zoning map amendment unnecessary. A permit was issued for the construction of an outer shell for one of the two proposed buildings on the site which presently remains vacant and unused. The applicant wishes to rezone the property back to CR (Commercial Retail) to finish the construction of the current empty building shell with an anticipated commercial use. The applicant also anticipates the development of the additional previously proposed building on the same lot in the near future for commercial uses as well.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail)	Commercial
SOUTH:	CR (Commercial Retail) and R15 (Single Family Residential)	Residential & Church
EAST:	CR (Commercial Retail) and R15	Vacant, Residential, & Commercial
WEST:	LI (Light Industrial)	Commercial

Properties to the north of the subject property are zoned CR (Commercial Retail) and contain Stubbs Oil and an automotive repair shop. Parcels to the east contain several single family homes zoned R15 (Single Family Residential) and commercial uses to the extreme east zoned CR (Commercial Retail). The southern parcels are zoned R15 (Single

Family Residential) and CR (Commercial Retail) with single family homes and a church. Finally, the western parcels are zoned LI (Light Industrial) and contain several commercial uses such as an automotive repair shop. (See Exhibit C)

COMPREHENSIVE PLAN:

The subject site lies within the “Urban Core” character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The “Urban Core” character areas are identified as the activity and cultural hub of the region and support a wide range of acceptable uses. As a major gateway into downtown, traditional development patterns of buildings along the sidewalk and a lively streetscape are respected and promoted, while encouraging retail uses with large storefront windows at street level.

Neighborhood-scaled retail and commercial, arts and entertainment venues, civic centers, office, neighborhood services, lofts and urban residential, mixed use, multi-story buildings with retail on the street and office/residential above are all appropriate land uses for properties within the Urban Core character area. Some suggested development and implementation strategies for the area include the following:

- Encourage mixed-use infill and redevelopment.
- New development should respect historic context of building mass, height and setbacks.
- Economic development strategies should continue to nurture thriving commercial activity.

Statesboro Comprehensive Plan, Community Agenda pages 12-13.

As illustrated in the *Comprehensive Plan*, It is desirable to encourage mixed-use infill and development while nurturing commercial activity. Permitting the subject property to be rezoned allows the applicant an opportunity to clean up and utilize an overgrown lot containing an abandoned incomplete building and remedy a possible issue of spot zoning. See **Exhibit B**.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

The subject property does not contain wetlands but is located in a flood zone; however, this request should not generate any additional issues. There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The .68 acre subject site is currently zoned O (Office) and contains an abandoned incomplete building shell. The applicant's request to rezone the property from O (Office) to CR (Commercial Retail) would allow a commercial utilization of the property as previously proposed. Council's decision to grant a zoning map amendment from CR (Commercial Retail) to O (Office) in 2009 made the proposal consistent with a previous provision in the ordinance that would not have allowed the proposed construction. Just weeks after Council granted a rezone to allow the applicant's proposal, the ordinance for CR (Commercial Retail) zoning districts was amended in a manner that would have permitted the applicant's proposal without initiating the original rezone.

The request to rezone the subject property should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's two (2) primary land use policies: The *Statesboro Comprehensive Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed CR (Commercial Retail) zoning district as set forth in the *Statesboro Zoning Ordinance*.

Section 2007 of the Statesboro Zoning Ordinance provides eight (8) standards for the Mayor and City Council to consider “in making its determination” regarding a zoning map amendment and “balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.” Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council's consideration of the application:

(1) Existing uses and zoning or (of) property nearby;

- Existing uses and zoning of nearby property range from commercial to single family residential homes. According to the *Statesboro Comprehensive Master Plan*, mixed use while nurturing thriving commercial activity is encouraged. This request would accomplish that.
- The current O (Office) zoning possibly presents issues of spot zoning. Rezoning the subject property would remedy this.

- Although the subject property lies on the outside of a residential district, Council's previous decisions to zone the property for commercial and office uses considered the property's compatibility with surrounding land uses and found the proposed use to be compatible.
- (2) The extent to which property values are diminished by the particular zoning restrictions.**
 - Only office related uses are permitted within the current zoning designation. Rezoning the property to CR (Commercial Retail) will allow office uses as well as many other possible small scale commercial uses.
- (3) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
- (4) The relative gain to the public, as compared to the hardship imposed upon the property owner.**
 - Currently, this lot is in desperate need of attention with overgrown grass, an abandoned unfinished building, and an empty parking lot. Leaving developments of this nature to be abandoned poses a risk to the public both physically and aesthetically. Reducing dilapidated structures is a crucial factor in the City. Allowing an empty structure to sit abandoned would do the opposite. Rezoning opens more already deemed compatible by City Council and allows underutilization of the property.
- (5) The suitability of the subject property for the zoned purposes.**
 - The proposed land use meets the provisions of the *Statesboro Zoning Ordinance* and the *Comprehensive Plan*.
 - Although the property did not meet previous standards of the CR (Commercial Retail) district, past text amendments make this property suitable and developable by the provisions of the proposed district.
- (6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
 - After being rezoned from CR (Commercial Retail) to O (Office) for consistency with minimum lot requirements, amendments to the CR text were initiated by staff which made the property consistent with the CR provisions as well. A building permit for the construction of the exterior shell of a building was pulled in 2009 while the rest of the building along with the proposed additional building was never completed. The lot and building have sat vacant and abandoned since that time and has now become overgrown and unsightly.
- (7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;**
 - Traffic counts for the immediate area (and thereby relative to the subject property's proposed use) states that the total average annual daily trips reached approximately 4,200 trips both ways for the year 2011 and is not expected to increase significantly with the applicant's request.
 - *The Long Range Transportation Plan* does not identify the level of service at this segment.
 - The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns and property values in adjacent areas given its current single family zoning district, and is not expected to be negative or burdensome to the general public or surrounding property owners.
- (8) Consistency with other governmental land use, transportation, and development plans for the community.**
 - The requested zoning map amendment is consistent with the policies articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*.
 - As illustrated on the sketch plan submittal, the subject property can be developed in conformance with the requirements for the proposed CR (Commercial Retail) zoning district. The subject property is sufficient in size and shape for proposed commercial use and should meet the setback and other standards of the CR (Commercial Retail) zoning districts as well as the parking, buffering, and other development requirements set forth in the *Statesboro Zoning Ordinance*.
 - A CR (Commercial Retail) zoning district would allow a wider variety of small scale commercial uses while still maintaining the office use if the applicant so chooses and eliminates the need for future zoning map amendments of the property.
 - The *Statesboro Comprehensive Plan* adopts a goal of "promot[ing] infill and redevelopment" stating that "infill development, which consists of developing vacant lots dispersed in developed areas, strengthens neighborhoods and reinvests money into infrastructure which is already in place". (*Community Agenda, page 51*). The requested utilization of the subject site would achieve this goal.
 - Use of the property as commercial retail is consistent with the vision and guiding principles of the "Urban Core" character area as articulated within the *Statesboro Comprehensive Plan* which promotes new developments to include mixed uses such as small to mid-size retail, single family residential, and multifamily residential.

STAFF RECOMMENDATION:

Based on the factors of consideration for zoning map amendments given in Section 2007, *the Comprehensive Plan*, and the *Long Range Transportation Plan*, staff recommends approval of the zoning map amendment requested by application RZ 12-07-01 with the following condition:

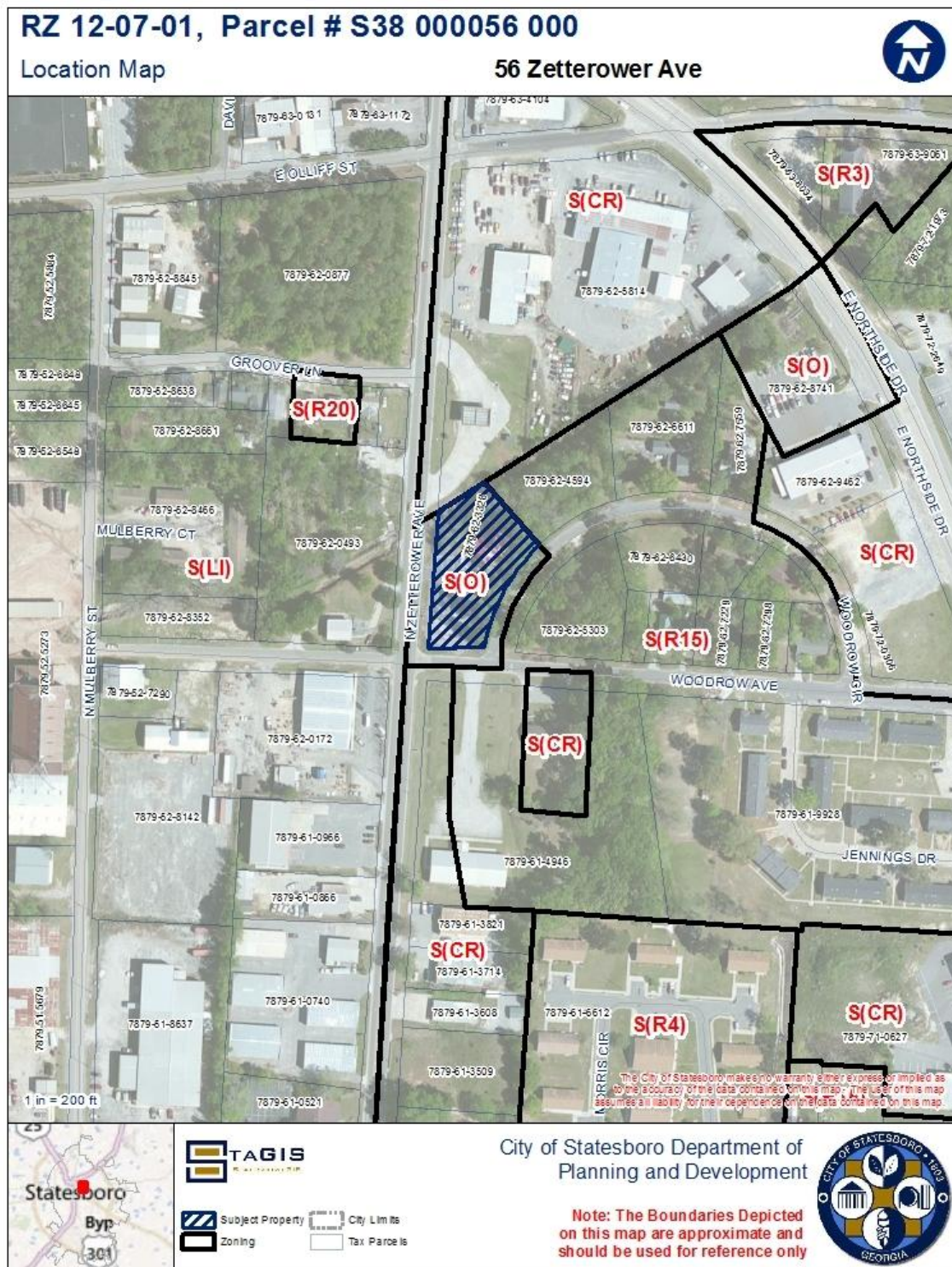
1. Applicant must reconstruct driveway to meet GDOT specifications.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 5-0 to recommend approval of the zoning map amendment requested by Case RZ 12-07-01.

(Please note: Unless otherwise stated in any formal motion by City Council, staff considers the conceptual site plan (Exhibit B) submitted on behalf of the applicant for this request to be illustrative only. Approval of the application does not constitute approval of any final building or site plan).

EXHIBIT A: LOCATION MAP



DEVELOPMENT SERVICES REPORT
Case # RZ 12-07-01
Amended August 15, 2012

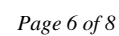


EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The Empty Incomplete Building Shell from North Zetterower Avenue.



Figure 2: North Zetterower Avenue from Parking Lot.

EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 4: Adjacent Commercial Uses across North Zetterower from Subject Property.



City of Statesboro – Department of Community Development DEVELOPMENT SERVICES REPORT

P.O. Box 348
Statesboro, Georgia 30458

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

RZ 12-07-02 ZONING MAP AMENDMENT STATESBORO PLACE CIRCLE

LOCATION: Statesboro Place Circle

REQUEST: Rezone from CR (Commercial Retail) to R4 (High Density Residential)

APPLICANT: Copper Beech Townhome Communities, LLP

OWNER(S): Copper Beech Townhome Communities, LLP, Mary Garrett, and Angela Hoyt c/o Stephen Rushing

LAND AREA: 20.19 acres and 6.9 acres

PARCEL TAX MAP #s: MS63000026019, MS63000026005, & MS63000026001

COUNCIL DISTRICT: 5 (Chance)



PROPOSAL:

The applicant is requesting rezoning of approximately 27.09 acres total of property located on Statesboro Place Circle off the Bypass from CR (Commercial Retail) to R4 (High Density Residential). 20.19 acres contains existing apartments, currently known as Copper Beech Apartments. The applicant wishes to acquire an additional 6.9 acres for future expansion. High density residential is not a permitted use in CR (Commercial Retail) districts; therefore, the applicant must rezone the designated lots for the proposed expansion to R4 (High Density Residential) initiating an additional request to rezone the entire apartment complex as well. (See **Exhibit A – Location Map & Exhibit B – Sketch Plan**)

BACKGROUND:

The subject area of this request is located on Statesboro Place Circle and is currently zoned R4 (High Density Residential). None of the subject parcels have pursued previous zoning map amendments or variances. However, at the time of the construction of the existing apartments, high density residential was permitted in a CR (Commercial Retail) district. The provisions of the *Statesboro Zoning Ordinance* have since changed resulting in this request.

SURROUNDING LAND USES/ZONING:

ZONING:		LAND USE:
NORTH:	R4 (High Density Residential)	Apartments
SOUTH:	CR (Commercial Retail)	Restaurants
EAST:	CR (Commercial Retail)	Offices
WEST:	R4 (High Density Residential)	Apartments

The subject property is located in a primarily residential use area with commercial uses east and south. The property's eastern property line is surrounded by parcels zoned CR (Commercial Retail) and utilized as retail and offices. The western and northern property lines are surrounded by parcels zoned R4 (High Density Residential) and currently contains several apartment complexes. The southern parcels are zoned CR (Commercial Retail) and are or have been utilized for restaurant use as The Millhouse and vacant Sonny's BBQ. (See **Exhibit C**)

COMPREHENSIVE PLAN:

The subject site lies within the “University District” character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The “University District” character areas are identified as being anchored by Georgia Southern University. Developing areas should focus heavily on pedestrian accessibility, as well as transit. There are residential areas within this district, primarily oriented to student housing. Multi-family, duplex, and single-family are all found in this district while student-oriented commercial uses are found along primary arteries, including restaurants/bars and nightclubs.

Neighborhood-scaled retail, higher education facilities, multi-family, single-family, and mixed use are all appropriate land uses for properties within the University District character areas. Some suggested development and implementation strategies for the area include the following:

- Encourage future growth within the academic core.
- Ensure adequate bicycle and pedestrian facilities for students commuting to and from GSU campus.

Statesboro Comprehensive Plan, Community Agenda pages 20-21.

As illustrated in the *Comprehensive Plan*, residential development in this area is expected. The subject site is already being utilized as an apartment complex and wishes to expand. Utilizing the subject site as for residential purposes adjacent to the existing small scale retail uses contributes to the mixed use goal set forth by the *Comprehensive Plan*. The *Comprehensive Plan* also encourages pedestrian facilities for students; this site has an existing interior sidewalk and the expansion is expected to follow a similar concept. See **Exhibit B**.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

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

ENVIRONMENTAL:

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

ANALYSIS:

The existing 20.19 acre site is currently zoned CR (Commercial Retail) as an apartment complex and is located on Statesboro Place Circle which is primarily accessed from Veterans Memorial Bypass. The applicant’s request to rezone the property from CR (Commercial Retail) to R4 (High Density Residential) was initiated by a proposal to expand the existing apartment complex by obtaining approximately 6.9 additional acres which are also zoned CR (Commercial Retail). The applicant wishes to rezone all 27.09 acres to R4 (High Density Residential) to allow for expansion on a vacant proposed lot while amending the zoning of the existing apartment complex to provide conformity with the current zoning ordinance.

Although the existing apartment complex was permitted in a CR (Commercial Retail) zoning district when the apartment was originally constructed, current regulations prohibit such use in said district. As such, the existence of the apartment complex is considered a nonconforming use. Expansion of the existing complex, or future utilization of the property as it is presently, would not be permitted if left vacant for a period longer than 12 months. Likewise, the additional vacant property that the applicant wishes to seek to build more units as an expansion of the existing apartment complex is not zoned appropriately. The *Statesboro Zoning Ordinance* limits Commercial Retail districts to retail related uses with apartments on upper floors only.

The request to rezone the subject property from CR (Commercial Retail) district to R4 (High Density Residential) district should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city’s two (2) primary land use policies: The *Statesboro Comprehensive Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed R4 (High Density Residential) zoning district for residential uses only as set forth in the *Statesboro Zoning Ordinance*.

Section 2007 of the Statesboro Zoning Ordinance provides eight (8) standards for the Mayor and City Council to consider “in making its determination” regarding a zoning map amendment and “balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.” Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council’s consideration of the application:

- (1) **Existing uses and zoning or (of) property nearby;**
 - o Existing uses and zoning of nearby property range from commercial to high density residential. According to the *Statesboro Comprehensive Master Plan*, this area is under pressure to grow in a mixed use and residential manner. Mixed use can be defined as the use of a building or neighborhood for more than one purpose. Mixed use developments provide a range of commercial and residential unit sizes and options while maintaining the intent and character of the area.
 - o The existing Commercial Retail zones that front Veterans Memorial Bypass will remain as such.
- (2) **The extent to which property values are diminished by the particular zoning restrictions.**
 - o The property values of an existing apartment complex in a commercial retail zone may be lower due to the restricted use of such by the *Statesboro Zoning Ordinance* and may possibly deny future utilization of the property in the same manner if the current zoning designation is maintained.
- (3) **The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
- (4) **The relative gain to the public, as compared to the hardship imposed upon the property owner.**
 - o The requested rezone of this property would open up opportunities for the vacant property to develop in a manner that is consistent with the land use plans and will give students and others a chance to live in close proximity to campus.
- (5) **The suitability of the subject property for the zoned purposes.**
 - o The proposed and current land use meets the provisions of the *Statesboro Zoning Ordinance* and the *Comprehensive Plan*.
 - o The 20.19 acre site is currently being utilized as high density residential apartment complex in a commercial zoned area that strives to develop in a mixed use manner with residential uses encouraged. The vacant 6.91 acre lot can be developed as proposed in a high density residential zoning district.
- (6) **The amount of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**

The 20.19 acre site has not been vacant for numerous years but has been considered to be a nonconforming use. The additional 6.91 acre lot is vacant as zoned and has been for several years.
- (7) **The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;**
 - o Traffic counts for the immediate area (and thereby relative to the subject property's proposed use) were not reported for the year 2011. The applicant's request is not expected to increase traffic volume in a negative manner due to the existing apartment complexes with the additional access drive leading to and from Veterans Memorial Bypass.
 - o *The Long Range Transportation Plan* did not express the need for future improvements along this corridor.
 - o The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns and property values in adjacent areas given its current use, and is not expected to be negative or burdensome to the general public or surrounding property owners.
- (8) **Consistency with other governmental land use, transportation, and development plans for the community.**
 - o *The Bulloch County/City of Statesboro Long Range Transportation Plan* does not express any issues or necessities for this area.
 - o As illustrated on the sketch plan submittal, the subject property can or has been developed in conformance with the requirements for the proposed R4 (High Density Residential) zoning districts. The subject property is sufficient in size and shape for proposed multifamily use and should meet the setback and other standards of the R4 (High Density Residential) zoning districts as well as the parking, buffering, and other development requirements set forth in the *Statesboro Zoning Ordinance*.
 - o The *Statesboro Comprehensive Plan* adopts a goal of "promot[ing] infill and redevelopment" stating that "infill development, which consists of developing vacant lots dispersed in developed areas, strengthens neighborhoods and reinvests money into infrastructure which is already in place". (*Community Agenda, page 51*). The requested utilization of the 6.91 acre subject site would achieve this goal.
 - o Use of the property as high density residential is consistent with the vision and guiding principles of the "University District" character area as articulated within the *Statesboro Comprehensive Plan* which promotes new developments to include mixed uses such as small-scale retail, multifamily residential and single family residential.

STAFF RECOMMENDATION:

Based on the factors of consideration for zoning map amendments given in Section 2007, *the Comprehensive Plan*, and the *Long Range Transportation Plan*, staff recommends approval of the zoning map amendment requested by application RZ 12-07-02.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 5-0 to recommend approval of the zoning map amendment requested by Case RZ 12-07-02.

(Please note: Unless otherwise stated in any formal motion by City Council, staff considers the conceptual site plan (Exhibit B) submitted on behalf of the applicant for this request to be illustrative only. Approval of the application does not constitute approval of any final building or site plan).

EXHIBIT A: LOCATION MAP



EXHIBIT B: SKETCH PLAN OF THE EXPANSION

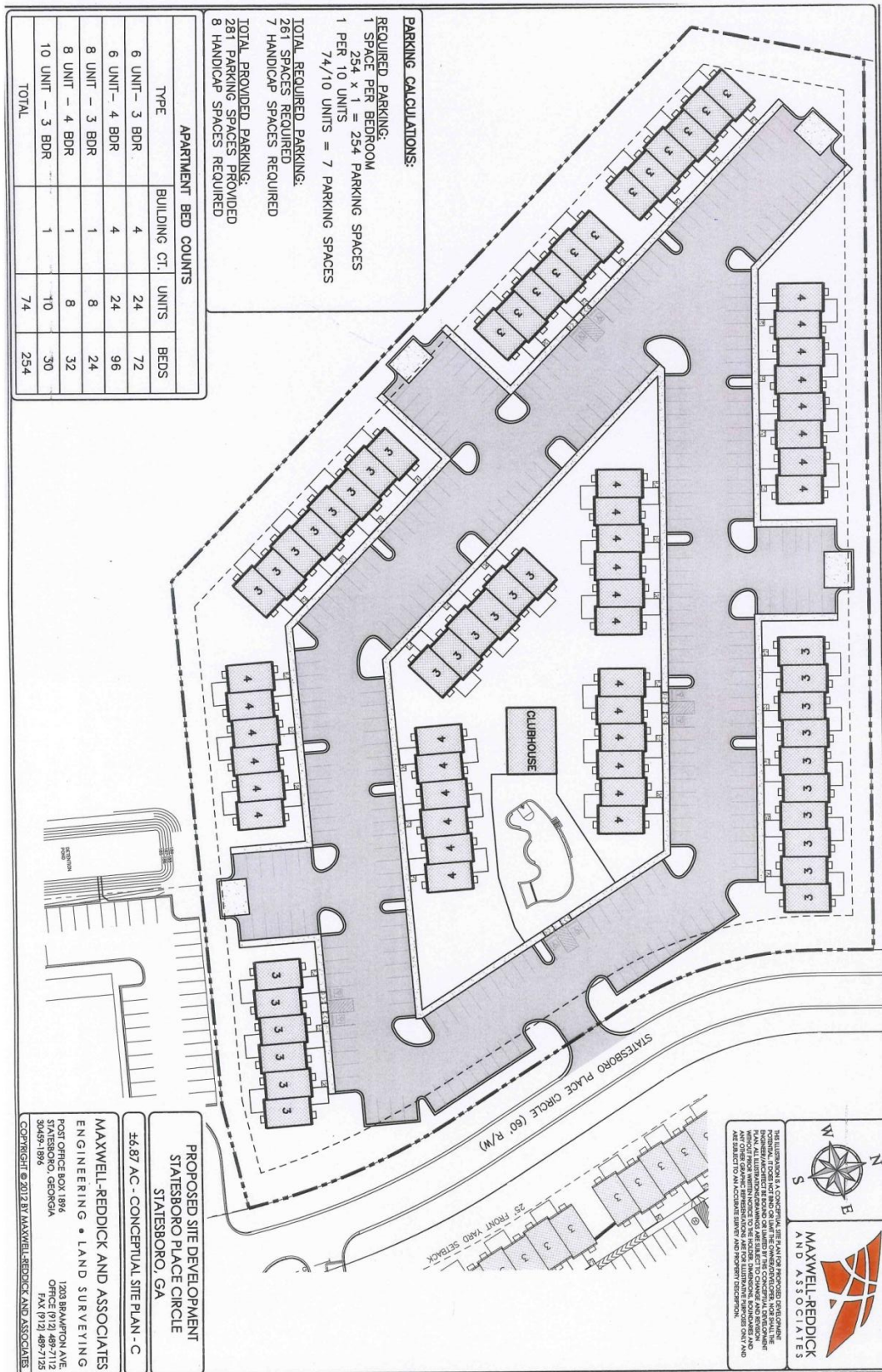


EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The 6.91 Acre Subject Property from the Existing Complex.



Figure 2: Subject Site from Statesboro Place Circle.

EXHIBIT C: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 3: Southern Edge of the Subject Property facing Veterans Memorial Bypass.

**RESOLUTION 2012-19: A RESOLUTION ADOPTING THE GRANT POLICY FOR
THE CITY OF STATESBORO, GEORGIA**

THAT WHEREAS, the City of Statesboro has developed a grant policy which guides the application and procedures for grant opportunities; and

WHEREAS, the Mayor and City Council have reviewed the Grant Policy proposed by the City Manager, and desire to adopt this policy;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Statesboro, Georgia in regular session assembled this 21st day of August, 2012 that the grant policy included on the attached pages are hereby adopted as the Grant Policy for the City of Statesboro.

This Resolution shall be effective from and after its date of adoption.

Adopted this 21st day of August, 2012

CITY OF STATESBORO, GEORGIA

By: Joe R. Brannen, Mayor

Attest: Sue Starling, City Clerk

The City of Statesboro Grant Policy

Section I: Introduction

The Finance Department is publishing this grant policy to facilitate grant seeking, administration, and compliance with Federal, State, and local regulations. The guidelines are intended to increase the efficiency of grant administration efforts by the City. Because grants bring resources into the City but can be an administrative burden, our goal is to simplify, coordinate, and combine efforts to achieve maximum grant funding and efficiency. Included in this policy is a checklist (*See Example A) to ensure all steps and documents are completed.

The City of Statesboro considers the term *grant* to include the following funding types:

Type of Grant Funds

- A. Block Grants** - a broad intergovernmental transfer of funds or other assets by the U.S. Congress to state or local governments for specific activities such as secondary education or health services, but with few restrictions attached. Block grants are distributed according to legal formulas defining broad functional areas such as health, income security, education or transportation. They are used for a variety of activities, largely at the recipient's discretion.
- B. Competitive (Discretionary) Grants** - an award of financial assistance in the form of money, or property in lieu of money, by the Federal government to an eligible grantee, usually made on the basis of a competitive review process.
- C. Continuation of any grant type** - a continuation grant provides additional funding for budget periods subsequent to the initial budget period.
- D. Conditional Grant** - a conditional grant involves one grant maker seeking the involvement of others by making their grant (only a part of the total costs of a project) conditional upon the remainder of the cost being funded from another source.
- E. Cooperative Agreements & Contracts** - a type of Federal assistance; essentially, a variation of a discretionary grant, awarded by a Federal agency when it anticipates having substantial involvement with the grantee during the performance of a funded project.
- F. Earmark** - refers to a provision in legislation requiring that a portion of a certain source of revenue be designated for specific projects usually at the request of a legislator. Typically, the City submits requests for projects to state and federal legislators who seek to obtain funds for those requests, usually to be spent in the district the legislator represents. Earmarking bypasses the normal procedure by which revenues are pooled in a general fund and then allocated among various government spending programs as opposed to a specific project.
- G. Formula Grants** - a grant that the Federal agency is directed by Congress to make to grantees, for which the amount is established by a formula based on certain criteria that are written into the legislation and program regulations; this funding is directly awarded and administered in the Federal agency's program offices.
- H. Pass-thru of any grant type** - grant funds received from one grantor, but passed through another grantor or funding source.

- I. Reimbursement Programs** - a type of funding program under which the grantee is reimbursed for qualifying expenditures already incurred, as specified in the terms of the grant agreement for such a program.
- J. State Grants** - a grant made by State Government.
- K. Federal Grants** - a grant made by the Federal Government.
- L. Corporate Grants** - a grant made by a corporate foundation.

Section II: General Flow of Information

It is the duty of the Grant Coordinator to work with the Departments to look for and maximize grant opportunities. Departments will be more familiar with their current needs or upcoming projects and will be able to find sources that best fit their needs. Once a grant opportunity has been identified, the Department must inform the Grant Administrator in the Finance Department of their intent to pursue the grant opportunity.

- A. Grant Manager:** The person at the department level who applies for the grant and signs as the grant applicant is directly responsible for administering the grant on behalf of the City, unless otherwise stated.
- B. Grant Coordinator:** A staff member in the Finance Department who serves as a liaison for facilitating the maximization of grant potential.
- C. Grant Administrator:** A staff member in the Finance Department who assists the Grant Manager in furnishing financial information as may be required by the funding agency, and to provide guidance on the compliance requirements of the award.
- D. Responsibilities of the Department:** It is extremely important that all lines of communication are open between the department applying for a grant and the Grant Administrator. Communication includes notifying the Grant Administrator of any interaction with the granting agency regarding grant opportunities, grant application deadlines, and special information such as what the particular granting source is looking for when reviewing applications.
To begin the grant process the Grant Administrator is to be notified of the intent or the interest in applying for a particular grant. If, after a discussion with the City Manager and Director of Finance Department, it has been determined that an application for the grant should be submitted, a memo for committal (* See Example B) will be sent to the Finance Department. The Grant Manager will contact the finance department's Grant Administrator to coordinate and organize the rest of the application process.
- E. Responsibilities of the Grant Coordinator:** It is the duty of the Grant Coordinator to notify the department of any grant opportunities.
- F. Responsibilities of the Grant Administrator:** It is not the responsibility of the Grant Administrator to look for or research grant opportunities. However, should a grant opportunity come to the attention of the Grant Administrator, it is the duty of the Grant Administrator to notify the department in which the grant opportunity would best fit.

Section III: Applications for Federal and State Funding

- A. Approval from Mayor and Council** The first step that must be accomplished in the application process for a grant is a resolution (*See Example C) requesting approval to apply, which is to be signed by the Mayor and Council. The applying department is

responsible for all aspects of the resolution which include writing the resolution, setting up appointments for Council work sessions by contacting the City Clerk, attending the work session, and possibly presenting the resolution before Council. The Grant Administrator will accompany the applying department if so desired.

The reason for a resolution is that grants are contractual agreements for which only the Mayor and Council can sign to obligate the City of Statesboro in a legal agreement. In addition, many grants require matching funds, which must have prior budgetary approval. **Therefore, all grant applications and acknowledgements must have prior City Council approval.**

B. Applying and Writing

1.) Responsibilities of the Department Applying

- a. Writing the grant or obtaining a third party to write the grant.
- b. Collecting data for statistics or other informational backup for the grant application.
- c. Setting up a time for the Grant Administrator to review the grant.
- d. Obtaining all signatures required for the grant application.
- e. Ensure that the Grant Administrator receives a copy of the signed grant application prior to submission to the granting agency.
- f. Mailing or delivering the grant application to the granting agency.
- g. When completed, the application is required to be reviewed by the Grant Administrator and Financial Department personnel. Allow no less than **five** working days for review of the application and agenda documents. If timing is critical, notify the Financial Department of the forthcoming item for special handling. However, your assistance is requested to minimize "RUSH" items.
- h. Once the grant has either been awarded (See part C. under section **II** for instructions) or declined, the applying department will send a copy of the letter sent from the granting agency to the Grant Administrator. If the grant has been declined the Grant Administrator will either close the file or obtain more information necessary to correct the grant for possible resubmission in the future.

2.) Responsibilities of the Grant Administrator

- a. The responsibilities of the Grant Administrator are to assist the department's grant manager or writer in reading the application instructions, assist in researching information needed to complete the grant in the time allotted, as well as review the written grant when completed. Although, it is the responsibility of the Grant Manager to review, understand and communicate the requirements of the grant, the Grant Administrator must also review the grant requirements, regulations (example federal OMB A-87, A-128 or A-133) and prohibitions. The Grant Administrator will need to make note of reporting deadlines, and assign the Fund and Project number to track the grant.

C. Accepting the Award

1.) To begin the grant acceptance process the applying department will write a resolution for permission to accept the award given (* See Example D). This resolution should include the name and number of the grant, the granting agency, name of agency or department awarded, award amount, any match requirements, and where the funds will be budgeted. Once the resolution of acceptance has been

approved and signed by the Mayor and Council, a copy should be sent to the Grant Office.

2.) The last step is....**Open Communication!** Any documentation sent to the department by the granting agency, (i.e., expense reports, reports required, and any other required documentation, regardless of how insignificant) should be copied to the Grant Administrator.

D. Monitoring and Administration of Awarded Grant

1.) **Responsibilities of Awarded Department:** As the project progresses, it is the responsibility of the Department to assign a Grant Manager (typically this is the project manager but does not have to be). It is the duty of the Grant Manager to ensure that all aspects of the grant requirements are in compliance.

2.) **Responsibilities of Grant Administrator:** It will be the responsibility of the Grant Administrator to set-up the necessary revenue and expense accounts for the awarded grant. The account numbers will then be communicated to the Grant Manager so that he/she can ensure proper coding on each expenditure/expense request submitted.

The Grant Administrator will also be responsible for the submission of the draw request to the granting agency where applicable.

As grant revenue is received, it is the duty of the Grant Administrator to properly code said revenues to the designated account specified during the grant set-up process.

It is the responsibility of both the Grant Manager and the Grant Administrator to keep proper documentation for grant expenses/expenditures and revenue.

Section IV: Audits

A. External: The City contracts with an external audit firm each year to perform an audit, which includes a Single Audit, based on OMB Circular A-128 (A-133, effective with 1997 grants). This audit requires a Schedule of Federal and State Financial Assistance for grants received during the audited fiscal year and discloses revenue and expenditures for each grant. The Single Audit also includes reports from the external auditor on compliance, internal controls, etc. All Federal and State revenue must be reported on the Single Audit each year. The Finance Department will ensure all Federal and State revenue is reported by ensuring the revenue is receipted and recognized accurately, thus establishing adequate grant audit trails. The Grant Administrator and the Finance Department are responsible for setting this procedure up at the time the grant is awarded to the City.

B. Grant Agency Audit: The Purpose of the Single Audit is to prevent or eliminate the necessity for each grantor agency to perform a separate audit of the grantee (City). However, some agencies still perform independent audits. The agency's auditors begin with the City's Single Audit information and then request more detailed information for their audit. If any programmatic issues arise, the department may be requested to respond to those inquiries. Occasionally, a site visit may be necessary. The Grant Administrator will make an appointment with the departmental liaison to allow the auditor to visit the site.

The Finance Department is responsible for supplying the information requested by the auditors for the Single or the Agency Audits.

C. Grant Section Monitoring or Internal Audit: The Grant Administrator is responsible for identifying and monitoring compliance issues and monitoring those to ensure compliance and prevent audit exceptions or findings. Periodically, an appointment will be made with the department to review programmatic areas, reporting, and to verify compliance with expenditures on each grant. In addition, the Grant Administrator will also monitor requirements of the grant agreement such as public hearings, bid specs, wage rates, etc. The Grant Administrator is responsible for ensuring all grant requirements are being met in these areas. The department awarded the grant as well as the Grant Administrator is responsible for reading the grant contract thoroughly.

D. Conflict Of Interest: Grant audit findings due to conflicts of interest can damage the reputation and credibility of the City. Further, the appearance of a conflict of interest can be just as damaging to the City's reputation and credibility as an actual conflict. The purpose of this policy is to avoid the appearance, as well as the actuality, of any conflict of interest or breach of trust by an official or employee of the City.

- 1.) No officer or employee of the City shall have any interest, financial or otherwise, direct or indirect, or have any arrangement concerning prospective employment that will, or may be reasonably expected to, bias the design, conduct, or reporting of a grant funded project on which he or she is working.
- 2.) The Grant Project Manager for each particular grant funded project shall ensure that in the use of project funds, officials or employees of the City and nongovernmental recipients or sub-recipients shall avoid any action that might result in, or create the appearance of:
 - a. Using his or her official position for private gain.
 - b. Giving preferential treatment to any person or organization.
 - c. Losing complete independence or impartiality.
 - d. Making an official decision outside official channels.
 - e. Affecting adversely public confidence in the grant funded program in particular and the City in general.
 - f. Any violation of this provision is governed by City Policy & Procedure.

E. Termination of Grant and Cooperative Agreement Awards by the Award Recipient

- 1.) An award may be terminated upon written notification to the awarding agency, which will formalize the termination with an agreement.
- 2.) A termination agreement specifies the conditions for termination, including the effective date of the termination, the recipient's continuing responsibility to comply with audit and closeout procedures, and, in the case of partial terminations, the portion of the award being terminated.
- 3.) If possible, a final determination of allowable costs is also included in the termination agreement.

Section V: Grants Management Database

The Grants Management Database (*See Example E) is a tool to assist in the management of grants awarded to the City, improve coordination, enhance oversight and provide a snapshot of

the current Citywide grant landscape. It is maintained by the Finance Department. This section shall describe the use of the Grants Management Database and establish the responsibilities for entering the required grant related data.

A. Grants Management Database Procedure

- 1.) All City staff must immediately report **all grant activity** to Finance Department. This shall include grants being considered for a program or project (even if not ultimately pursued) and grant applications submitted.
- 2.) The Grant Manager for each department or division must conduct a check of the database to determine if there is another record of intent to submit an application for the same grant opportunity.
- 3.) If another record for the same grant opportunity exists within the same grant year or cycle, the Grant Manager must notify the Finance Department, which will resolve potential conflicts in accordance with this policy.
- 4.) If no record of the same grant opportunity exists within the same grant year or cycle, the Grant Manager must enter the required grant tracking information contained in the Grants Management Database.
- 5.) Each grant record shall be updated upon any change to the status of the grant and/or the information previously entered.

B. D-U-N-S Number - Dun & Bradstreet (D&B) issues a D-U-N-S Number, a unique nine digit identification number that is required to apply for US Federal Government contracts or grants.

- 1.) The Finance Department has the **sole responsibility** of managing and obtaining D-U-N-S numbers for the City of Statesboro from the federal government's Central Contractor Registry.
- 2.) Contact the Finance Department to obtain the City of Statesboro's D-U-N-S number.

C. File Management, Access and Retention. The Director of Finance may review the files, activities, equipment, and facilities, and interview relevant personnel and contracted entities of any City of Statesboro project or program that is funded with grants awarded to the City.

- 1.) **File Management Procedure:** All department and master files associated with a grant award must maintain a file structure that includes the following five sections with clear separations between different fiscal years, unless otherwise directed by the grantor:

- a. **Submittal** (e.g., application guidance and a copy of the application)
- b. **Research** (e.g., statistical and other information used in preparation of and support of the grant)
- c. **Award** (e.g., award letter, council agenda item, grant agreement, grant amendments, modifications, extensions, cancellations and terminations and anything else related to the award)
- d. **Finance** (e.g... account set up. purchase orders, invoices)
- e. **Reports** (e.g., reports to granting entity and evaluation components)

- 2.) **File Retention Procedure:** The City of Statesboro maintains records for at least five years following the closure of its most recent audit report. If any litigation, claim, negotiation, audit, or other action involving grant records has been started before the expiration of the five-year period, the records must be retained until completion of the

action and resolution of all issues which arise from it, or until the end of the regular five-year period, whichever is later.

- a. Grantors may require retention periods in excess of five years. Departments must ensure they comply with retention requirements specified by each grantor.
- b. Retention requirements extend to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records.
- c. Source documents include copies of all awards, applications, and required recipient financial and narrative reports. Personnel and payroll records shall include the time and attendance reports, personal activity reports or equivalent documentation for all individuals reimbursed under the award.
- d. File Maintenance Recipient departments are also obligated to protect records adequately against loss, theft, fire or other damage in accordance with statutory provisions as outlined in the most current General Records Schedule.

E. Grant Closeout: Upon completion of the grant term of each grant award, the recipient department shall alert Finance Department to place the fund and/or project in a no posting status.

1.) Grant Closeout Procedure:

- a. Upon completion of the grant period of each grant, the recipient department must prepare a memorandum (*See Example F) to the Finance Department that identifies the name of the grant, the project number and describes the final disposition of the funds and required activities.
- b. Upon review of the memorandum and satisfaction of any discrepancies, the Finance Department will update the accounting system and confirm grant closeout with the Grants Manager.
- c. The grant closeout memo shall be placed in the grant's master file.

Section VI Property and Equipment Acquired With Federal Grants:

A. Acquisition of Property and Equipment

When purchasing and managing property paid for by Federal funds, it is expected good judgment will be used.

B. Screening

Careful screening should take place before purchasing property/equipment to ensure that it is needed

- 1.) Take stock of current equipment to see if it meets identified needs.
- 2.) Establish a screening committee to make decisions about purchases.
- 3.) Utilize other effective management techniques as a basis for determining that the property/equipment is needed.
- 4.) Program monitors from the awarding agency ensure a screening process takes place and that the City has an effective system for property management.

C. Loss, Damage, or Theft of Equipment

The City is responsible for replacing or repairing property which is willfully or negligently lost, stolen, damaged, or destroyed. Investigate and fully document any loss, damage, or theft of the property and make the documentation part of the official project records.

D. Equipment Acquired With Federal Grant Funds for Criminal Justice Purposes:

Equipment acquired with Federal award funds must follow the laws that are specific to the grant as well as ensure that the equipment is used for criminal justice purposes.

- 1.) The following standards and procedures govern ownership, use, management, and disposition of this type of equipment:
 - a. Title to equipment acquired under an award or sub-award will vest to the recipient organization the right of immediate or future legal ownership upon acquisition, subject to the obligations and conditions set forth in Title 2 Code of Federal Regulations (CFR) 6215.34.
 - b. Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.
- 2.) Equipment must be made available for use on other projects or programs currently or previously supported by the Federal Government, provided the use does not interfere with the work on the projects or programs for which it was originally acquired. First preference for other use should be given to other programs or projects supported by the awarding agency. User fees should be considered and treated as program income to the project, if appropriate.
- 3.) Aside from program income, equipment acquired with these funds should not be used to provide services for a fee or to compete unfairly with private companies that provide equivalent services, unless specifically permitted, or contemplated by Federal law.
- 4.) When acquiring replacement equipment, the equipment to be replaced may be used as a trade-in or may be sold and the proceeds used to offset the cost of the replacement equipment, subject to the written approval of the awarding agency.
- 5.) Equipment acquired in whole or in part with project funds (including replacements) must, at a minimum, meet the following requirements:
- 6.) Maintain property records which include all of the following information:
 - a. Description of the property
 - b. Serial number or other identification number
 - c. Source of the property
 - d. Identification of the title holder
 - e. Acquisition date
 - f. Cost of the property
 - g. Percentage of Federal participation in the cost of the property
 - h. Location of the property
 - i. Use and condition of the property
 - j. Disposition data, including the date of disposal and sale price
- 7.) Take a physical inventory of the property and reconcile the results with the property records at least once every 2 years.
- 8.) Loss, damage, or theft:

- a. Have a control system in place with adequate safeguards to prevent these occurrences.
 - b. Promptly and properly investigate any loss, damage, or theft.
 - c. Establish and use adequate maintenance procedures to keep the property in good condition.
- 9.) Dispose of the equipment when original or replacement equipment acquired is no longer needed for the original project. Dispose of equipment acquired under the award when the equipment will be used for other activities currently or previously supported by a Federal agency.
- 10.) Adhere to the following rules in equipment disposition:
- a. If the item to be disposed of has a current per-unit fair market value of less than \$5,000, retain, sell, or otherwise dispose of it with no further obligation to the awarding agency.
 - b. If the item has a current per-unit fair market value of \$5,000 or more, retain and sell it, but the awarding agency will have a right to a specific dollar amount. Calculate this amount by multiplying the current market value or proceeds from the item sale by the awarding agency's share of the equipment. The seller is also eligible for sale costs.

E. Federal Equipment - When federally owned equipment is provided, the following requirements apply:

- 1.) Title remains vested in the Federal Government.
- 2.) Equipment must be managed in accordance with the awarding agency's rules and procedures and an annual inventory listing submitted.
- 3.) When the equipment is no longer needed, disposition instructions from the awarding agency must be requested.

F. Replacement of Property (Equipment and Nonexpendable Personal Property):

When an item of property is no longer efficient or serviceable but the property continues to be needed in the criminal justice system, it may be replaced through trade-in or sale and subsequent purchase of new property. In this case, the following conditions must be met:

- 1.) Replacement property must serve the same function as the original property and be of the same nature or character, although not necessarily of the same grade or quality.
- 2.) Value credited for the property, if the property is traded in, must be related to its fair market value.
- 3.) Purchase of replacement property must take place soon enough after the sale of the property to show that the sale and the purchase are related.
- 4.) When acquiring replacement property, the property to be replaced may be used as a trade-in. The proceeds from the sale of the property may be used to offset the cost of the new property.

K. Retention of Property Records: Records for equipment, nonexpendable personal property, and real property must be retained for a period of 3 years from the date of disposition, replacement, or transfer at the discretion of the awarding agency.

- 1.) If any litigation, claim, or audit is started before the expiration of the 3-year period, records must be maintained until all litigations, claims, or audit findings involving the records have been resolved.

L. Supplies: For supplies acquired under an award, the title to the supplies vests in the recipient upon acquisition.

- 1.) The awarding agency must be compensated for its share of residual inventory of unused supplies if both of the following apply:
 - a. The residual inventory of unused supplies exceeds \$5,000 in total aggregate fair market value upon termination or completion of the funding support.
 - b. The supplies are not needed for any other federally sponsored programs or projects.
- 2.) Compute the compensation amount in the same manner as for nonexpendable personal property or equipment.

Section VII Federal Grant Reporting Requirements

A. Federal Grants: The reporting requirements for specific Federal Grants awarded, not related to the Office of Justice Programs or the American Recovery and Reinvestment Act, shall be followed.

B. Office of Justice Programs:

- 1.) Both financial and program reports must be completed and submitted to the awarding Federal Agency on a quarterly basis. These reports describe the status of the funds or the project, compare actual accomplishments to objectives, and provide other pertinent information.
- 2.) The Federal Financial Reports (SF-425) should show the actual funds spent and any bills to be paid, both for the reporting period and cumulatively for each award.
- 3.) The SF-425 must be submitted online through the Grants Management System (GMS) Financial Status Reports Module.
- 4.) The quarterly SF-425 must be submitted online no later than 30 days after the last day of each quarter.

C. American Recovery and Reinvestment Act

Projects or activities which are funded under the American Recovery and Reinvestment Act of 2009 ("Recovery Act") must be completed and a report on the use of Recovery Act funds provided by this award. Information from these reports will be made available to the public.

The reports are due not later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act. A current registration must be maintained in the Central Contractor Registration (www.ccr.gov) at all times when federal awards funded with Recovery Act Funds are active. A Duns and Bradstreet Data Universal Numbering System (DUNS) Number (www.dnb.dom) is one of the requirements for registration in the Central Contractor Registration.



Section VIII Definitions: Grants\Grant Procedures

Grantee Department: The department conduction activities and operations as specified in the grant.

Cash Match: Funds committed by the City for the grant's activities.

Chief Elected Official or Chief Executive Officer: Mayor of the City of Statesboro.

Chief Financial Officer: Finance Director.

Department Contact Person: Individual within the department most familiar with the program

Grant: An activity or program funded by a source other than the City usually with State or Federal funds.

Grant Period: Year/Time period outlined in a grant award.

In-Kind Match: Funds or activities paid by the department that are not used as a match for another grant.

Omnibus Report: A report prepared by Finance staff for Council action. This report combines budget amendments and transfers into one document.

Project Time Line: Beginning and Ending dates for project funded by a grant.

Staff Report: A report from a department head or elected official in standard format to be included on the agenda for a council meeting.

Total Project: Total cost of the project, should be the total of "Requested \$" plus "Cash Match" plus "In-Kind."

City of Statesboro Grant Policy Checklist

- _____ 1. Work with the Grant Coordinator researching grant opportunities.
- _____ 2. Notify Finance Department of Grant Opportunity.
- _____ 3. Discussion with City Manager and Finance Director about Grant.
- _____ 4. Enter information into the Grant Management Database.
- _____ 5. Memo of Committal from City Manager
- _____ 6. Coordinate with Grant Administrator to organize rest of application process.
- _____ 7. Resolution requesting approval to apply from Mayor and Council.
- _____ 8. Apply for Grant.
- _____ 9. Resolution for permission to accept the Grant.
- _____ 10. Record property and equipment in Fixed Assets.
- _____ 11. Closeout Memo.

EXAMPLE A



City of Statesboro

Memo

To: Finance Department

From: City Manager

Date:

Re: Commitment for "Name of Grant and Grant Number"

Please accept this as notification that I, "Name", have talked with "Name of Contact" from the "City Department" and approve for them to proceed with the grant application for "Grant Name" in the amount of "Amount" for "Project". Furthermore, I authorize match funding in the amount of "Amount" to be used to obtain "Grant Name".

EXAMPLE B

**A RESOLUTION REQUESTING APPROVAL TO APPLY FOR “NAME OF GRANT”
FOR THE CITY OF STATESBORO, GEORGIA**

THAT WHEREAS, the “Awarding Agency” announce the availability of “Type of Grant Funds”, which may be utilized for the “Use of Grant Funds”; and

WHEREAS, the “Awarding Agency” has stated that the City of Statesboro will be awarded “Amount of Grant” with “Requirements”;

WHEREAS, this grant allows the expenditures of the grant funds over “Length of Grant” and is reimbursed to the funded agency.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Statesboro, Georgia in regular session assembled this “Date” hereby authorizes the application for the funds awarded by “Awarding Agency”.

BE IT FURTHER RESOLVED that the funding will be through the City of Statesboro “City Department” budget for expenditures from this reimbursable grant.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute all documents related to the application of said grant.

Adopted this “Date”.

CITY OF STATESBORO, GEORGIA

By: Joe R. Brannen, Mayor

Attest: Sue Starling, City Clerk

EXAMPLE C

**A RESOLUTION TO ACCEPT “NAME OF GRANT” FOR THE CITY OF
STATESBORO, GEORGIA**

THAT WHEREAS, on “Date” the City of Statesboro received a “Amount of Grant and Name of Grant”, “Grant Number”, funding “Percentage of Project” of the projects anticipated total cost as per the attached documents also dated “Date”; and “Awarding Agency” announced the availability of “Type of Grant Funds”, which may be utilized for the “Use of Grant Funds”; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Statesboro, Georgia in regular session assembled this “Date” hereby accepts the “Name of Grant”.

Adopted this”Date”.

CITY OF STATESBORO, GEORGIA

By: Joe R. Brannen, Mayor

Attest: Sue Starling, City Clerk

EXAMPLE D

City of Statesboro
Grants Management Database

[illegible]



City of Statesboro

Memo

To: Finance Department

From:

Date:

Re: Close Out of "Name of Grant and Grant Number"

Please accept this as notification that "Name of Grant" in the amount of "Amount" that was used for "project" has been closed out as of "date".

EXAMPLE F

RESOLUTION 2012-20: A RESOLUTION TO ADOPT THE FIRST AMENDMENT
TO THE FISCAL YEAR 2013 BUDGET FOR EACH FUND OF THE CITY OF
STATESBORO, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH
BUDGET AS EXPENDITURES/EXPENSES, ADOPTING THE SEVERAL ITEMS OF
REVENUE ANTICIPATIONS, AND PROHIBITING EXPENDITURES OR
EXPENSES FROM EXCEEDING THE ACTUAL FUNDING APPROPRIATED

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

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

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

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

WHEREAS, the Mayor and City Council wish to adopt this First Budget Amendment for Fiscal Year 2013;

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

Section 1. That the proposed changes to the budget, attached hereto as Attachment #1 and incorporated herein as a part of this Resolution, are hereby adopted as the First Budget Amendment for the City's Fiscal Year 2013 Budget.

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

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

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

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

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

Adopted this 21st day of August, 2012.

CITY OF STATESBORO, GEORGIA

By: Joe R. Brannen, Mayor

Attest: Sue Starling, City Clerk

ATTACHMENT #1

FY 2013 FIRST BUDGET AMENDMENT

100 General Fund:

- Animal Control
Increase Expenditures for Payment to Bulloch County by \$4,716.
- High Hope
Increase Expenditures for Services by \$1,800
- Arts Center
Increase Expenditures for Arts Center by \$4,946.
- Economic Development
Increase Expenditures for DSDA by \$480.
Decrease Expenditures for DSDA by \$1,200 for interest earned on payment of building that has yet to be applied to loan.
- Recreation
Decrease Expenditures for Boys and Girls club by \$10,742.

Net effect on Fund is: None.

210 Confiscated Assets Fund:

- No Changes.

Net effect on Fund is: None

221 CDBG Fund:

- No Changes.

Net effect on Fund is: None.

224 US Department of Justice Grant

- No Changes.

Net effect on Fund is: None.

250 Multiple Grants Fund:

- No Changes.

Net effect on Fund is: None.

270 Statesboro Fire Service Fund:

- No Changes.

Net effect on Fund is: None.

275 Hotel/Motel Fund:

- No Changes.

Net effect on Fund is: None.

286 Technology Fee Fund:

- No Changes.

- **Net effect on Fund is: None.**

322 2007 SPLOST Fund:

- No Changes.

Net effect on Fund is: None.

350 Capital Improvements Program Fund:

- No Changes.

Net effect on Fund is: None.

505 Water and Sewer Fund:

- No Changes.

Net effect on Fund is: None

506 Reclaimed Water System Fund

- No Changes.
- **Net effect on Fund is: None**
-

515 Natural Gas Fund:

- No Changes.

Net effect on Fund is: None.

541 Solid Waste Collection Fund:

Commercial Division

- No Changes.

Residential Division

- No Changes.

Yardwaste Division

- No Changes.

Net effect on Fund is: None.

542 Solid Waste Disposal Fund:

- No Changes.

Net effect on Fund is: None.

601 Health Insurance Fund:

- No Changes.

Net effect on Fund is: None.

602 Fleet Management Fund:

- No Changes.

Net effect on Fund is: None.

603 Workers Compensation Fund:

- No Changes.

Net effect on Fund is: None.