



March 20, 2018 5:30 pm

1. Call to Order by Mayor Jonathan McColiar
2. Invocation and Pledge of Allegiance by Councilman Sam Lee Jones
3. Public Comments (Agenda Item):
4. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) 03-06-2018 Council Minutes
 - b) 03-13-2018 Called Council Minutes
5. Public Hearing and Consideration of a Motion to approve: **APPLICATION # RZ 18-03-02**: JR Hendley Foundation requests a zoning map amendment of .59 acres of property addressed 104 West Inman Street from the CR/R8 (Commercial Retail/Single-Family Residential) zoning district to the R6 (Single-family Residential) zoning district (Tax Parcel S19 000092 000).
6. Public Hearing and Consideration of a Motion to approve: **APPLICATION # V 18-03-01**: JR Hendley Foundation requests a variance from Article VII-A Section 703-A(A) regarding the minimum required lot area for property addressed 104 West Inman Street (Tax Parcel S19 000092 000).
7. Consideration of a Motion to approve **Resolution 2018-13**: A Resolution authorizing the housing authority of Macon-Bibb County to issue bonds to finance facilities located in the City of Statesboro.
8. Consideration of a Motion to approve **Resolution 2018-14**: A Resolution for the superseding of **Resolution 2018-12** in order to reset the special election for November 6, 2018.
9. Consideration of a Motion to authorize the Mayor to sign a Mutual Aid Agreement with the Savannah Police Department.
10. Other Business from City Council
11. City Managers Comments
12. Public Comments (General)
11. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
Council Minutes
March 06, 2018**

A regular meeting of the Statesboro City Council was held on March 6, 2018 at 9:00a.m. in the Council Chambers at City Hall. Present were Mayor Jonathan McCollar, Council Members: Phil Boyum, Sam Lee Jones, Jeff Yawn, John Riggs and Travis Chance. Also present were City Manager Randy Wetmore, Deputy City Manager Robert Cheshire, City Clerk Sue Starling and City Attorney Cain Smith.

The Meeting was called to Order by Mayor Jonathan McCollar.
The Invocation and Pledge of Allegiance was led by Councilman Travis Chance.

Recognitions/Public Presentations

- A) Presentation of Employee of the Quarter Award**
- B) Recognition of the Finance Department for receiving the Government Finance Officers Association (GFOA) Distinguished Budget Award for the City of Statesboro's FY2018 Budget.**

Public Works employee Matt Oglesby received the "Employee of the Quarter". Interim Director of Human Resource Flavia Starling presented him with a plaque and check for \$250.00.

Mayor McCollar recognized the Finance Department for receiving the GFOA Distinguished Budget Award for the fourteenth year.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

- A) Approval of Minutes**
 - a) 02-20-2018 Council Minutes**

Councilman Yawn made a motion, seconded by Councilman Riggs to approve the minutes of February 20, 2018. Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

- B) Consideration of a Motion to Adopt Resolution 2018-11: A Resolution authorizing the waiver of any payment in lieu of taxes (PILOT) by the Statesboro Housing Authority to the City of Statesboro for the 2017 tax year in the amount of \$18,915.32.**

Councilman Riggs made a motion, seconded by Councilman Yawn to approve Resolution 2018-11: A Resolution authorizing the waiver of any payment in lieu of taxes (PILOT) by the Statesboro Housing Authority to the City of Statesboro for the 2017 tax year in the amount of

\$18,915.32. Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to Approve: APPLICATION # DSDA 18-03-001: AgSouth Farm Credit requests the demolition of two structures addressed 4 East Vine Street, which are located within the boundaries of the Downtown District. Article XXX Section 3003 of the Statesboro Zoning Ordinance requires a finding of necessity for the demolition of structures deemed worthy of preservation by City Council (Tax Parcel S28 000071 000).

Councilman Riggs made a motion, seconded by Councilman Chance to open the public hearing. Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Bob Mikell representing Ag South and Ag South CFO Bo Fennell spoke in favor of the request. No one spoke against the request.

Councilman Riggs made a motion, seconded by Councilman Yawn to close the public hearing. Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Councilman Yawn made a motion, seconded by Councilman Chance to Approve: **APPLICATION # DSDA 18-03-001**: AgSouth Farm Credit requests the demolition of two structures addressed 4 East Vine Street, which are located within the boundaries of the Downtown District. Article XXX Section 3003 of the Statesboro Zoning Ordinance requires a finding of necessity for the demolition of structures deemed worthy of preservation by City Council (Tax Parcel S28 000071 000). Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote.

Public Hearing and Consideration of a Motion to Approve: APPLICATION # DSDA 18-03-001: The Downtown Statesboro Development Authority requests the demolition of a single-family structure addressed 14 West Inman Street, which is located within the boundaries of the Downtown District. Article XXX Section 3003 of the Statesboro Zoning Ordinance requires a finding of necessity for the demolition of structures deemed worthy of preservation by City Council (Tax Parcel S19 000043 000).

There was no motion to open the public hearing but Mayor McCollar asked if there was anyone present who wanted to speak for or against the request. Allen Muldrew spoke in favor of the request. No one spoke against the request.

Councilman Riggs made a motion, seconded by Councilman Yawn to close the public hearing.

Councilman Chance made a motion, seconded by Councilman Boyum to approve **APPLICATION # DSDA 18-03-001**: The Downtown Statesboro Development Authority requests the demolition of a single-family structure addressed 14 West Inman Street, which is located within the boundaries of the Downtown District. Article XXX Section 3003 of the Statesboro Zoning Ordinance requires a finding of necessity for the demolition of structures deemed worthy of preservation by City Council (Tax Parcel S19 000043 000). Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote

Consideration of a motion to approve the Statesboro Tree Board to place benches in Edgewood Park (aka Rockwell Park) in memory of the following former Statesboro Tree Board members: Mrs. Rachael Smith, Mrs. Runette Davis and Dr. John Karrh.

Councilman Riggs made a motion, seconded by Councilman Chance to approve the Statesboro Tree Board to place benches in Edgewood Park (aka Rockwell Park) in memory of the following former Statesboro Tree Board members: Mrs. Rachael Smith, Mrs. Runette Davis and Dr. John Karrh. Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote

Consideration of a motion to approve the Bulloch Council of Garden Clubs to donate a bench to be placed in Edgewood Park (aka Rockwell Park)

Councilman Yawn made a motion, seconded by Councilman Chance to approve the Bulloch Council of Garden Clubs to donate a bench to be placed in Edgewood Park (aka Rockwell Park). Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote

Consideration of a Motion to appoint a Fire Chief Tim Grams as a board member to the Statesboro Convention Visitors Bureau (SCVB)

Councilman Boyum made a motion, seconded by Councilman Riggs to appoint a Fire Chief Tim Grams as a board member to the Statesboro Convention Visitors Bureau (SCVB). Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote

Other Business from City Council

Mayor McCollar thanked the Public Works staff for doing a great job for the City as he recently toured the facility.

Councilman Travis Chance announced he would be resigning from his seat as of 5:00 pm on this day of March 6, 2018. He then read the following heart-felt words as he says goodbye as Councilman for District 5 with the City of Statesboro.

"I sit here today with very mixed emotions, and a heavy heart. This seat has been a part of me for over a decade, and today that will change. I first ran for this seat, because I felt that I could make a difference and have an impact. I was 29 years old when I took my first oath of office, and as I sit here 1 month shy of my 40th birthday, I can't help but look back and reflect on all that ways God has blessed this city, my family, and me.

The landscape of Statesboro looks very different than it did almost 11 years ago, from a size, economic, and political landscape. We have grown, because the heartbeat of this city has always been one of growth and development, in my tenure in this seat. I hope that in some small way that I have contributed to part of that prosperity.

I am the last member of the original board that I was sworn into in 2008. During this time, I can honestly say that I have had the opportunity to serve with some of the finest people in this community, present and past council and staff included. However, like all things, nothing can last forever.

When I ran for my third term in this seat, my life looked very different than it does today. God has now blessed Shannon and I with 3 beautiful girls, and we must expand from the current home we reside in today

to one where my girls and my family can grow. We will be moving to our new home which will not be in my current district, which means I would have to give up my seat in the coming months no matter the case. Being a public servant has been a part of who I am for so many years now, and I must tell you it is hard to cut it off. So, after much prayer, and thoughtful consideration, I am here to tell you that as one door closes, I am opening another. Effective at 5pm today, I will be resigning my seat as the Councilman for District 5, and I will be qualifying to run for the County Commission seat 2B. I feel that someone with a decade of political experience could be of value to the all Bulloch County residents, not limited to those in our city limits.

I want to thank the members of this council past and present for our passionate debate and pursuit of a greater tomorrow for our community. I would like to thank staff for all your hard work and dedication that is not recognized enough. I would like to thank my beautiful wife Shannon, and our 3 children Maeson, Marett, and Maddox for you love, support, and understanding. And finally, I would like to thank all the residents of this community who have allowed me to serve, and hope that they will see fit to allow me to serve in a different capacity very soon. This isn't goodbye, it's just goodbye for now."

City Managers Comments: None

Public Comments (General):

Finance Director Cindy West announced the Budget Retreat would be held on April 6, 2018 in the Council Chambers at City Hall.

Consideration of a Motion to Adjourn

Councilman Riggs made a motion, seconded by Councilman Chance to adjourn the meeting. Councilman Boyum, Jones, Yawn, Riggs and Chance voted in favor of the motion. The motion carried by a 5-0 vote

The meeting was adjourned at 9:25 am.



**CITY OF STATESBORO
Called Council Minutes
March 13, 2018**

A called meeting of the Statesboro City Council was held on March 13, 2018 at 9:00 a.m. in the Council Chambers at City Hall. Present were Mayor Jonathan McCollar, Council Members: Phil Boyum, Sam Lee Jones, Jeff Yawn and John Riggs. Also present were City Manager Randy Wetmore, Deputy City Manager Robert Cheshire, City Clerk Sue Starling and City Attorney Cain Smith.

The Meeting was called to Order by Mayor Jonathan McCollar.

The Invocation and Pledge of Allegiance was led by Councilman Phil Boyum

Consideration of a Motion to approve Resolution 2018-12: A Resolution to hold a special election for the purpose of electing a Council Member for the vacant seat in District 5.

Councilman Riggs stated the citizens he spoke with in District 5 expressed their interest in having the election in May.

Mayor McCollar spoke in opposition of the May election as it would cut the Democratic process short. He felt the November election would give more time to prepare for the election process.

Ray Hendley spoke in favor of the May election.

Ivory Watts of District 5 spoke in opposition of the May election.

Councilman Jones spoke in favor of the May election.

Councilman Boyum spoke in favor of the May election.

Councilman Boyum made a motion, seconded by Councilman Riggs to approve Resolution 2018-12: A Resolution to hold a special election for the purpose of electing a Council Member for the vacant seat in District 5. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

Consideration of a Motion to Adjourn

Councilman Riggs made a motion, seconded by Councilman Yawn to adjourn the meeting. Councilman Boyum, Jones, Yawn and Riggs voted in favor of the motion. The motion carried by a 4-0 vote.

The meeting was adjourned at 9:20 am.

CITY OF STATESBORO

COUNCIL

Phil Boyum, District 1
Sam Jones, District 2
Jeff Yawn, District 3
John Riggs, District 4
Travis L. Chance, District 5



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

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

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Candra Teshome, Planning & Development Specialist

Date: March 14, 2018

RE: March 20, 2018 City Council Agenda Items

Policy Issue: *Statesboro Zoning Ordinance: Zoning Map Amendment and Variance Requests*

Recommendation: Staff recommends approval of the zoning map amendment requested by application RZ 18-03-02 and the variance requested by application V 18-03-01.

Background: JR Hendley Foundation requests a zoning map amendment of .59 acres of property addressed 104 West Inman Street from the CR/R8 (Commercial Retail/Single-Family Residential) zoning district to the R6 (Single-family Residential) zoning district. The applicant also requests a variance from Article VII-A Section 703-A(A) regarding the minimum required lot area (Tax Parcel S19 000092 000).

Budget Impact: None

Council Person and District: District 2 (Sam Jones)

Attachments: Development Services Report RZ 18-03-02 and V 18-03-01



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

P.O. Box 348
Statesboro, Georgia 30458

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

RZ 18-03-02 and V 18-03-01 ZONING MAP AMENDMENT AND VARIANCE REQUESTS 104 WEST INMAN STREET

LOCATION: 104 West Inman Street

REQUEST: Variance from Article VII-A Section 703-A(A) regarding the minimum required lot area and a zoning map amendment from split-zoning CR/R8 (Commercial Retail/Single-family Residential) to R6 (Single-family Residential)

APPLICANT: JR Hendley Foundation

OWNER(S): Cameron Jones

ACRES: .59 acres

PARCEL TAX MAP #: S19 000092 000

COUNCIL DISTRICT: 2 (Jones)



PROPOSAL:

The applicant has immediate plans to subdivide the subject site. The smaller subdivided parcel is intended for a Habitat for Humanity project. An existing single-family dwelling will remain on the proposed larger parcel. The subject site is split-zoned CR/R8 (Commercial Retail/Single-family Residential). The applicant requests a zoning map amendment to the R6 (Single-Family Residential) zoning district and one (1) lot area variance (See **Exhibit A** – Location Map, **Exhibit B** – Conceptual Site Plan).

SURROUNDING ZONING/LAND USES:

ZONING:		LAND USE:
NORTH:	R3 (Medium Density Multiple Family Residential District) and CR (Commercial Retail)	Single-family detached dwellings
SOUTH:	R8 (Single-family Residential) and CR (Commercial Retail)	Single-family detached dwellings
EAST:	CR (Commercial Retail)	Single-family detached dwelling
WEST	R8 (Single-family Residential)	Single-family detached dwelling

The subject site lies two blocks west of South Main Street and is predominately surrounded by single-family residential dwellings. (See **EXHIBIT C**—Photos of the Subject Site).

COMPREHENSIVE PLAN:

The subject site lies within the “Downtown” character area as identified by the City of Statesboro 2014 Future Development Map (See **EXHIBIT F**—2014 Future Development Map) within the *City of Statesboro Updated 2014 Comprehensive Plan*.

Vision:

Downtown is the historic core of the city and should remain the activity and cultural hub of the region. In the Urban Core, Traditional development patterns of buildings along the sidewalk and a lively streetscape should be respected and promoted. Historic buildings should be protected from demolition or inappropriate restoration which can degrade the architectural details of the structures. Additional residential opportunities, especially in the form of lofts or other residential over retail, should be promoted. Street-level uses should be reserved for retail, entertainment, or similar high-activity uses.

Appropriate Land Uses

- Range of housing styles & price points
- Multifamily Residential

Suggested Development & Implementation Strategies

- New development should respect historic context of building mass, height and setbacks.
- Historic structures should be preserved or adaptively reused wherever possible.
- Encourage mixed-use infill and redevelopment. Uses should typically transition across the rear of properties instead of across the street to soften the transition and maintain appropriate streetscapes.

Statesboro Updated 2015 Comprehensive Plan, Community Agenda page 14.

TAX ALLOCATION DISTRICT REDEVELOPMENT PLAN:

The 2014 Tax Allocation District Redevelopment Plan (TAD) seeks to “encourage the private redevelopment of outmoded, highway-oriented commercial development into pedestrian friendly, mixed-use centers” to achieve the vision set forth in the 2011 Statesboro Downtown Master Plan and the 2009 and 2014 Comprehensive Plans. The plan does not set forth specific suggestions for the subject site. The parcel in this request is listed in the TAD under Appendix B (page 40) (See **Exhibit D**—List of Parcels Included in the TAD). The subject site had an assessed value of \$23,079 in the 2014 TAD and an assessed value of \$8,874 in the Bulloch County Tax Assessor’s Office on February 22, 2018.

STATESBORO DOWNTOWN MASTER PLAN:

The 2011 Statesboro Downtown Master Plan Redevelopment Initiatives Locational Guidance land use map places the parcels in Zone 9—Residential; an area of secondary importance level, which focuses on the “creation of appropriately scaled residential uses” and the implementation of “neighborhood revitalization and stabilization programs to improve and maintain housing stock” (See **Exhibit E**—Locational Guidance/Zone Implementation Table).

COMMUNITY FACILITIES AND TRANSPORTATION:

The subject property is currently serviced by city utilities, sanitation, and public safety. No significant impact is expected on community facilities or services as a result of this request.

ENVIRONMENTAL:

The subject properties do not contain wetlands and are not located in a special flood hazard area. There is no expected environmental impact associated with this request.

ANALYSIS:

I. Application RZ 18-03-02: Whether or not to grant a zoning map amendment from split-zoning of CR/R8 (Commercial Retail and Single-family Residential) to R6 (Single-family Residential)

The request to rezone the subject parcel from the CR/R8 (Commercial Retail and Single-family Residential) zoning districts to the R6 (Single-family Residential) zoning 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 *Statesboro Comprehensive Plan*, the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan* and the potential for the property to develop and be utilized in conformance with the requirements of the proposed R4 (High Density Residential District) 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 in “balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property.” Those standards are as follows:

- (1) Existing uses and zoning or (of) property nearby;
- (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.
- (5) The suitability of the subject property for the zoned purposes.
- (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.
- (7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas; and
- (8) Consistency with other governmental land use, transportation, and development plans for the community.

II. Application V 18-03-01: Whether or not to grant a roughly 479 square feet lot area variance from Article VII-A Section 703(A)

Article VII-A Section 703-(A) states that the minimum lot area for parcels in the R6 (Single-family Residential) zoning district is 6,000 square feet. The applicant proposes the submission of a subdivision plat, which will place the existing single-family residence on its own lot and create a smaller lot. The smaller lot is proposed to be reserved for a Habitat for Humanity project. The resulting vacant parcel will be roughly 5,521 square feet. Therefore, the applicant requests a 479 square feet variance.

Section 1801 of the Statesboro Zoning Ordinance lists the following four (4) factors that the Mayor and Council [could] consider to be true in its consideration of a variance request:

- 1) There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;
- 2) The special conditions and circumstances do not result from the actions of the applicant;
- 3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and
- 4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.

STAFF RECOMMENDATION:

Staff recommends approval of the zoning map amendment requested by application RZ 18-03-02 and the variance requested by application V 18-03-01.

(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).

PLANNING COMMISSION RECOMMENDATION:

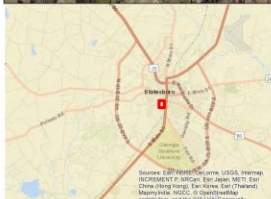
At its regularly scheduled meeting, held Tuesday, March 6, 2018, the Planning Commission voted 6-0 to approve the zoning map amendment requested by application RZ 18-03-02 and the variance requested by application V 18-03-01.

EXHIBIT A: LOCATION MAP

Case # RZ18-03-02 & V18-03-01 Parcel # S19 000092 000



Location Map:

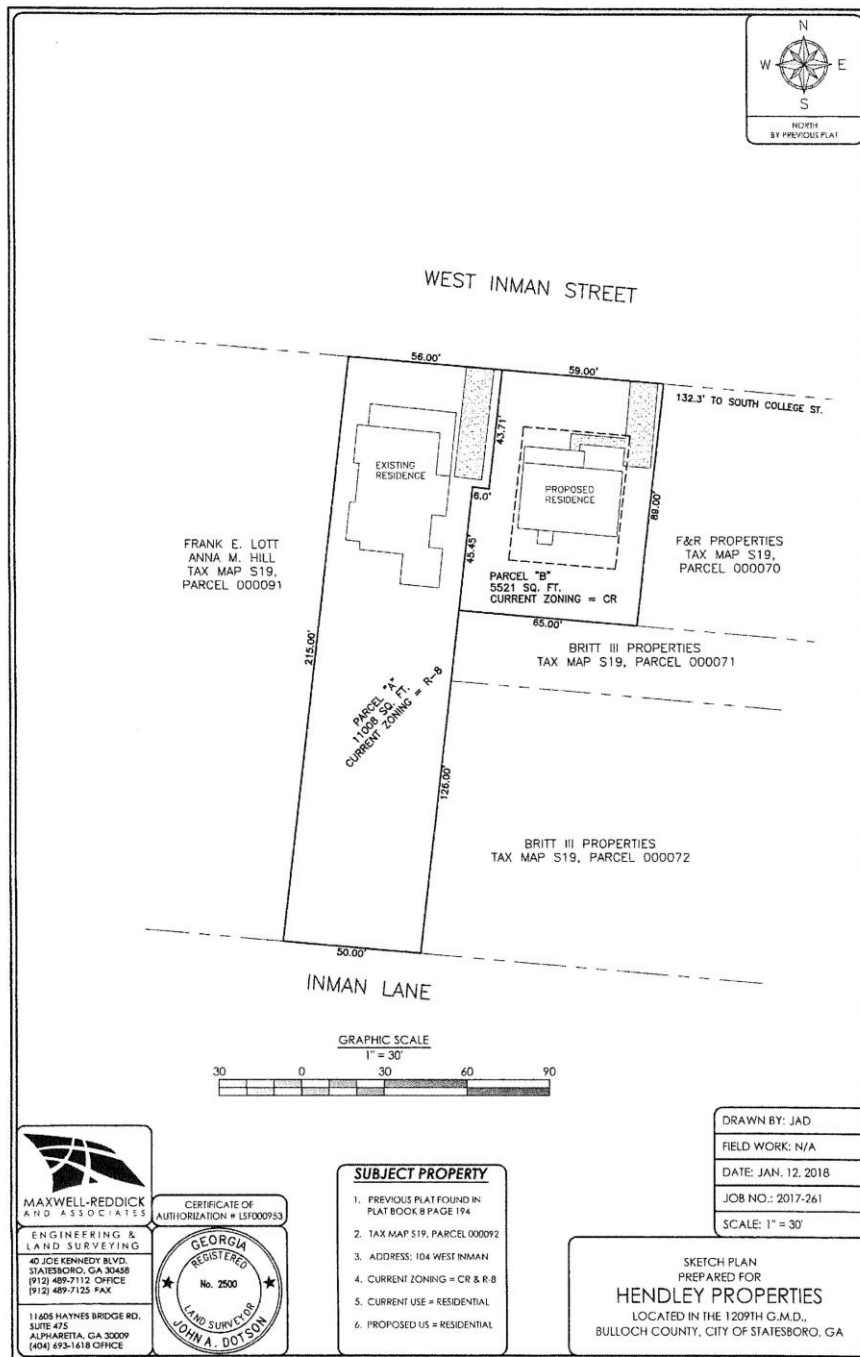


City of Statesboro Department of
Planning and Development

Note: The Boundries Depicted
on this map are approximate and
should be used for reference only



EXHIBIT B: CONCEPTUAL SITE PLAN



(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 C: PHOTOS OF SUBJECT SITE (CONTINUED)

Picture 1: Subject Site from West Inman Street facing South



Picture 2: Subject Site from West Inman Street facing Southeast Depicting Portion to be Subdivided



EXHIBIT C: PHOTOS OF SUBJECT SITE (CONTINUED)

Picture 3: Subject Site Facing Southeast from West Inman Street



Picture 4: Subject Site Facing Southeast from West Inman Street



EXHIBIT C: PHOTOS OF SUBJECT SITE (CONTINUED)

Picture 5: Subject Site Depicting Existing Single-family Residence



Picture 6: Subject Site Facing South from West Inman Street



EXHIBIT C: PHOTOS OF SUBJECT SITE (CONTINUED)

Picture 7: Rear of Subject Site facing North from Inman Lane



Picture 8: Rear of Subject Site facing North from Inman Lane



EXHIBIT D: LIST OF PARCELS INCLUDED IN THE TAD

City of Statesboro Tax Allocation District #1: South Main Redevelopment Plan

2014

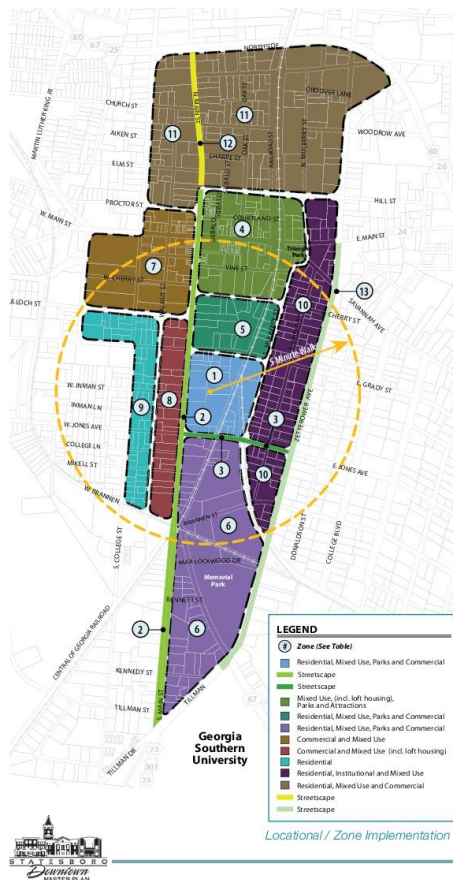
GEOPIN	PARCEL_NO	Legal Description	DIG CLASS	TAXD ISTRIC	Appraised Value	Assessed Value	Tax Value
7878-38-0769	S19 000079 001	INMAN ST	R	1	21,353	8,541	8,541
7878-38-0985	S19 000089A000	110 W INMAN ST	R	1	59,436	23,774	23,774
7878-38-1051	S20 000043 000	108 MIKELL ST/JENKINS	R	1	26,636	10,654	10,654
7878-38-1148	S20 000013 000	107 MIKELL ST	R	1	41,986	16,794	16,794
7878-38-1258	S20 000020 000	108 COLLEGE LN/ELL	R	1	25,556	10,222	10,222
7878-38-1447	S20 000033 000	110 W JONES AVE	R	1	57,116	22,846	22,846
7878-38-1655	S19 000078 000	109 W JONESLOT A	R	1	59,702	23,881	23,881
7878-38-1756	S19 000078 001	INMAN LN	R	1	65,339	26,136	26,136
7878-38-1965	S19 000090 000	W INMAN LN/HODGES	R	1	6,600	2,640	2,640
7878-38-2011	S20 000042 000	106 MIKELL ST	R	1	45,042	18,017	18,017
7878-38-2073	S20 000041 000	104 MIKELL ST	R	1	18,100	7,240	7,240
7878-38-2128	S20 000014 000	105 MIKELL ST	R	1	23,971	9,588	9,588
7878-38-2187	S20 000015 000	103 MIKELL ST	R	1	35,401	14,160	14,160
7878-38-2228	S20 000019 000	106 COLLEGE LN/ELL	R	1	19,532	7,813	7,813
7878-38-2358	S20 000036 000	105 COLLEGE LN	R	1	13,715	5,486	5,486
7878-38-2406	S20 000034 000	108 W JONES AVE	R	1	42,574	17,030	17,030
7878-38-2458	S20 000035 000	106 W JONES ST/DEAL	R	1	14,599	5,840	5,840
7878-38-2721	S19 000077 000	107 W JONES AVE/PT LT 2 BLK 5	R	1	60,735	24,294	24,294
7878-38-2770	S19 000076 000	WILLIAMS/LT2 BLK 5	R	1	36,781	14,712	14,712
7878-38-2945	S19 000091 000	106 W INMAN ST	R	1	48,902	19,561	19,561
7878-38-3072	S20 000040 000	317 S COLLEGE	R	1	65,215	26,086	26,086
7878-38-3189	S20 000017 000	309 S COLLEGE ST	R	1	18,352	7,341	7,341
7878-38-3268	S20 000018 000	305 S COLLEGE	R	1	53,937	21,575	21,575
7878-38-3425	S20 000037 000	104 W JONES AVE	R	1	62,504	25,002	25,002
7878-38-3927	S19 000092 000	104 W INMAN ST/ 0.39 AC	R	1	57,697	23,079	23,079
7878-38-4420	S20 000038 000	303 S COLLEGE ST	R	1	58,386	23,354	23,354
7878-38-4439	S20 000039 000	102 W JONES AVE	C	1	156,892	62,757	62,757
7878-38-4603	S19 000075 000	229 S COLLEGE ST	R	1	109,530	43,812	43,812
7878-38-4700	S19 000074 000	A N RANREW JR	R	1	37,205	14,882	14,882
7878-38-4706	S19 000073 000	225 S COLLEGE/HOME	R	1	45,027	18,011	18,011
7878-38-4816	S19 000072 000	223 S COLLEGE ST	R	1	20,484	8,194	8,194
7878-38-4922	S19 000071 000	219 S COLLEGE ST	R	1	55,346	22,138	22,138
7878-38-4969	S19 000070 000	217 S COLLEGE	C	1	203,598	81,439	81,439
7878-38-5052	S20 000057 000	316 S COLLEGE/LT 9	C	1	194,400	77,760	77,760
7878-38-5174	S20 000081 000	S COLLEGE 17 MIKELL ST	R	1	46,664	18,666	18,666
7878-38-5271	S20 000080 000	LT 2/310 S COLLEGE/BOSWELL	R	1	28,593	11,437	11,437
7878-38-5277	S20 000079 000	308 S COLLEGE ST	R	1	36,569	14,628	14,628
7878-38-5452	S20 000078 000	LT 2 W JONES/SMITH	C	1	244,035	97,614	97,614
7878-38-6199	S20 000073 000	11 MIKELL ST/MCCORKLE	R	1	80,299	32,120	32,120
7878-38-6412	S20 000077 000	24 W JONES AVE	R	1	57,578	23,031	23,031
7878-38-6492	S20 000076 000	18 W JONES/DELOACH/LOT 1	R	1	57,166	22,866	22,866

Appendices

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EXHIBIT E: LOCATIONAL GUIDANCE/ZONE IMPLEMENTATION TABLE

IMPLEMENTATION STRATEGY



Locational Guidance for Redevelopment Initiatives

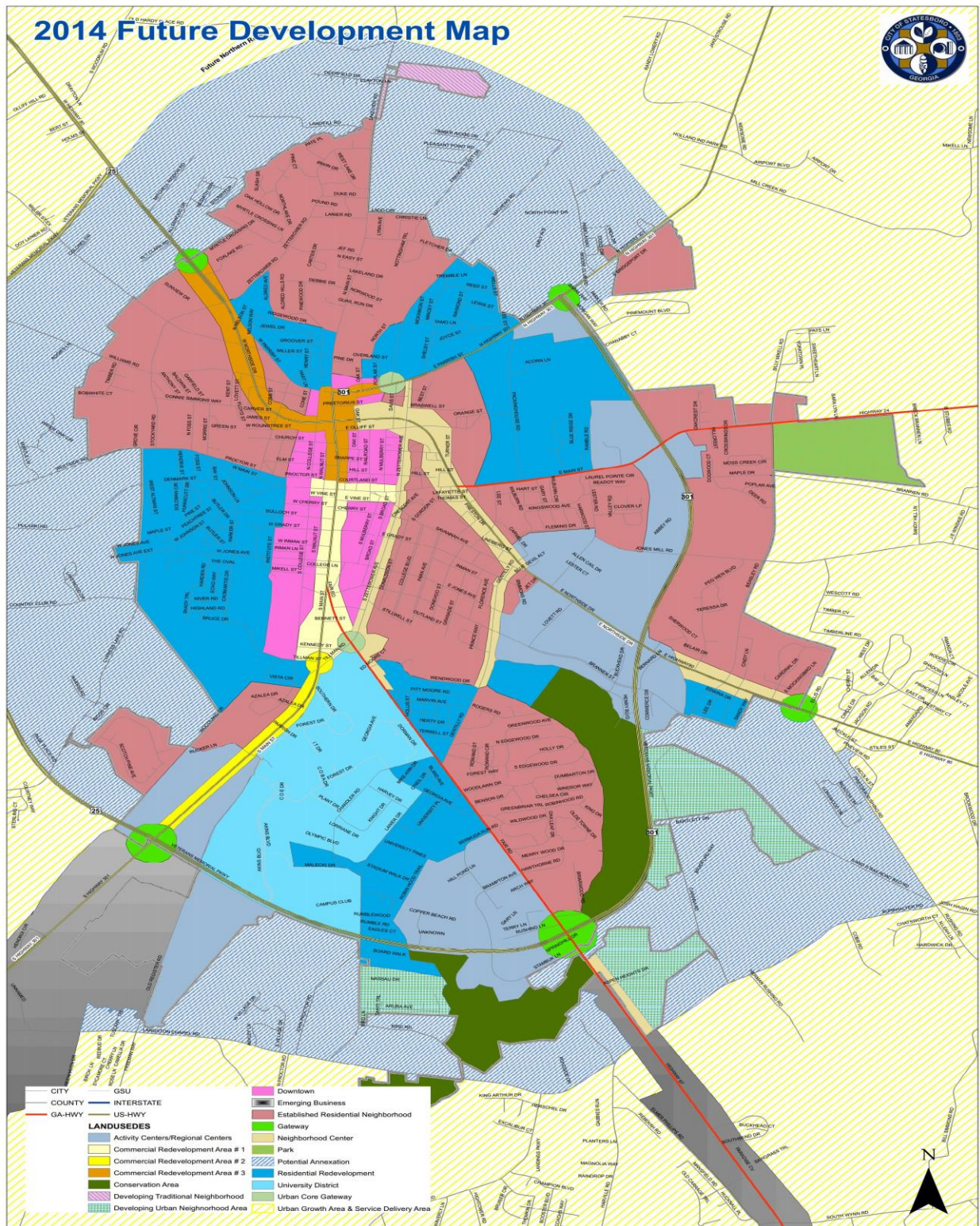
The primary purpose of this section is to provide a locational framework for implementing redevelopment initiatives as part of the master plan. This framework is intended to offer guidance and basic parameters related to the general location of redevelopment opportunities and enhancement projects within the DDA. Leveraging the existing assets of Statesboro's downtown and the community in an efficient, market-sensitive and contextual manner that will support a variety of redevelopment projects and initiatives are outlined below. Community assets include:

- Georgia Southern University
- The public and private realms of the downtown core
- Properties owned or controlled by the City of Statesboro and the DSDA
- Programmatic and Funding Elements (example: municipal events and functions, public funding strategies, existing initiatives and public/private partnerships, etc.)
- Vehicular and Pedestrian thoroughfares
- Property acquisition opportunities (i.e., vacant land, underdeveloped, unoccupied or substandard structures)

Based on the process utilized to create this master plan, a number of redevelopment opportunities are evident. These elements provide the basis for the locational framework and guidance identified herein.

- Georgia Southern University students and faculty are an important factor in shaping redevelopment opportunities downtown
- Parks, open space and public common areas are a primary consideration in programming new uses in the DDA
- Safe and efficient modes of pedestrian and bicycling circulation (including the potential for transit) are a critical component for evaluating the implementation of new projects within the DDA
- Developing elements that support local and regional destinations with respect to downtown Statesboro is a key redevelopment initiative

EXHIBIT E: CITY OF STATESBORO 2014 FUTURE DEVELOPMENT MAP



RESOLUTION 2018-13

A RESOLUTION AUTHORIZING THE HOUSING AUTHORITY OF MACON-BIBB COUNTY TO ISSUE BONDS TO FINANCE FACILITIES LOCATED IN THE CITY OF STATESBORO

WHEREAS, Hallmark-GA GP LLC, a Georgia limited liability company (the “**Borrower**”), and its affiliates desire to improve certain affordable apartment communities in various locations within the State of Georgia, the names and addresses of said properties are attached hereto as Exhibit A (collectively the “**Projects**”); and

WHEREAS, on March 9, 2017, the Housing Authority of Macon-Bibb County (the “**Macon-Bibb County Housing Authority**”) adopted a preliminary resolution under which it agreed in principle to issue its revenue bonds or other appropriate obligations (the “**Bonds**”) and to lend the proceeds of the Bonds to the Borrower for the purpose of financing the acquisition, renovation, furnishing and equipping of the proposed Projects, in furtherance of the purposes of O.C.G.A. Section 8-3-1, *et seq.*, as amended (the “**Housing Authorities Law**”); and

WHEREAS, among the facilities proposed to be acquired, renovated, furnished and equipped with a portion of the proceeds of the Bonds are (1) Wildwood Villas I, an existing 53-unit affordable housing apartment community located at 50 Wildwood Circle in Statesboro, Georgia and (2) Wildwood Villas II, an existing 58-unit affordable housing apartment community located at 54 Wildwood Circle in Statesboro, Georgia (collectively the “**Facilities**”), both of which will be owned and operated by the Borrower; and

WHEREAS, after publication of a notice at least 14 days prior to the date of this resolution, which notice of the hearing was published in the *Statesboro Herald*, a newspaper of general circulation in the City of Statesboro (the “**City**”), on this date a public hearing was held regarding the Bonds and the Projects being financed with the proceeds of the Bonds; and

WHEREAS, one of the purposes of this resolution is to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “**Code**”) in order to qualify the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code; and

WHEREAS, another purpose of this resolution is to satisfy the Housing Authorities Law (the “**Act**”), specifically O.C.G.A. § 8-3-3(1), which provides that the authority’s “area of operation” is defined as “such city and the area within ten miles of the territorial boundaries thereof but does not mean any area which lies within the territorial boundaries of any other city unless a resolution shall have been adopted by the governing body of such other city declaring that there is a need for the city housing authority to exercise its powers within the territorial boundaries of said other city. No city, county, regional, or consolidated authority shall operate in any area in which an authority already established is operating without the consent by resolution of the authority already operating therein;” and

WHEREAS, THE BONDS SHALL NOT EVER REPRESENT OR CONSTITUTE A DEBT OR PLEDGE OF THE FAITH AND CREDIT OR THE TAXING POWER OF THE CITY OR ANY OTHER POLITICAL SUBDIVISION AND SHALL SOLELY BE SECURED AND PAYABLE FROM COLLATERAL PROVIDED BY THE BORROWER.

NOW, THEREFORE, BE IT RESOLVED and it is hereby resolved by the City of Statesboro, as follows:

1. For the sole purpose of complying with the Act, the issuance of the Bonds by the Macon-Bibb County Housing Authority in the aggregate principal amount not to exceed \$65,000,000 and renovation and equipping of the Facilities with a portion of the proceeds of the Bonds is approved.

2. For the sole purpose of qualifying the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to applicable provisions of the Code and satisfying the provisions of the Act, the issuance of the Bonds by the Macon-Bibb County Housing Authority in the aggregate principal amount not to exceed \$65,000,000 and renovation and equipping of the Facilities with a portion of the proceeds of the Bonds is approved.

3. This approval is given solely for the purpose of compliance with provisions of the Code and the Act and in no event shall this approval constitute any obligation on the part of the City with respect to the Bonds.

This the 20th day of March, 2017.

CITY OF STATESBORO

(SEAL)

By: _____
Jonathan M. McCollar
Mayor

ATTEST:

By: _____
Sue Starling
City Clerk

Exhibit A – List of Properties

Project Name	Project Location - Address	City	County	State	Zip
Arrowhead	369 Broad Street	Hawkinsville	Pulaski	GA	31036
Chester	400 Wynne Avenue	Chester	Dodge	GA	31012
Cumberland Village	116 Martha Drive	St Marys	Camden	GA	31558
Gray Gardens	200 Eatonton Highway	Gray	Jones	GA	31032
Hilltop Terrace I	4059 Martin Luther King Jr Boulevard	Kingsland	Camden	GA	31548
Hilltop Terrace II	4059 Martin Luther King Jr Boulevard	Kingsland	Camden	GA	31548
Hunters Run	701 Lupo Lane	Douglas	Coffee	GA	31533
Meadow Crossing	408 Spinks Drive	Omega	Tift	GA	31775
Piedmont Hills	1001 West Main Street	Forsyth	Monroe	GA	31029
Plantation I, Plantation II, Plantation III	201 Casey Drive	Richmond Hill	Bryan	GA	31324
Quail Hollow I	888 Carswell Street	Homerville	Clinch	GA	31634
Quail Hollow II	962 Carswell Street	Homerville	Clinch	GA	31634
Quail Village	199 Memorial Drive	Reidsville	Tattnall	GA	30453
Sandalwood Terrace	23 Fourth Street Northwest	Ludowici	Long	GA	31316
Satilla Villas	1100 McDonald Avenue	Woodbine	Camden	GA	31569
Spring Hollow	800 Ash Street Extension	Springfield	Effingham	GA	31329
The Forest I & The Forest II	582 26th Avenue SE	Moultrie	Colquitt	GA	31768
The Forest III	2701 5th Street S E	Moultrie	Colquitt	GA	31768
The Grove	303 Jerriel Street	Vidalia	Toombs	GA	30474
Wildwood Villas I	50 Wildwood Circle	Statesboro	Bulloch	GA	30458
Wildwood Villas II	54 Wildwood Circle	Statesboro	Bulloch	GA	30458
Yester Oaks	51 Yester Oaks Drive	Lafayette	Walker	GA	30728
Hillcrest	1503 John Collins Road NE	Pelham	Mitchell	GA	31779

The Properties

Hallmark-Georgia GP, LLC (“The Hallmark Companies”) has undertaken a major initiative to upgrade and modernize a portfolio of 1571 affordable rental housing units located in 26 cities (25 counties) across the state of Georgia, including **Wildwood Villas I Apartments**, located at 50 Wildwood Circle and **Wildwood Villas II Apartments**, located at 54 Wildwood Circle, Statesboro, GA 30458. Wildwood Villas I Apartments is a 53-unit family designated multi-family community serving the Statesboro, Bulloch County, Georgia affordable housing community since 1985 while Wildwood Villas II Apartments is a 58-unit senior designated multi-family community serving the community since 1988.

The Planned Renovation Project

The \$7.6 million planned renovation for Wildwood Villas Apartments (\$3.2 million at Wildwood Villas I and \$4.4 million at Wildwood Villas II) will address both the immediate and long-term capital needs of the properties. Unless recently replaced by management, anticipated interior improvements include (but not limited to) kitchen and bath upgrades with new cabinets, countertops, energy-efficient plumbing fixtures and appliances. Additional interior work includes installation of new flooring, ENERGY STAR qualified HVAC systems and domestic hot water units. Electrical improvements will include replacement of all interior and exterior light fixtures, new GFI outlets and smoke detectors. Exterior improvements includes installation of new (30) year architectural roofs, vinyl siding, energy-efficient windows, and exterior doors, as may be needed. Furthermore, additional community work will include parking lot and sidewalk repairs, landscaping upgrades, amenity upgrades and new property signage. Finally, all ADA accessibility concerns will be addressed.

Renovations of this magnitude will have a positive impact on the quality of life for the residents as well as the economy of Bulloch County. Specifically,

- a) No displacement - For residents, the project manager, Greystone Affordable Development’s unique approach to tenant-in-place rehab minimizes the amount of time tenants are displaced from their units during the course of the rehab. Residents are asked to leave their unit for the day and when they return that night the interior work, stated above, will be primarily complete.
- b) No adverse impact - The Hallmark Companies have ensured there will be no adverse impact to the existing residents as a result of this rehab. They will establish a Private Rental Assistance escrow for any project without 100% project-based rental assistance. For any unsubsidized units, The Hallmark Companies will subsidize any change to the current rent due to the recapitalization/rehabilitation.
- c) Increased tax base – At least 40 to 60 construction workers will be participating in the local economy during the three to six month construction period. While some will be

remote workers dining and lodging at local establishments, many of the subcontractors hired will be local to Georgia.

It is important to note that many of these properties are at the end of their original restrictive-use period; thus, the current owners are now ready to sell and the projects are "at risk" of being removed from the affordable housing stock. Unfortunately, there are few viable resources available to necessitate the broad scale levels of renovation required. With such small project sizes, rural market locations, and typically with inadequate built-up cash reserves, recapitalization options are extremely limited. The preservation transaction will not only modernize and preserve the physical asset, it will preserve the affordability component for at least another 30 years.

Funding of the Renovation Project

Anticipated funding sources to accomplish this complex transaction include the following:

- Interim financing with short-term A-1+ rated cash collateralized tax-exempt bonds (see below);
- New senior debt provided by Greystone Servicing Corporation through the USDA Section 538 Guaranteed Loan Program;
- Assumption, subordination and re-amortization of an existing USDA 515 loan over a new 50-year term at 1% interest rate;
- Syndication of 4% LIHTCs issued by Georgia Department of Community Affairs; and
- Owner contribution.

The Bonds

Macon-Bibb County Housing Authority will issue short-term, fixed rate Tax Exempt Bonds for the benefit of the Hallmark Companies to be allocated in part to Wildwood Villas I Apartments and Wildwood Villas II Apartments. The bond proceeds are to be used substantially for the Renovation Project. The bonds will remain in place until the repairs are completed and accepted by all parties, at which time long-term financing will be obtained. The bonds are secured solely by the properties and the revenue generated therefrom, hence there is no government obligation or risk assumed.

The Resolution

The Proposed Resolution is required to satisfy aspects of State of Georgia and Federal law. In order to accomplish a mass financing of these various multi-family communities located in multiple jurisdictions throughout the state, Housing Authorities Law (O.C.G.A. Section 8-3-1, *et. seq.*) requires the consent of the local housing authority, if one exists, and the governing

authority of the jurisdiction in which each multi-family community exists. Thus, each city or county in which a housing community exists must grant its consent.

In addition, Section 147(f) of the Internal Revenue Code requires the consent of the governing authority in which any capital project to be funded by tax-exempt bonds is located to consent to the issuance of such bonds for the purpose of funding the capital projects. The approval is merely a pre-requisite that allows the owners of the bonds to exclude the interest income from their taxable income.

As noted in the Resolution, the City has no liability or obligation of any nature by passing the Resolution; it is solely for procedural compliance with applicable regulations.

CITY OF STATESBORO

COUNCIL

Phillip A. Boyum
Sam Lee Jones
Jeff B. Yawn
John C. Riggs
Travis L. Chance



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

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

To: Randy Wetmore, City Manager and Sue Starling, City Clerk

From: Mayor Jonathan McCollar and Cain Smith, City Attorney

Date: March 15, 2018

RE: March 20, 2018 City Council Agenda Items

Policy Issue: *A special election to fill the unexpired term of the vacant District 5 seat was called for May 22, 2018 at a City Council meeting on March 13, 2018. Since that meeting issues and concerns have arisen regarding applicable state code sections. Should Council desire to change the time of this special election, a superseding resolution cancelling that special election and resetting the date must be adopted by Council and presented to the Bulloch County Board of Elections.*

Recommendation: Discussion and consideration of the superseding Resolution to reset the special election for November 6, 2018.

Background: City Council voted 4-0 to hold a May 22, 2018 special election for the vacant District 5 seat at a specially called Council meeting on March 13, 2018.

Budget Impact: None

Council Person and District: Vacant, District 5

Attachments: Proposed Resolution, March 13, 2018 Resolution, city attorney memo, relevant Georgia code sections

Georgia Municipal Association City of Excellence

Telephone: (912) 764-5468 • Fax: (912) 764-4691 • email: cityhall@statesboroga.net

RESOLUTION 2018-14: A SUPERSEDING RESOLUTION RESETTING A SPECIAL
ELECTION TO FILL THE UNEXPIRED TERM OF THE VACANT DISTRICT FIVE
COUNCIL SEAT; FIXING THE QUALIFICATION FEE FOR CANDIDATES, and
AUTHORIZING PUBLICATION

THAT WHEREAS, at a specially called City Council Meeting on March 13, 2018 the City Council resolved to set the special election to fill the vacant District 5 for May 22, 2018;

WHEREAS a superseding resolution would be necessary to change the date of the special election as determined by Council on March 13, 2018;

WHEREAS Section 2-3 of the Charter of the City of Statesboro provides that in the event a vacancy occurs on the City Council for any reason other than the expiration of the term of office a Special Election to fill the unexpired term shall be held in accordance with the Georgia Election Code, O.C.G.A., Title 21;

WHEREAS, concerns about conflicting OCGA Title 21 sections regarding special elections have arisen since March 13, 2018;

WHEREAS, O.C.G.A. § 21-2-131 requires the governing body to fix the candidate qualification fee, and authorize the publication of a notice of such fee at least THIRTY-FIVE (35) DAYS prior to a special election;

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

Section 1. That the previously called Special Election to fill the vacant District 5 seat set for May 22, 2018, is hereby cancelled;

Section 2. That the Special Election to fill the unexpired term of the vacant District 5 City Council seat shall be held on November 6, 2018 from the hours of 7:00 a.m. to 7:00 p.m.;

Section 3. Pursuant to O.C.G.A. § 21-2-131 the qualification fee for candidates for this Special Election to fill the unexpired term of the vacant District 5 City Council seat is hereby set at THREE PERCENT (3%) of the total gross salary of the office in the preceding calendar year which is TWO HUNDRED AND TWENTY SEVEN DOLLARS (\$227.00);

Section 4. That the dates and times for candidates to qualify for this Special Election shall be set based upon the guidance received from the Bulloch County Board of Elections and properly published as required by state law;

Section 5. That the place for candidates to qualify for this Special Election is the Office of the City Clerk located in City Hall at 50 East Main Street, Statesboro, Georgia 30458;

Section 6. That the last day to register to vote for this Special Election is October 9, 2018.

Section 7. That the City Clerk, Sue Starling, is hereby authorized and directed to publish notice of this qualifying fee as well as all other notices required by law for this Special Election.

Section 8. That this Resolution shall be and remain effective from and after its date of adoption

Adopted this 20th day of March, 2018

CITY OF STATESBORO, GEORGIA

Jonathan McCollar, in his capacity as
Mayor of the City of Statesboro

Attested to by:

Sue Starling, in her capacity as City Clerk
of the City of Statesboro

To: Mayor and Council

Re: District 5 special election

I am not rendering a political opinion, and I don't favor either date over the other on those grounds. This memo goes only to legal considerations, primarily risk management, as to when the vote is held. The two relevant state statutes, "540" and "541", are attached to this email. Gentlemen, allow me to first point out that I understand and appreciate the political and practical pros and cons of holding this election either in May or November. My opinion as to which one is correct outside the legal aspects is neither relevant nor necessary. I do not see either resolution as being a nefarious option or a character indictment of the particular elected officials in favor of either.

The issue of the Reidsville email came up yesterday (to be forwarded in separate email) during the Council meeting. This was a private email between Sec of State General Counsel Kevin Rayburn and Reidsville officials. It was not a policy bulletin, nor was it publicly available at the time of yesterday's meeting. It is currently available on online news outlets. Reidsville was told they had to abide by the 90 day rule and couldn't hold election until November. Pat Jones at Bulloch County Board of Elections distinguished between the Statesboro and Reidsville situations as follows: *"I spoke with Tattnall County concerning their election. The City of Reidsville wanted to hold a special election and wanted it to be put on the county's General Primary ballot. The city itself is within one of Tattnall's precincts like the cities of Brooklet, Register, and Portal are with us. However, the city of Statesboro is divided between 4 county precincts. The city of Reidsville waited too late to do their call to be on the county ballot – it had to be within the 90 days. The city could still hold their special election in May but it would be a separate election with its own ballot and all and it would fall under the "at least 29 day". The city of Reidsville decided to wait until November and have the voters vote one ballot instead of doing it in May and the voters vote 2 different ballots."*

Bulloch County and Elections Board attorney Jeff Akins further distinguished with "as you know, OCGA 21-2-540(b) provides that the 90-day requirement does not apply to special elections "conducted completely separate and apart from such state-wide general primary or state-wide general election using different ballots or voting equipment, facilities, poll workers, and paperwork." I have talked with Chris Harvey, the Elections Director at the Secretary of State's Office, and he confirmed to me that based on the fact that the Statesboro special election will have different ballots, voting equipment, and poll workers, he believes the 90-day requirement should not apply. He further stated that while the meaning of "facilities" has never been definitively determined, his office has always taken a common sense approach that it doesn't mean separate buildings if the two elections are clearly separate and held in different areas of the same building. Such will be the case with the Statesboro election because it and the state-wide primary will be held in clearly demarcated and separate areas at Pittman Park Church."

The issue of the inherent conflict between OCGA Sections 540 and 541 then arose and was then explained as such by Mr. Akins: *Pat and I had a lengthy phone conference with Chris Harvey (SOS Elections Director) and Kevin Rayburn (general Counsel) in the Secretary of State's election office late this afternoon to discuss the interplay and apparent conflict between OCGA 21-2-540(b) and OCGA 21-2-541(b) (which I will hereinafter refer to as 540(b) and 541(b) for the sake of brevity). Section 541(b) requires candidates and questions in a special election to be on the same ballot as a general primary or general election when the closing of the registration lists for both elections are the same. This seems to contemplate that the closing of the registration lists could be different; however, such is not the case*

under the current election code. Regardless of whether it is a special election or a general primary or general election, the closing of the registration lists will always be the same under the current code. We speculated that 541(b) may be a holdover from when there was a separate municipal election code, at which time there could be different registration closing dates. Thus, 541(b), if taken literally, means that currently a special election could never be held separately from a general primary or general election. Yet 540(b) contemplates that precise situation by exempting a special election that is held separately from the 90-day notice requirement. Consequently, there is an **inherent conflict** between these two code sections. In the case of the Statesboro special election, it is **literally impossible** to place the candidates for the vacant city council seat on the same ballot as the general primary or general election because of the difference in the city and county precinct lines. Therefore, it is **literally impossible** in this case to comply with 541(b) whether the special election is held in May or November. Given this **literal impossibility**, it was the consensus of our phone conference that since the special election can only be held separately from the general primary or general election, it is reasonable to assume that the exemption in 540(b) applies and the call is only required to be issued at least 29 days prior to the special election. Given the foregoing, and since the Board Elections and Registration has been furnished with a resolution adopted by Statesboro City Council calling for the special election to be held on May 22 and is contractually obligated to conduct elections for the City of Statesboro, the Board of Elections and Registration voted to issue the call for the special election on May 22 at its meeting this afternoon.

Here is the major issue as illustrated in an email from Sec of State General Counsel Kevin Rayburn: "Mayor McCollar called a bit ago, and I didn't make the connection at first between that call and your email until just now. Here is what I just sent him. Director Chris Harvey just left you a voicemail as well. **Ultimately, I don't know where a judge would land on this issue given the conflict between 21-2-540(b) and 21-2-541(b).** Separate and apart elections do happen from time to time, **I just don't think anyone has pushed the legal issue yet on them.** The "separate and apart" language in 540(b) comes from the municipal election code back when it was a separate statute. When the general election code was combined with the municipal code, they included the "separate and apart" language and the language in 541(b). **It's now hard to determine what the ultimate intent of was of having both provisions or if it was a drafting error**". The fact that an official at this level is unable to give a definitive answer should be very telling and give major cause for concern. The bottom line is this is an unknown realm of the OCGA currently.

Conclusion: The issue here is that should the election proceed on May 22nd there are two possibilities. One is that a citizen(s) of District 5 could bring action asking the Court to grant injunctive relief to not allow the election to proceed on that day. The other is a citizen and/or potential candidate could file post-election suit challenging the results of the election. Even if the election was held in November there would be a violation of 541 due to the "literal impossibility" of compliance that Mr. Akins references; my sole opinion is that there is significantly less chance of a legal challenge regarding a November election on those grounds as there is one less .

It really boils down to one question and consideration: does the City really want to run the risk of being the defendant in a potential suit meant to judicially resolve the inherent conflict between 540 and 541 or do we leave it to another local government or our state legislature to shoulder the expense and trouble of resolving this issue? Whether the City will prevail or not is unknown and irrelevant. Whether our insurance carrier covers the cost of our share of the litigation is unknown. I typically defer

to Mr. Akins. I completely trust him personally and professionally and know he almost always errs on the side of caution regarding questionable situations. Per my conversations with County officials, the election is not officially "called" until notice of the election is published in the Herald with notices currently scheduled to run on Thursday March 22nd and Sunday March 25th. Barring receipt of further clarification or direction from the Secretary of State's office I do not anticipate researching this issue further. If I do receive such information I will immediately forward to all of you upon receipt.

O.C.G.A. § 21-2-540

Current through the 2017 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 21. ELECTIONS > CHAPTER 2. ELECTIONS AND PRIMARIES GENERALLY > ARTICLE 14. SPECIAL ELECTIONS AND PRIMARIES GENERALLY; MUNICIPAL TERMS OF OFFICE

§ 21-2-540. Conduct of special elections generally

- (a) Every special election shall be held and conducted in all respects in accordance with the provisions of this chapter relating to general elections; and the provisions of this chapter relating to general elections shall apply thereto insofar as practicable and as not inconsistent with any other provisions of this chapter. All special elections held at the time of a general election, as provided by Code Section 21-2-541, shall be conducted by the poll officers by the use of the same equipment and facilities, so far as practicable, as are used for such general election.
- (b) At least 29 days shall intervene between the call of a special primary and the holding of same, and at least 29 days shall intervene between the call of a special election and the holding of same. The period during which candidates may qualify to run in a special primary or a special election shall remain open for a minimum of two and one-half days. Special elections which are to be held in conjunction with the presidential preference primary, a state-wide general primary, or state-wide general election shall be called at least 90 days prior to the date of such presidential preference primary, state-wide general primary, or state-wide general election; provided, however, that this requirement shall not apply to special elections held on the same date as such presidential preference primary, state-wide general primary, or state-wide general election but conducted completely separate and apart from such state-wide general primary or state-wide general election using different ballots or voting equipment, facilities, poll workers, and paperwork. Notwithstanding any provision of this subsection to the contrary, special elections which are to be held in conjunction with the state-wide general primary or state-wide general election in 2014 shall be called at least 60 days prior to the date of such state-wide general primary or state-wide general election.
- (c) (1) Notwithstanding any other provision of law to the contrary, a special primary or special election to fill a vacancy in a county or municipal office shall be held only on one of the following dates which is at least 29 days after the date of the call for the special election:
 - (A) In odd-numbered years, any such special election shall only be held on:
 - (i) The third Tuesday in March;
 - (ii) The third Tuesday in June;
 - (iii) The third Tuesday in September; or
 - (iv) The Tuesday after the first Monday in November; and
 - (B) In even-numbered years, any such special election shall only be held on:
 - (i) The third Tuesday in March; provided, however, that in the event that a special election is to be held under this provision in a year in which a presidential preference primary is to be held, then any such special election shall be held on the date of and in conjunction with the presidential preference primary;
 - (ii) The date of the general primary; or
 - (iii) The Tuesday after the first Monday in November;

O.C.G.A. § 21-2-540

provided, however, that, in the event that a special election to fill a federal or state office on a date other than the dates provided in this paragraph has been scheduled and it is possible to hold a special election to fill a vacancy in a county, municipal, or school board office in conjunction with such special election to fill a federal or state office, the special election to fill such county, municipal, or school board office may be held on the date of and in conjunction with such special election to fill such federal or state office provided all other provisions of law regarding such elections are met.

- (2)** Notwithstanding any other provision of law to the contrary, a special election to present a question to the voters shall be held only on one of the following dates which is at least 29 days after the date of the call for the special election:
 - (A)** In odd-numbered years, any such special election shall only be held on the third Tuesday in March or on the Tuesday after the first Monday in November; and
 - (B)** In even-numbered years, any such special election shall only be held on:
 - (i)** The date of and in conjunction with the presidential preference primary if one is held that year;
 - (ii)** The date of the general primary; or
 - (iii)** The Tuesday after the first Monday in November.
- (3)** The provisions of this subsection shall not apply to:
 - (A)** Special elections held pursuant to Chapter 4 of this title, the "Recall Act of 1989," to recall a public officer or to fill a vacancy in a public office caused by a recall election; and
 - (B)** Special primaries or special elections to fill vacancies in federal or state public offices.
- (d)** Except as otherwise provided by this chapter, the superintendent of each county or municipality shall publish the call of the special election.
- (e)** Candidates in special elections for partisan offices shall be listed alphabetically on the ballot and may choose to designate on the ballot their party affiliation. The party affiliation selected by a candidate shall not be changed following the close of qualifying.

History

Code 1933, §§ 34-806, 34-1314, enacted by Ga. L. 1964, Ex. Sess., p. 26, § 1; Ga. L. 1969, p. 308, § 35; Ga. L. 1969, p. 329, § 8A; Ga. L. 1984, p. 1, § 14; Ga. L. 1984, p. 638, § 3; Ga. L. 1986, p. 382, § 6; Ga. L. 1986, p. 1538, § 3; Ga. L. 1991, p. 316, § 1; Ga. L. 1994, p. 1406, § 27; Ga. L. 1996, p. 145, § 21; Ga. L. 1997, p. 590, § 42; Ga. L. 1998, p. 295, § 1; Ga. L. 2001, p. 240, §§ 43, 44; Ga. L. 2005, p. 253, § 64/HB 244; Ga. L. 2008, p. 131, § 1/HB 296; Ga. L. 2010, p. 914, § 25/HB 540; Ga. L. 2012, p. 995, §§ 41, 42/SB 92; Ga. L. 2014, p. 1, § 8/HB 310; Ga. L. 2017, p. 2, § 3/HB 42.

O.C.G.A. § 21-2-541

Current through the 2017 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 21. ELECTIONS > CHAPTER 2. ELECTIONS AND PRIMARIES GENERALLY > ARTICLE 14. SPECIAL ELECTIONS AND PRIMARIES GENERALLY; MUNICIPAL TERMS OF OFFICE

§ 21-2-541. Holding of special primary or election at time of general primary or election; inclusion of candidates and questions in special primary or election on ballot

- (a) A special primary or election may be held at the time of a general primary or election.
- (b) If the times specified for the closing of the registration list for a special primary or election are the same as those for a general primary or election, the candidates and questions in such special primary or election shall be included on the ballot for such general primary or election. In such an instance, the name of the office and the candidates in such special election shall appear on the ballot in the position where such names would ordinarily appear if such contest was a general primary or election.

History

Code 1933, § 34-807, enacted by Ga. L. 1973, p. 174, § 1; Ga. L. 1975, p. 808, § 2; Ga. L. 1979, p. 955, § 3; Ga. L. 1996, p. 166, § 1; Ga. L. 1998, p. 295, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
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RESOLUTION 2018-12: A RESOLUTION CALLING FOR A SPECIAL ELECTION TO FILL THE UNEXPIRED TERM OF THE VACANT DISTRICT ONE COUNCIL SEAT; FIXING THE QUALIFICATION FEE FOR CANDIDATES, and AUTHORIZING PUBLICATION

THAT WHEREAS, at the Regular City Council Meeting on March 6, 2018 the Mayor and City Council accepted the resignation of Councilman Travis L. Chance, and declared the District 5 City Council Seat vacant;

WHEREAS Section 2-3 of the Charter of the City of Statesboro provides that in the event a vacancy occurs on the City Council for any reason other than the expiration of the term of office a Special Election to fill the unexpired term shall be held in accordance with the Georgia Election Code, O.C.G.A., Title 21;

WHEREAS, O.C.G.A. § 21-2-131 requires the governing body to fix the candidate qualification fee, and authorize the publication of a notice of such fee at least THIRTY-FIVE (35) DAYS prior to a special election;

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

Section 1. That a Special Election is hereby called for the purpose to filling the unexpired term of the vacant District 5 City Council seat;

Section 2. That the Special Election called for the purpose of filling the unexpired term of the vacant District 5 City Council seat shall occur on May 22, 2018 from the hours of 7:00 a.m. to 7:00 p.m.;

Section 3. Pursuant to O.C.G.A. § 21-2-131 the qualification fee for candidates for this Special Election to fill the unexpired term of the vacant District 5 City Council seat is hereby set at THREE PERCENT (3%) of the total gross salary of the office in the preceding calendar year which is TWO HUNDRED AND TWENTY SEVEN DOLLARS (\$227.00);

Section 4. That the dates and times for candidates to qualify for this Special Election shall begin at 8:00 a.m. on Monday, March 26, 2018 and end at 12:00 p.m. on Wednesday, March 28, 2018;

Section 5. That the place for candidates to qualify for this Special Election is the Office of the City Clerk located in City Hall at 50 East Main Street, Statesboro, Georgia 30458;

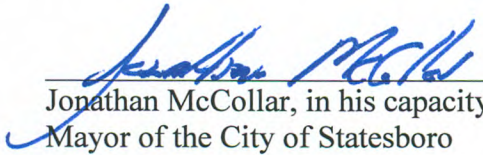
Section 6. That the last day to register to vote for this Special Election is April 24, 2018.

Section 7. That the City Clerk, Sue Starling, is hereby authorized and directed to publish notice of this qualifying fee as well as all other notices required by law for this Special Election.

Section 8. That this Resolution shall be and remain effective from and after its date of adoption


Adopted this 13th day of March, 2018

CITY OF STATESBORO, GEORGIA


Jonathan McCollar, in his capacity as
Mayor of the City of Statesboro



Attested to by:


Sue Starling, in her capacity as City Clerk
of the City of Statesboro



STATESBORO POLICE DEPARTMENT

Ph 912-764-9911

25 West Grady Street, Statesboro, Georgia 30458

Fx 912-489-5050

TO: Randy Wetmore, City Manager

FROM: Mike Broadhead, Chief of Police *MB*

DATE: March 20, 2018

RE: Request to Authorize the Mayor to Sign a Mutual Aid Agreement

POLICY ISSUE: Mutual Aid Agreement with the new Savannah Police Department.

RECOMMENDATION: That Council authorize the Mayor to sign a Mutual Aid Agreement with the Savannah Police Department for future (unscheduled) emergency assistance needs between the Statesboro Police Department and the Savannah Police Department

BACKGROUND: The Georgia Mutual Aid Act of 1988 (36-69-1 *et seq*) provides for intergovernmental cooperation of extraterritorial police services and assistance in the event of a local emergency. With the dissolution of the Savannah-Chatham Metropolitan Police Department, the new Savannah Police Department is requesting that some area agencies (including the Statesboro Police Department) have updated mutual aid agreements. A pre-signed mutual aid agreement simply lays out the responsibilities of each partner agency should the need to request assistance become a reality. The attached agreement does not obligate the Statesboro Police Department to commit resources to Savannah if requested, it simply sets out guidelines to conduct extraterritorial law enforcement if mutually agreeable for a specific incident. Additionally, this agreement is a two-way street; should the City of Statesboro require additional police services during an emergency, this standing agreement allows (but does not obligate) Savannah PD to send resources to our aid.

Officers working under a Mutual Aid Agreement are allowed to take their full police authority and qualified immunity to the other jurisdiction. Under this agreement, Statesboro Police officers would still be under the direction of the Statesboro Police Policies, but operational control would be passed to the other agency for the duration of the emergency incident.

BUDGET IMPACT: There is no budget impact.

COUNCIL DISTRICT: All

ATTACHMENTS: Mutual Aid Agreement with Savannah Police Department

MUTUAL AID AND ASSISTANCE AGREEMENT

This Mutual Aid and Assistance Agreement (the "Agreement") is made and entered into this _____ day of _____, 2018 by and between the Mayor and Aldermen of the City of Savannah (the "City of Savannah" or "Savannah") and the Mayor and Council of the City of Statesboro (the "City of Statesboro" or "Statesboro").

WITNESSETH:

WHEREAS, the Constitution of the State of Georgia of 1983 at Article 9, Section 3, Paragraph 1 provides that municipalities, counties and political subdivisions of this State may enter into agreements with one another for the provision of services by intergovernmental agreements for a period not to exceed fifty years; and

WHEREAS, the Georgia Mutual Aid Act of 1988 (the "GMAA"), O.C.G.A. §§ 36-69-1 *et seq.*, provides for intergovernmental cooperation in the provision of extraterritorial police services and assistance in the event of a local emergency; and

WHEREAS, the City of Savannah and the City of Statesboro specifically recognize the reciprocal benefits associated with the availability and furnishing of extraterritorial assistance in the event of a local emergency.

NOW, THEREFORE, in consideration of the mutual agreements herein made, the City of Savannah and the City of Statesboro do hereby mutually agree as follows:

ARTICLE I INCORPORATION OF RECITALS

The recitals set forth in this Mutual Aid and Assistance Agreement are, by this reference, incorporated into and deemed a part of this Agreement.

ARTICLE II DEFINITIONS AND AUTHORITIES

For purposes of this agreement, the following terms and expressions shall apply:

(a) "Assistance" includes personnel, equipment, facilities, services, supplies and other resources furnished to a Requesting Party pursuant to this agreement during an emergency or disaster.

(b) "Assisting Party" means a Participating Party that provides assistance pursuant to this agreement during an emergency.

(c) "Authorized Representative" means a Participating Party's elected or appointed official or employee who has been authorized in writing by that party to request, to offer, or otherwise to provide assistance under the terms of this agreement. The City of Savannah's Authorized Representative shall be the Chief of the Savannah Police Department.

(d) "Local Emergency" means the existence of conditions of extreme peril to the safety or persons and property within the territorial limits of the City of Savannah or the City of Statesboro caused by natural disaster, riot, civil disturbance, or other situation presenting major law enforcement and other public safety problems, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Savannah or the City of Rincon.

(d) "Participating Party" or "Participating Parties" refers to the City of Savannah and the City of Statesboro which became parties to this agreement by their approval and execution hereof.

(e) "Requesting Party" means a Participating Party that requests assistance pursuant to this agreement during an emergency.

Any term or expression not defined in this agreement shall have the meaning specified in the Georgia Mutual Aid Act, as amended and rules promulgated thereunder, unless used in a context that clearly suggests a different meaning.

ARTICLE III PARTICIPATING PARTY RESPONSIBILITIES

(a) Upon receipt of a request from a Requesting Party for assistance in a local emergency, the prevention or detection of violation of any law, the apprehension or arrest of any person who violates a criminal law of the State of Georgia, or in any criminal case, the Assisting Party shall take such action as is necessary to provide and make available the public safety resources contemplated by and in accordance with this Agreement. The Assisting Party may withhold or withdraw its resources if, in its sole discretion, to do otherwise would leave its jurisdiction without sufficient personnel or assets to service any incident which might subsequently arise therein. Requests for assistance may be verbal or in writing; provided, however, that verbal requests shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

- (1) A description of the emergency service function for which assistance is needed;
- (2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed; and

- (3) The specific place and time for staging of the Assisting Party's response and a point of contact at that location.
- (b) The Assisting Party will:
 - (1) Maintain daily personnel time records, material records and a log of equipment hours, or mileage as may be appropriate; and
 - (2) Report work progress to the Requesting Party at mutually agreed upon intervals.

Employees of the Assisting Party shall remain employees of their own agency and operate under the command and control of their regular leaders; however, the organizational units will come under the operational control of the Requesting Party.

ARTICLE IV LIMITATIONS AND EXCEPTIONS

(a) The provisions of this agreement shall not be construed as creating a duty to respond to a request for assistance on the part of any emergency or public safety personnel of a Participating Party. Furthermore, this agreement shall not be construed to create a duty on the part of any emergency or public safety personnel to remain at the scene of a local emergency for any length of time.

(b) The Assisting Party may at any time recall its assistance when in the best judgment and sole direction of its Authorized Representative, or by order of the governing body of the Assisting Party, it is considered to be in the best interests of the assisting party to do so. When continued assistance requires the recall of additional or off-duty personnel by the Assisting Party, that fact shall be communicated to the Requesting Party and, when approved by the Requesting Party, compensation of those individuals shall become the Requesting Party's responsibility.

(c) Requests for Savannah Police Department specialized team services (Hostage Negotiation, Special Weapons and Tactics, Explosive Ordnance Disposal and Underwater Search and Recovery) are specifically excluded from the scope of this agreement. These Services will be governed under a separate Inter governmental agreement, previously circulated.

(d) In accordance with O.C.G.A. § 36-69-10, as amended, the provisions of this agreement shall not apply to any emergency in which the chief executive officer of a Participating Party assigns or makes available for duty the employees, property or equipment of that party relating to fire-fighting, engineering, rescue, health, medical and related services, and to police, transportation, construction and similar items or services for emergency management purposes outside of the physical limits of the Participating

Party as provided by the Georgia Emergency Management Act, O.C.G.A. §§ 38-3-27, *et seq.*, as amended.

ARTICLE V PRIVILEGES AND IMMUNITIES FROM LIABILITY

(a) In accordance with O.C.G.A. § 36-69-4, as amended, whenever the employees of a Participating Party are rendering aid outside their political subdivision and pursuant to the authority contemplated by this agreement and GMAA, such employees shall have the same powers, duties, rights privileges and immunities as if they were performing their duties in the political subdivision in which they are normally employed.

(b) In accordance with O.C.G.A. § 36-69-6, as amended, all of the privileges and immunities from liability; exemption from laws, ordinances, and rules; and all pension, insurance, relief, disability, workers' compensation, salary, death, and other benefits which apply to the activity of Participating Party officers, agents or employees when performing their respective functions within the territorial limits of their respective political subdivisions shall apply to such officers, agents or employees to the same degree, manner and extent while engaged in the performance of any of their functions and duties extraterritorially under the terms of this agreement and authority of GMAA.

(c) In accordance with O.C.G.A. § 36-69-7, as amended, neither a public safety agency which requests assistance pursuant to this agreement, nor the Participating Parties shall be liable for any acts or omissions of the employees of an Assisting Party rendering assistance extraterritorially under the terms of this agreement and authority of GMAA.

(d) No party to this agreement, nor any officer, employee or agent of any Participating Party shall be liable to any person on account of failure of any party to furnish its emergency response equipment or personnel in response to a call for assistance.

(e) It is the express intent of the Participating Parties that the immunities specified herein shall be construed in accordance with Georgia law and shall apply in addition to any other immunities provided by statutory or case law.

ARTICLE VI REIMBURSEMENT

(a) Assisting Party shall be responsible for the direct cost of replacement or repair of any of its equipment damaged or destroyed while at the Requesting Party's emergency site; provided, however, where the damage or destruction is solely the result of errors, negligent acts or omissions of the Requesting Party or any of its agents, employees or officials, the Requesting Party shall be responsible for such replacement, repair or reimbursement.

(b) The Requesting Party shall at the option of the Assisting Party either replace or reimburse the Assisting Party for the direct cost of all materials consumed or expended by the Assisting Party in the courts of rendering mutual aid pursuant to this agreement while at the Requesting Party's emergency site.

(c) Each Participating Party shall provide for the payment of compensation and death benefits to its injured employees and the representatives of deceased employees in case such employees sustain injuries or are killed while rendering aid pursuant to this agreement, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

(d) Each party shall bear its own responsibility and be liable for any claims, demands, suits, actions, damages and causes of action arising out of or occurring during travel to or from its own or a Requesting Party's emergency site and no indemnification or hold harmless agreement shall be in effect concerning such claims, demands, suits, actions, damages and causes of action.

ARTICLE VII ASSIGNMENT

No part of this agreement is assignable to any other person.

ARTICLE VIII VALIDITY

This agreement shall be construed to effectuate the purposes recited herein. If any provision of this agreement is declared unconstitutional, or the applicability thereof to any person or circumstances is held to be invalid, the constitutionality of the remainder of this agreement and applicability thereof to other persons and circumstances shall not be affected thereby.

ARTICLE IX TERM OF AGREEMENT

This agreement shall be effective as of the date set forth above and shall continue for a term of one year. This agreement shall automatically renew for additional one-year terms not to exceed forty-nine years unless terminated in accordance with Article X below. Each term shall constitute a separate agreement.

ARTICLE X
TERMINATION OF AGREEMENT

Either Participating Party may withdraw from this agreement by mailing notice of withdrawal, approved by its governing body, but no such withdrawal shall take effect until 30 days after the governing authority of the withdrawing party has given notice in writing of such withdrawal to the governing authority of the non-withdrawing party. Such action shall not relieve the withdrawing party from obligations assumed hereunder prior to the effective date of withdrawal.

Agreed:

THE MAYOR AND ALDERMEN OF
THE CITY OF SAVANNAH

ATTEST:

Roberto Hernandez
CITY MANAGER

CLERK OF COUNCIL

THE MAYOR AND COUNCIL OF THE
CITY OF STATESBORO

ATTEST:

[MANAGER/MAYOR]

CLERK OF COUNCIL