



**June 02, 2020 9:00 am**

1. Call to Order by Mayor Jonathan McCollar
2. Invocation and Pledge of Allegiance by Councilmember Paulette Chavers
3. Recognitions/Public Presentations
4. Public Comments (Agenda Item):
5. Consideration of a Motion to approve the Consent Agenda
  - A) Approval of Minutes
    - a) 05-19-2020 Work Session Minutes
    - b) 05-19-2020 Council Minutes
    - c) 05-20-2020 Work Session Minutes
    - d) 05-21-2020 Work Session Minutes
6. Second Reading and Consideration of a Motion to approve **Ordinance 2020-03**: an Ordinance revising Chapter 6 of the Statesboro Code of Ordinances regarding Temporary Special Event Permits found in Sec. 6-8 (d) (3).
7. Public Hearing and First Reading of **Ordinance 2020-04**: An Ordinance revising Chapter 6 of the Statesboro Code of Ordinances regarding Open Container found in Sec. 6-17(d).
8. Public Hearing and First Reading of **Ordinance 2020-05**: An Ordinance revising Chapter 6 of the Statesboro Code of Ordinances regarding the restrictions found in Sec. 6-7(i).
9. Consideration of a Motion to Approve **Resolution 2020- 16**: A resolution to adhere to amendments in O.C.G.A. § 44-7-111, and to appoint an agent to determine the condition of abandoned mobile homes.
10. Consideration of a Motion to Approve an Agreement with Carver State Bank regarding the establishment and practices of the Statesboro Small Business Recovery Fund.
11. Other Business from City Council
12. City Managers Comments
13. Public Comments (General)

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



CITY OF STATESBORO  
WORK SESSION MINUTES  
MAY 19, 2020

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Mayor & Council Work Session	58 E. Main Street Joe Brannen Hall	4:00 PM
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A Work Session of the Statesboro City Council was held on May 19, 2020 at 4:00 p.m. at Joe Brannen Hall, 58 East Main Street. Present was Mayor Jonathan McCollar; Council Members: Phil Boyum, Paulette Chavers, Venus Mack, John Riggs and Shari Barr. Also present was City Clerk Leah Harden, City Attorney Cain Smith, City Manager Charles Penny Assistant City Manager Jason Boyles and Public Information Officer Layne Phillips.

The meeting was called to order by Mayor Jonathan McCollar.

**1) Quarterly Financial Report**

Director of Finance Cindy West reviewed with Mayor and Council the third Quarter financial report, which includes revenues and expenditures in the General Fund and Enterprise funds.

**2) Alcohol Ordinance & State Law**

City Attorney Cain Smith presented to Mayor and Council the city alcohol ordinance and state law OCGA 3-3-2. State law gives authority to local governments to set standards pertaining to alcohol permits and licenses. He also reviewed the Mayor and Council powers and duties contained in Chapter 6. He also went over Mayoral powers, 6-7(y), which includes suspension of sales citywide during civil emergency, such as a curfew. Cain Smith went over what is needed for a temporary suspension of alcohol licensure when something needs to be done right then and there is no time to bring in a judge. This action requires a recommendation of the police chief and the approval of the City Manager with the Mayors permission.

A map of the purposed open container exemption zone was presented to Mayor and Council showing the borders, which include the north at Proctor Street, to include Simmons shopping center and Courtland St., the East by Mulberry, the South on Cherry St. and the West by MLK. It is to be determined the certain hours that would be exempt from open container. Councilmember Shari Barr stated the map would need to go out to Bulloch Street to include the West District. Cain stated that he would amend the map to include Bulloch Street encompassing the West District.

**3) Ordinance Presentation Process**

City Attorney Cain Smith presented to Mayor and Council the process for ordinance presentations. The ordinance presentation was adopted December 2018. Before this ordinance the City Attorney was directed to draft an ordinance by either the Mayor or 2 councilmembers. This was designed to formalize the process and make it so the directives to compose an ordinance or provision would be made in an open meeting instead of the way it was done in the past. A provision or ordinance should be brought up as an agenda item at a regularly

scheduled meeting. The person requesting the provision presents explanation and reasoning for making the provision, suggestions for provisions should only be made by Mayor and Council or city staff. Mayor Jonathan McCollar believes one council member should be able to bring policy changes forward without the approval of two other persons.

After some discussion, direction was given to City Attorney Cain Smith to bring back to the next work session some points to be discussed regarding this ordinance.

The meeting was adjourned at 5:13 pm



CITY OF STATESBORO  
COUNCIL MINUTES  
MAY 19, 2020

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Regular Meeting	50 E. Main St. City Hall Council Chambers	5:30 PM
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**1. CALL TO ORDER**

Mayor Jonathan McCollar called the meeting to order

**2. INVOCATION AND PLEDGE**

Councilmember Phil Boyum gave the Invocation and Pledge of Allegiance.

**ATTENDENCE**

Attendee Name	Title	Status	Arrived
Jonathan McCollar	Mayor	Present	
Phil Boyum	Councilmember	Present	
Paulette Chavers	Councilmember	Present	
Venus Mack	Councilmember	Present	
John Riggs	Councilmember	Present	
Shari Barr	Councilmember	Present	

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

**3. Recognitions/Public Presentations**

**A) Presentation of a proclamation recognizing May 17-23, 2020 as National Public Works Week.**

Mayor Jonathan McCollar read a proclamation recognizing May 17-23, 2020 as National Public Works Week and presented it to John Washington Director of Public Works and Engineering.

**4. Public Comments (Agenda Item): None**

**5. Consideration of a Motion to approve the Consent Agenda**

**A) Approval of Minutes**

**a) 04-21-2020 Work Session Minutes**

**b) 05-05-2020 Council Minutes**

A motion was made to approve the consent agenda

**RESULT:**

Approved (Unanimous)
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**MOVER:**

Councilmember Paulette Chavers
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**SECONDER:**

Councilmember Venus Mack
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**AYES:**

Boyum, Chavers, Mack, Riggs, Barr
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**NAYS**

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**6. Public Hearing of First Reading and Consideration of a Motion to move forward with Ordinance 2020-03: An Ordinance revising Chapter 6 of the Statesboro Code of Ordinances regarding Temporary Special Event Permits found in Sec 6-8(d) (3).**

A motion was made to open the Public Hearing.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember John Riggs
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

City Attorney Cain Smith reviewed with Mayor and Council the revisions to Sec. 6-8 (d) (3) of the City of Statesboro Alcohol Ordinance. He stated a) is revised and b) is a new section regarding who is eligible to apply for a Temporary Special Event Permit.

No one spoke for or against the request.

A motion was made to close the Public Hearing.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember John Riggs
<b>SECONDER:</b>	Councilmember Paulette Chavers
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

A question was asked about the cost for the permit. City Attorney Cain Smith stated a resolution would set the fee for the permit.

A motion was made to move forward for a second reading for Ordinance 2020-03 with the addition of servers would have to have their serving permit with them.

<b>RESULT:</b>	Approved 4-1
<b>MOVER:</b>	Councilmember Paulette Chavers
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Chavers, Mack, Riggs, Barr
<b>NAYS</b>	Councilmember Phil Boyum

**7. Public Hearing of First Reading and Consideration of a Motion to move forward with Ordinance 2020-04: An Ordinance revising Chapter 6 of the Statesboro Code of Ordinances regarding open container found in Sec. 6-17(d).**

A motion was made to open the public hearing

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Paulette Chavers
<b>SECONDER:</b>	Councilmember John Riggs
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

City Attorney Cain Smith presented a map outlining the downtown area that would allow for open container. He also stated the boundaries would be updated as suggested in the previous work session.

No one spoke for or against this request.

A motion was made to close the Public Hearing.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember John Riggs
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

Councilmember Phil Boyum suggested changing the cup ounce size from 16 to 20.

<b>RESULT:</b>	No action was taken on this item.
<b>MOVER:</b>	
<b>SECONDER:</b>	
<b>AYES:</b>	
<b>NAYS</b>	

**8. Public Hearing of First Reading and Consideration of a Motion to move forward with an Ordinance revision to Chapter 6 of the Statesboro Code of Ordinances by removing the restriction found in Sec. 6-7(i).**

A motion was made to open the public hearing

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Paulette Chavers
<b>SECONDER:</b>	Councilmember John Riggs
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr

**NAYS**

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City Attorney Cain Smith stated this revision is to remove the entire provision found in Sec. 6-7(i).

A motion was made to close the Public Hearing.

**RESULT:**

Approved (Unanimous)

**MOVER:**

Councilmember Paulette Chavers

**SECONDER:**

Councilmember John Riggs

**AYES:**

Boyum, Chavers, Mack, Riggs, Barr

**NAYS**

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City Attorney Cain Smith stated this is a home rule. After doing a survey of other jurisdictions, he found that Athens Clarke County does not allow public employees to hold an alcohol license and Clayton County does not allow elected officials to hold an alcohol license.

Councilmember Phil Boyum suggested instead of removing the entire section to remove the wording of state and federal officials. That would allow individuals the ability to run for those offices.

Police Chief Mike Broadhead stated he would like police officers prohibited from holding an alcohol license.

Direction was given to remove elected officials and leaving the rest.

**RESULT:**

No action was taken on this item

**MOVER:**

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**SECONDER:**

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**AYES:**

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**NAYS**

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9. **Public Hearing and Consideration for a Motion to Approve: Application V 20-04-01: Josh Whitfield requests a variance from Section 1509(C), Table 6 of the Statesboro Zoning Ordinance for the installation of one (1) wall sign with a maximum height of eighteen (18) feet on 0.03 acres of property located at 19 Courtland Street within Sign District 4 and the CDB (Central Business District) (Tax Parcel #S28-000023-000).**

A motion was made to open the Public Hearing.

**RESULT:**

Approved (Unanimous)

**MOVER:**

Councilmember Paulette Chavers

**SECONDER:**

Councilmember John Riggs

**AYES:**

Boyum, Chavers, Mack, Riggs, Barr

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NAYS

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Justin Pay owner of Divvy Desk spoke in favor of the request.

No one spoke against the request.

A motion was made to close the Public Hearing.

**RESULT:**

Approved (Unanimous)

**MOVER:**

Councilmember Paulette Chavers

**SECONDER:**

Councilmember Venus Mack

**AYES:**

Boyum, Chavers, Mack, Riggs, Barr

NAYS

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A motion was made to approve **Application V 20-04-01**: a variance from Section 1509(C), Table 6 of the Statesboro Zoning Ordinance for the installation of one (1) wall sign with a maximum height of eighteen (18) feet on 0.03 acres of property located at 19 Courtland Street within Sign District 4 and the CDB (Central Business District) (Tax Parcel #S28-000023-000).

**RESULT:**

Approved (Unanimous)

**MOVER:**

Councilmember

**SECONDER:**

Councilmember

**AYES:**

Boyum, Chavers, Mack, Riggs, Barr

NAYS

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- 10. Public Hearing and Consideration for a Motion to Approve: Application SE 20-04-02: Roberta Benique requests a special exception from Section 401(I) of the Statesboro Zoning Ordinance to establish a Group Day Care in the R-20 (Single-Family Residential) district as a home occupation on 0.73 acres of property located at 109 Christie Lane (Tax Parcel #S34-000015-000).**

A motion was made to open the Public Hearing.

**RESULT:**

Approved (Unanimous)

**MOVER:**

Councilmember Venus Mack

**SECONDER:**

Councilmember Paulette Chavers

**AYES:**

Boyum, Chavers, Mack, Riggs, Barr

NAYS

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Roberta Benique owner of the daycare spoke in favor of the request.

No one spoke against the request.

A motion was made to close the Public Hearing.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Venus Mack
<b>SECONDER:</b>	Councilmember Paulette Chavers
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

A motion was made to **Application SE 20-04-02**: a special exception from Section 401(I) of the Statesboro Zoning Ordinance to establish a Group Day Care in the R-20 (Single-Family Residential) district as a home occupation on 0.73 acres of property located at 109 Christie Lane (Tax Parcel #S34-000015-000).

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Venus Mack
<b>SECONDER:</b>	Councilmember Paulette Chavers
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

**11. Consideration of a motion to approve a Development Agreement with JGR Development allowing an additional \$500,000 intermediate advance out of special fund to install public infrastructure within the Old Register TAD.**

A motion was made to approve a Development Agreement with JGR Development allowing an additional \$500,000 intermediate advance out of special fund to install public infrastructure within the Old Register TAD.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Phil Boyum
<b>SECONDER:</b>	Councilmember Paulette Chavers
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

**12. Consideration of a Motion to approve a change order with Motorola Solutions, Inc. for the Dispatch Console Project to include proper grounding of Police Headquarters.**

A motion was made to approve a change order with Motorola Solutions, Inc. for the Dispatch Console Project to include proper grounding of Police Headquarters.

<b>RESULT:</b>	Approved (Unanimous)
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<b>MOVER:</b>	Councilmember Shari Barr
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

**13. Consideration of a motion to approve the purchase of nine PLCs with control panels, hardware and installation from Revere Control Systems, Inc. in the amount of \$86,500.00 with funds approved in the 2020 CIP Budget Item # WWD-176.**

A motion was made to approve the purchase of nine PLCs with control panels, hardware and installation from Revere Control Systems, Inc. in the amount of \$86,500.00 with funds approved in the 2020 CIP Budget Item # WWD-176.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Paulette Chavers
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

**14. Consideration of a Motion to award a Professional services contract to Wood Engineering in the amount of \$58,000.00 for design, bidding and construction oversight services for a new Compressed Natural Gas filling station with funds approved as part of the 2020 CIP Budget item #NGD-58.**

A motion was made to award a Professional services contract to Wood Engineering in the amount of \$58,000.00 for design, bidding and construction oversight services for a new Compressed Natural Gas filling station with funds approved as part of the 2020 CIP Budget item #NGD-58.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember John Riggs
<b>SECONDER:</b>	Councilmember Paulette Chavers
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

**15. Consideration of a Motion to set the date for a Public Hearing for the City of Statesboro Fiscal Year 2021 Budget.**

A motion was made to set the date for a Public Hearing for the City of Statesboro Fiscal Year Budget 2021 on June 9, 2020 at 5:30 pm

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Paulette Chavers

<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

**16. Consideration of a Motion to approve Resolution 2020-15: A Resolution establishing the Loan Loss Reserve fund for the benefit of the Statesboro Small Business Recovery Fund and appropriate \$250,000.00 in City enterprise funds to the Loan Loss Reserve.**

A motion was made to approve Resolution 2020-15: A Resolution establishing the Loan Loss Reserve fund for the benefit of the Statesboro Small Business Recovery Fund and appropriate \$250,000.00 in City enterprise funds to the Loan Loss Reserve.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Venus Mack
<b>SECONDER:</b>	Councilmember Paulette Chavers
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

**17. Other Business from City Council: None**

**18. City Managers Comments**

City Manager Charles Penny stated the location for the work sessions for the budget review has been changed from Joe Brannen Hall to the Council Chambers.

He also stated all of the City of Statesboro Public buildings are opening to the public on June 1, 2020.

City Manager Charles Penny encourages everyone to be counted in this year's census.

**19. Public Comments (General):**

**A) Alberta Deal address Mayor and Council about her concerns regarding a Church located at 410 S. Zetterower Street.**

George and Alberta Deal addressed Mayor and Council with their complaints about noise coming from a church located on the other side of their back yard fence. The church address is 410 S. Zetterower Avenue. They state the noise is too much and that this issue has been going on since 2014. They have talked with city staff about the issue over the years to no avail.

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

A motion was made to enter into Executive Session at 7:28 pm.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember John Riggs
<b>SECONDER:</b>	Councilmember Paulette Chavers

<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

A motion was made to exit Executive Session at 7:58 pm.

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember Venus Mack
<b>SECONDER:</b>	Councilmember Paulette Chavers
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

Mayor McCollar called the regular meeting back to order with no action taken in Executive Session.

## 21. Consideration of a Motion to Adjourn

A motion was made to adjourn the meeting

<b>RESULT:</b>	Approved (Unanimous)
<b>MOVER:</b>	Councilmember John Riggs
<b>SECONDER:</b>	Councilmember Venus Mack
<b>AYES:</b>	Boyum, Chavers, Mack, Riggs, Barr
<b>NAYS</b>	

The meeting was adjourned at 7:58 pm



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**CITY OF STATESBORO  
CITY COUNCIL WORK SESSION MINUTES  
May 20, 2020**

A work session of the Statesboro City Council was held on May 20, 2020 at 4:00 p.m. in the Council Chambers at City Hall. Present were Mayor Jonathan McCollar, Council Members: Phil Boyum, Paulette Chavers, John Riggs and Shari Barr. Also present was City Clerk Leah Harden, City Attorney Cain Smith, City Manager Charles Penny, Assistant City Manager Jason Boyles, Finance Director Cindy West and Public Information Officer Layne Phillips. Councilmember Venus Mack was absent.

The meeting was called to order by Mayor Jonathan McCollar.

**Review of the Proposed City of Statesboro Fiscal Year 2021 Operating Budget.**

City Manager Charles Penny presented the manager proposed annual operating budget. He reviewed budget objectives, challenges, unknowns, and the Fiscal Year 2021 proposed budget highlights. An increase of Storm water fee of \$1.05 per ERU and no property tax increase.

Compensation and Benefits review included phase III of the pay plan, retirement contributions increased due to retirement requirement changes adopted in FY 2020 and proposal of no increase in employee premiums.

Mr. Penny covered items that would not be budgeted this fiscal year including City Branding, Small Business Recruiter, Downtown Master Plan, no transfer to General Fund Capital Improvements and Laserfiche upgrade. He went on to review proposed appropriation levels on operating funds and then went on to review FY 2021 proposed property tax rates. Comparing the millage rates between the Board of Education, Bulloch County and the City of Statesboro. The City is the least of the three.

Mr. Penny reviewed revenue trends and current and future challenges such as promoting regional identity, addressing employee benefit costs, advancing a creative, inclusive, professional culture and growing our Central City. Mr. Penny stated to balance our budget for this fiscal year we have implemented a conditional hiring freeze for non-public safety positions, no new positions are authorized in FY2021, "hold line" on operating cost and keeping capital outlay/CIP within planned limits.

General fund highlights review included Public Safety, Statesboro Fire Service, General Capital Fund, Water & Sewer Fund Storm Water Fund, Gas Fund, Solid Waste Collection Fund, Solid Waste Disposal Fund, Fleet Maintenance Fund and Central Service Fund.

Director of Finance Cindy West reviewed with Mayor and Council the FY2021 Budget going over the General Fund budget summary and reviewing each line item in this fund.

Assistant City Manager Jason Boyles reviewed each budget for the City.

Mayor Jonathan McCollar stated we have had an economic hit due to COVID and the Downtown Master Plan leading to the Blue Creek is an essential project. We are now competing

with other communities who now share the GSU Brand. We need to plan for the future. As we look at this budget, we need to find the funds to continue with Downtown revitalization.

Councilmember Phil Boyum stated we need to make Statesboro a destination outside of the University.

There was not action taken at this meeting.

The meeting was adjourned at 6:03 pm



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**CITY OF STATESBORO  
CITY COUNCIL WORK SESSION MINUTES  
May 21, 2020**

A work session of the Statesboro City Council was held on May 21, 2020 at 4:00 p.m. in the Council Chambers at City Hall. Present were Mayor Jonathan McCollar, Council Members: Phil Boyum, Paulette Chavers, Venus Mack and Shari Barr. Also present was City Clerk Leah Harden, City Attorney Cain Smith, City Manager Charles Penny, Assistant City Manager Jason Boyles, Finance Director Cindy West and Public Information Officer Layne Phillips. Councilmember John Riggs was absent.

The meeting was called to order by Mayor Jonathan McCollar.

**Review of the Proposed City of Statesboro Fiscal Year 2021 Operating Budget**

City Manager Charles Penny reviewed information covered yesterday in the budget work session. He stated we will be moving forward with the Master Plan using fund balance. In addition, transit is not a part of this budget. We anticipate the actual expenditure to be in the 2022 budget. Mr. Penny stated we are solid all the way across the board in our General Fund.

4:10 pm Council member Phil Boyum joined the meeting.

Assistant City Manager Jason Boyles reviewed with Mayor and Council all City Enterprise Funds including Water/Sewer, Storm water, Natural Gas, Solid Waste Collection, and Solid Waste Disposal.

Director of Finance Cindy West reviewed the City's Special Revenue Funds; confiscated assets, U.S Department of Justice Grants, Multiple Grant Fund, South Main TAD, Old Register TAD and Technology Fee Fund. Cindy also reviewed the 2013 SPLOST, TSPLOST and 2019 SPLOST.

Mayor Jonathan McCollar stated he would like some money allocated for downtown events during GSU home games.

There was discussion regarding the money given to other agencies. There will be a review of their operations verifying services they provide to the City.

City Manager Charles Penny stated we would not have to meet next week for budget review.

Mayor Jonathan McCollar sends out a message to Department Heads to save where you can. We need to be careful moving forward. With the COVID crisis, these are uncertain times. We need to take this time to think about how to rebuild and improve.

The meeting was adjourned at 6:05 pm

# CITY OF STATESBORO

## COUNCIL

Phillip A. Boyum  
Paulette Chavers  
Venus Mack  
John C. Riggs  
Shari Barr



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

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

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

**From:** Cain Smith, City Attorney

**Date:** May 26, 2020

**RE:** June 2, 2020 City Council Agenda Items

**Policy Issue:** Second Reading of ordinance revision of City Ord 6-8(d)(3)a which currently reads as follows : "A temporary permit to sell alcoholic beverages may be issued to any licensee holding a valid city issued catered event alcoholic beverage license for a period not to exceed three days for an approved special event. The licensed caterer must make complete application and pay all required application fees to the city clerk or his/her designee at least 45 days prior to the start date of the proposed event and shall be required to comply with all the general ordinances and regulations for on-premises consumption. The applicant seeking a temporary license must also obtain a state-issued temporary special event permit."

**Recommendation:** N/A

**Background:** Mayor and Council approved a motion to direct City Attorney to draft this agenda item pursuant to City Ord 2-2-4 at the May 5, 2020. Regular Council meeting. First reading was passed on May 19, 2020.

**Budget Impact:** None

**Council Person and District:** All

**Attachments:** Proposed ordinance revision

Ordinance 2020-03:

Section 6-8(d) (3) Temporary special event permit.

a. A temporary permit to sell alcoholic beverages may be issued to ~~any licensee holding a valid city issued catered event alcoholic beverage license~~ for a period not to exceed three days for an approved special event. The ~~licensed caterer applicant~~ must make complete application and pay all required application fees to the city clerk or his/her designee at least ~~45~~ 21 days prior to the start date of the proposed event and shall be required to comply with all the general ordinances and regulations for on-premises consumption. The applicant seeking a temporary license must also obtain a state-issued temporary special event permit.

b. ~~For events with fewer than 200 total people present any business holding an occupational tax certificate in a Bulloch County jurisdiction may apply. For events with more than 200 total attendees present only businesses holding a City issued catering license may apply. Regardless of event size only eight (8) temporary special event permits shall be issued to any entity in a twelve month period.~~

c. The special event must meet the following criterion prior to the issuance of a license to sell alcoholic beverages:

1. The special event must receive approval from the chief of SPD or his/her designee regarding crowd control, traffic control, and security measures.

2. The location at which the special event is to take place must be properly zoned and approved by the code enforcement officer.

3. The application must be presented to Mayor and Council and approved at a regularly scheduled meeting of the Statesboro City Council.

d. Every employee or volunteer of the special event licensee working the special event in any position dispensing, selling, serving, taking orders for, or mixing alcoholic beverages shall be required to possess valid server certification pursuant to section 6-10.

e. The code enforcement officer or the chief of SPD or his/her designee may immediately revoke any temporary license for a special event if it is determined continued alcohol sales may endanger the health, welfare, or safety of the public.

f. As a condition on the issuance of a temporary special event license, the ~~licensee applicant~~ shall indemnify and hold the city harmless from any and all claims, demands, or causes of action which may arise from activities associated with the special event.

g. An application fee as set out in the adopted rates and fees schedule shall be required, as well as any applications and/or fees required under Ordinance 70-61 and section 6-17.

# CITY OF STATESBORO

## COUNCIL

Phillip A. Boyum  
Paulette Chavers  
Venus Mack  
John C. Riggs  
Shari Barr



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

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

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

**From:** Cain Smith, City Attorney

**Date:** May 26, 2020

**RE:** June 2, 2020 City Council Agenda Items

**Policy Issue:** *First reading of ordinance revision of City Ord 6-17(d) exemptions in order to provide for a pedestrian downtown open container exemption zone.*

**Recommendation:** N/A

**Background:** Mayor and Council approved motion to direct City Attorney to draft first reading of ordinance revision pursuant to City Ord 2-2-4 at the May 5, 2020 regular Council meeting. Council requested revision to exemption zone boundaries and vessel size at the May 19, 2020 first reading. Due to significant changes the measure is brought forth again as a first reading.

**Budget Impact:** None

**Council Person and District:** All

**Attachments:** Proposed ordinance revision

Ordinance 2020-04:

Sec. 6-17 (d) – Downtown Open Container Exemption Zone

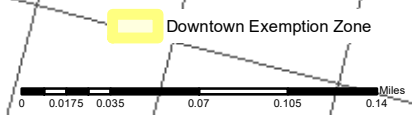
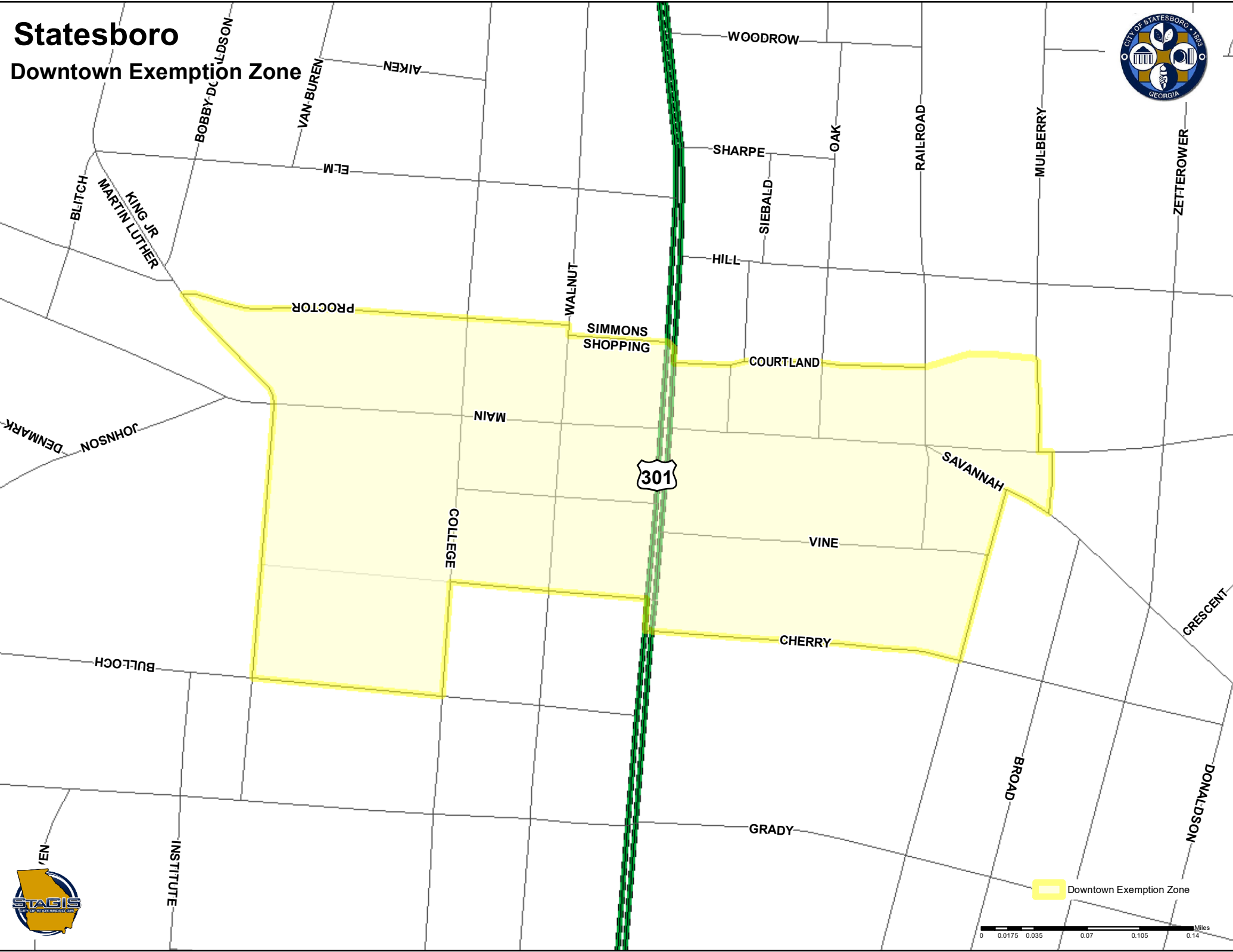
The restrictions contained herein shall not apply within the area of the City bounded on the north by Courtland Street, Simmons Way, and Proctor Street, on the west by Martin Luther King Jr. Drive, on the south by Bulloch Street between MLK and College and then north along College Avenue with the remainder of the southern boundary being on Cherry Street between College and Mulberry, and on the east by Mulberry under the following conditions:

(1) Any On Premises licensee located within this delineated area may sell alcoholic beverages in a paper or plastic cup for removal from the premises; provided, however, that the alcoholic beverage is not placed in a can, bottle or other glass container and, further provided, that the licensee may dispense no more than one alcoholic beverage per person 21 years of age or older, and no person shall remove more than one alcoholic beverage from the licensed premises; and

(2) Any alcoholic beverage dispensed pursuant to this section shall not exceed 20 fluid ounces in size and no person shall possess an open container containing an alcoholic beverage unless contained in a plastic or paper cup not to exceed a volume of 20 fluid ounces on the streets, sidewalks or other public places within the area described in this subsection.

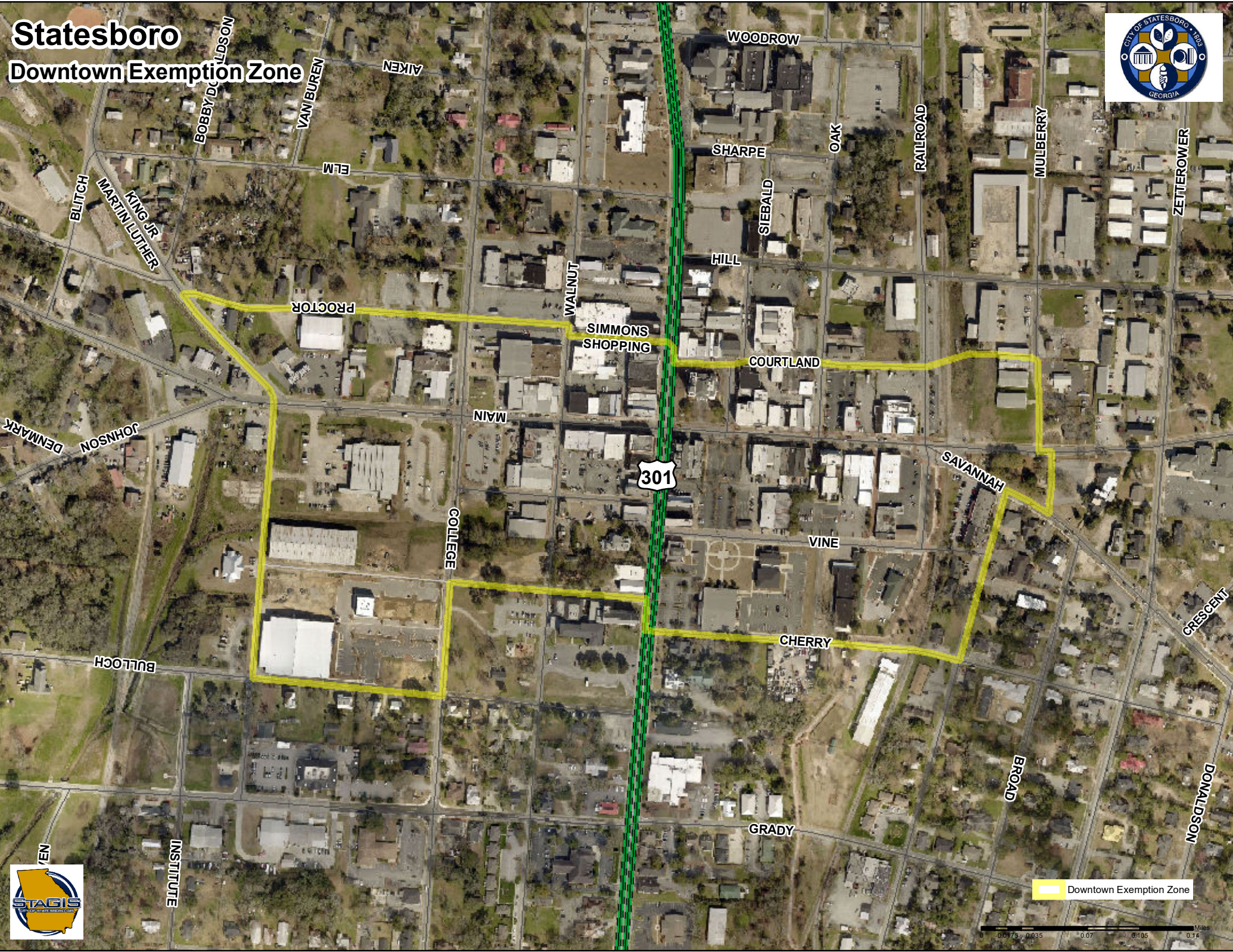
# Statesboro

## Downtown Exemption Zone



# Statesboro

## Downtown Exemption Zone



# CITY OF STATESBORO

## COUNCIL

Phillip A. Boyum  
Paulette Chavers  
Venus Mack  
John C. Riggs  
Shari Barr



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

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

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

**From:** Cain Smith, City Attorney

**Date:** May 26, 2020

**RE:** June 2, 2020 City Council Agenda Items

**Policy Issue:** *First reading of ordinance revision revising the restriction found in City Ord 6-7(i) which currently reads as follows : "Interests of public officials and employees; prohibited. No license shall be granted to any city, state or federal employee or official whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity."*

**Recommendation:** N/A

**Background:** Mayor and Council approved this agenda item for first reading pursuant to City Ord 2-2-4 at the May 5, 2020 Council meeting. Presented first reading removing subsection in its entirety was amended by Mayor and Council to only remove the prohibition as to public officials at the May 19, 2020 meeting. Revision is presented again as first reading due to substantial revision.

**Budget Impact:** None

**Council Person and District:** All

**Attachments:** None

Ordinance 2020-05:

Statesboro 6-7 (i) Interests of public employees ~~and officials~~; prohibited. No license shall be granted to any city, state or federal employee ~~or official~~ whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity.

# CITY OF STATESBORO

## COUNCIL

Phil Boyum, District 1  
Paulette Chavers, District 2  
Venus Mack, District 3  
John Riggs, District 4  
Shari Barr, District 5



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

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

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

**From:** Justin Williams, City Planner I

**Date:** May 20, 2020

**RE:** June 2, 2020

**Policy Issue:** City of Statesboro Mobile Home Condition Resolution

**Recommendation:** Staff recommends passage of Resolution to adhere to the amendments in O.C.G.A. § 44-7-111, and appoint an agent to determine the condition of abandoned mobile homes.

**Background:** As per O.C.G.A. § 44-7-111, abandoned mobile homes are classified as a nuisance that causes blight and depresses property values. As of May 1, 2019, the state of Georgia allows local municipalities to appoint an agent to determine the condition of mobile homes within the corporate City Limits and provides for landowners to dispose of said mobile homes after declaration of abandonment. The City of Statesboro has had multiple complaints in regards to the abandonment of mobile homes since the passage of this law.

**Budget Impact:** None

**Council Person and District:** All

**Attachments:** Mobile Home Condition Resolution

**STATE OF GEORGIA  
COUNTY OF BULLOCH**

**MAYOR AND COUNCIL OF THE CITY OF STATEBORO GEORGIA**

**RESOLUTION # 2020 - 16**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF STATEBORO GEORGIA TO APPROVE AND AUTHORIZE THE APPOINTMENT AN AGENT TO DETERMINE THE CONDITION OF MOBILE HOMES IN ORDER FOR LANDOWNERS TO REMOVE OR RESTORE ABANDONED MOBILE HOMES ON THEIR PROPERTY; AND FOR OTHER PURPOSES.**

WHEREAS, O.C.G.A. § 44-7-11 *et seq* has amended Chapter 7 of Title 44 in order to provide for definitions; to provide for a procedure for requesting classification of an abandoned mobile home as intact or derelict; to provide for notice; to provide for a right to file a lien on abandoned mobile homes deemed to be intact; to provide for the opportunity for a hearing to confirm classification as a derelict abandoned mobile home; to provide for court authority to order the disposal of abandoned mobile homes found to be derelict; to provide for a process to foreclose a lien on an abandoned mobile home deemed to be intact; to provide for right to an appeal; to provide for the public sale of an intact abandoned mobile home; to provide for the disposition of proceeds from such public sale; to provide for a process to obtain certificate of title for mobile homes purchased at public sale; to amend Code Section 15-10-2 of the Official Code of Georgia Annotated, relating to general jurisdiction of magistrate courts, so as to provide for jurisdiction of such courts relative to foreclosure of liens of abandoned mobile homes; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes; and

WHEREAS, O.C.G.A. § 44-7-111 authorizes a local governing authority to appoint an agent to determine the condition of abandoned mobile homes within its jurisdiction who is qualified to inspect an abandoned mobile home by demonstrating that he or she is qualified to determine if the abandoned mobile home is derelict or intact.;

WHEREAS, Mayor and Council desire to vest this authority in City code compliance officers; and

WHEREAS, there exist abandoned mobile homes on private property within the corporate limits of the City of Statesboro;

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

The City of Statesboro employee acting as **building inspector/code compliance officer** is hereby appointed to be “the local government agent” for all purposes under Chapter 7 of Title 44 of the Official Code of Georgia Annotated

RESOLUTION APPROVED AND ADOPTED this \_\_\_<sup>th</sup> day of June, 2020.

By: \_\_\_\_\_  
Jonathan M. McCollar, Mayor

Attest: \_\_\_\_\_  
Leah Harden, City Clerk

(SEAL)

# CITY OF STATESBORO

## COUNCIL

Phillip A. Boyum  
Paulette Chavers  
Venus Mack  
John C. Riggs  
Shari Barr



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

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

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

**From:** Cain Smith, City Attorney

**Date:** May 28, 2020

**RE:** June 2, 2020 City Council Agenda Items

**Policy Issue:** Consideration of contract with Carver State Bank regarding the establishment and practices of the Statesboro Small Business Recovery Fund.

**Recommendation:** Staff recommends approval

**Background:** Mayor and Council approved Resolution 2020-15 establishing a loan loss reserve fund in the amount of \$250,000 on May 19, 2020. Presented contract authorizes Carver State Bank to issue up to \$1,000,000 in loans to Statesboro small businesses with said loans backed up by City's loan loss reserve fund.

**Budget Impact:** None beyond Resolution 2020-15

**Council Person and District:** All

**Attachments:** Proposed contract

**AGREEMENT**  
**LOAN LOSS RESERVE FUND FOR THE BENEFIT OF THE STATESBORO**  
**SMALL BUSINESS RECOVERY FUND**

This LOAN LOSS RESERVE FUND AGREEMENT (the "Agreement") is entered into this \_\_\_\_ day of June 2020, by and between the CITY OF STATESBORO, GEORGIA, a municipal corporation organized under the laws of the State of Georgia (the "City"), and CARVER STATE BANK, a bank chartered under the laws of the State of Georgia (the "Lender") as part of the implementation of the Loan Loss Reserve Fund Program under the Statesboro Small Business Recovery Fund.

WHEREAS, the COVID-19 pandemic has exacted an unprecedented toll on the City's small business community; and

WHEREAS, relief funding and financing opportunities are, and are expected to remain, insufficient to fully meet the needs of the City's small business community; and

WHEREAS, the Mayor and Council of the City ("Mayor and Council") deemed it in the best interest of the City and its residents to undertake actions necessary to ensure the continued operations and financial solvency of small businesses within the City in order to preserve the tax base, employment opportunities, and retail outlets and services available to City residents; and

WHEREAS, by passage of Resolution #2020-15 on May 19, 2020, Mayor and Council created a Loan Loss Reserve Fund ("LLR Fund") to help facilitate additional lending opportunities for small businesses in the City that are ineligible or unable to receive financing through traditional means (the "LLR Program"); and

WHEREAS, it shall be necessary that the LLR Fund remain in place until such time as all loans made through the Recovery Fund are fully satisfied; and

WHEREAS, Carver State Bank ("Lender") has agreed in principle to make up to \$1 million in small business loans ("LLR Loans") available to qualified small businesses in the City ("Statesboro Borrowers"), according to the parameters, terms, and conditions set forth herein, with the support of the LLR; and

WHEREAS, the City and Lender desire to set forth certain terms and conditions upon which the Lender may make LLR Loans to Statesboro Borrowers through the LLR Program.

**ARTICLE I**  
**PROGRAM GUIDELINES**

Section 1.1. Eligibility. Statesboro Borrowers must meet the following basic eligibility criteria to be considered for a LLR Loan:

- (a) Operate a commercial enterprise within the city limits of Statesboro, Georgia with an annual gross revenue of \$2,000,000 or less;

- (b) Must have been in existence on March 14, 2020 when the State of Emergency was declared by Governor Brian Kemp;
- (c) Applicant Businesses shall be pre-screened by the City prior to loan consideration to ensure applicants do not have long-standing issues with payment of ad valorem taxes, utilities, and/or occupational taxes.

Section 1.2. Loan Limits. The maximum loan amount guaranteed by the LLR is \$25,000. On a case-by-case basis, Lender may make additional capital available to a small business, but the LLR exposure is limited to \$25,000.00 for any one borrower using the LLR Program.

Section 1.3. Underwriting. The Lender will apply its credit and collateral standards to LLR loan applications and make loan decisions on a case-by-case basis.

Section 1.4. Loan Terms.

A LLR Loan may be made with such interest rate, fees, and other terms and conditions as the Lender and Borrower may agree. The LLR Loan may be a single payment or amortizing loan, or may be made in the form of a line of credit, in which case the amount of the loan shall be considered to be the maximum amount that can be drawn down against the line of credit. Notwithstanding the foregoing, the term of the coverage provided by the LLR Fund shall not exceed 48 months. Subject to Lender's underwriting standards, LLR Loans may be made on a subordinate basis to loans made by the Lender or any other loans or financings provided by other financial institutions or private (non-equity) investors.

Section 1.5. Renewals.

On a limited basis, LLR Loans with less than a twelve (12) month term may be considered for renewal in the event the Borrower encounters a hardship and Lender agrees to renewal or restructuring. In the event that a LLR Loan is renewed, and the total amount to be covered under the LLR Fund Program does not exceed the covered amount of the loan as previously enrolled, the loan, as renewed, may continue as a LLR Loan.

## **ARTICLE II REPRESENTATIONS**

Section 2.1. Representations by the City. With respect to any LLR Loan, the City covenants and represents that, the City has the necessary power, and has duly taken all actions on its part required to authorize, execute and deliver this Agreement. This Agreement when executed will be valid, binding and enforceable in accordance with its terms. The execution and performance of this Agreement by the City will not violate or conflict with any law, regulation, ordinance, or instrument by which the City is bound.

Section 2.2. Representations by the Lender. With respect to any LLR Loan, the Lender makes the following representations and warranties:

- (a) Lender covenants and represents that it is a state chartered bank, validly existing and in good standing under the laws of the State of Georgia, is duly qualified and in good standing to transact business in the State, and possesses all requisite authority, power, licenses, permits and franchises to conduct any and all business contemplated by this Agreement and to accept the duties hereunder and comply with its obligations under the terms of this Agreement. It further certifies, covenants and represents that the execution and delivery and performance of this Agreement by the Lender has been duly authorized by all necessary corporate action.
- (b) The Lender will exercise its standard due diligence in applying underwriting criteria and evaluating underwriting results for purposes of determining whether to make a LLR Loan.
- (c) The Lender will obtain from Borrower representations and warranties customary for a small business loan from Lender.
- (d) Lender is an equal opportunity lender, and in the performance of its duties hereunder, will comply with the applicable non-discrimination provisions of the Civil Rights Act of 1964, and the regulations promulgated thereunder, and Executive Order 11246, Equal Employment Opportunity, and any other applicable federal or state non-discrimination laws, regulations, rules, or orders.
- (e) Lender's services, programs, and activities contemplated under this Agreement are and will continue to be in compliance with the Americans with Disabilities Act (ADA) (42 U.S.C. 12101 et seq.) and the regulations thereunder (28 CFR 35.130), which prohibit discrimination against persons with disabilities, whether directly or through contractual arrangements, in the provision of any aid, benefit, or service. The Lender further certifies that all facilities used by it in the performance of this Agreement comply with State accessibility laws.

### **ARTICLE III DEFAULT AND COLLECTION**

Section 3.1. Default by a Borrower Under the Program. Upon the occurrence of an event of default by the Borrower of a LLR Loan:

- (a) Lender shall copy the City with all default notices to the Borrower; and
- (b) Within ninety days of an event of default on a LLR Loan, the City shall reimburse Lender for the amount of the LLR Loan that is in default, including accrued interest and late fees in a total amount not to exceed \$25,000. City shall receive notice from Lender of any default within sixty days.

Section 3.2. Collection Actions. The Lender shall diligently pursue the collection of all amounts owed by the Borrower under the LLR Loan, even if the loan has been repaid by the LLR. Any proceeds collected by the Lender or such other party designated by the Lender to pursue collection activity against a LLR Borrower in default shall be applied in the following order:

- (a) First, to reimburse Lender for the reasonable costs of any such collection action;
- (b) Second, to pay interest and fees with respect to the LLR Loans; and

- (c) Third, to reimburse the City for the contribution of the LLR Fund against the defaulted principal amount.

Section 3.3. Collection of Loans/Payment of Claims; No Pledge of Faith, Credit, or Taxing Power. In addition to the requirements of Section 3.2 hereof, the Lender agrees to collect loans enrolled under the LLR Program in compliance with all applicable provisions of State, federal and local law, and in a manner consistent with commercially reasonable and customary standards of collecting business loans not enrolled in the LLR Program. Nothing herein contained is intended, nor shall it be construed as requiring the Lender to seek and/or receive a final judgment or otherwise take legal action to collect on any Enrolled Loan prior to seeking payment from the respective Pool.

Subject to the terms and conditions of any subordination agreement executed in writing by the City and the Lender and/or any third party lender, any amounts recovered upon the Borrower's default, either before or after payment on a claim by the City as contemplated herein, are to be distributed on a pro rata basis equal to the City's percentage interest in the total loans made to the Borrower by the Lender and any third party lender, after payment of the reasonable fees and expenses of collection.

The Lender hereby covenants and agrees that the performance of the guarantee obligations in respect of the LLR Loans, as contemplated in this Agreement, shall not be deemed nor are such payment obligations intended to be a pledge of the faith, credit, or taxing power of the City or any component unit or instrumentality thereof or a general obligation of the City. Any assurances, guarantees, or other credit enhancements provided under the LLR Program do not pledge the faith, credit, or taxing power of the City or any component unit or instrumentality thereof, and such enhancements are expressly payable only to the extent of the funds contained in, and subject to the limitations of the City's guarantee obligations made in respect of, the LLR Fund.

Section 3.4. Ownership by Lender of Loan and Terms and Conditions of Loan Documents. The Lender shall be considered for all purposes as the legal and equitable owner of each LLR Loan and all security and documents related to each such LLR Loan. The enrollment of a loan by the Lender in the LLR Program shall not constitute a sale by the Lender to the City of the enrolled loan and related security and related documents, nor an extension of credit by the City to the Lender. The City will not disburse any monies toward the initial funding of any LLR Loan; rather, it will maintain its LLR Fund in an amount sufficient to meet its guaranty obligations with respect to the LLR Program.

Section 3.5. Collateral. The City shall have no legal or equitable interest in any collateral, security, third party guarantees or other right of recovery in connection with any loan enrolled in the LLR Program.

## **ARTICLE IV MISCELLANEOUS**

Section 4.1. Definition of Small Business. With regard to this program a Small Business is defined as set forth in Section 1.1(a).

Section 4.2. Withdrawal from Program. Either Party may withdraw from the LLR Program at any time with prior written notice to the other Party. Such withdrawal shall be applicable on the effective date specified in the written notice of withdrawal, except that such withdrawal shall not apply to any loan which is made on or before the date on which the notice of withdrawal is received by the other Party. Any withdrawals under this Section shall be prospective only and shall not apply to any LLR Loans made prior to the withdrawal.

Section 4.3. Amendments of Agreement. Any amendments to this Agreement must be in writing and agreed upon by the City and Lender.

Section 4.4. Information to City. Within fourteen (14) days of any such request, the Lender shall promptly provide the City with statistical information that will enable it to evaluate the effectiveness of the LLR Program, without disclosing information that could reasonably be considered as confidential by the Borrower of Lender.

Section 4.5. Records Retention and Inspection of Files. The Lender agrees to maintain, for a minimum of three (3) years after the repayment, repurchase or other termination of each LLR Loan adequate books, records, and supporting documents to verify the amounts, recipients, and uses of all disbursements of funds in conjunction with each LLR Loan. The Lender agrees that all books, records, and supporting documents related to each LLR Loan shall be available for review and audit by the City and agrees to cooperate fully with any audit and to provide full access to all relevant materials.

Section 4.6. Compliance with Applicable Law. The Lender and the City shall comply with all applicable State, federal, and local laws, rules and regulations in the performance of this Agreement.

Section 4.7. Limitation of Rights. This Agreement shall be for the exclusive benefit of the Lender and the City, and shall not be construed to give any person other than the parties hereto any legal or equitable right, remedy or claim under or in respect to this Agreement, other than as expressly set forth herein.

Section 4.8. Severability. If any clause, provision or section of this Agreement is held illegal or invalid by any court of competent jurisdiction, the invalidity of such clause, provision or section shall not affect any of the remaining clauses, provisions or sections hereof, and this Agreement shall be construed and enforced as if such illegal or invalid clause, provision or section had not been contained herein.

Section 4.9. Notices. All notices, certificates, requests or other communications hereunder (other than Exhibits and Reports referred to herein, which may be sent via regular mail) shall be sufficiently given when delivered by electronic mail, messenger, by professional courier service or by registered or certified mail postage prepaid, return receipt requested, addressed as follows:

(a) If to the City:

City of Statesboro, Georgia

City of Statesboro  
50 E. Main St  
Statesboro, GA 30458  
Attn: Charles Penny or City Manager  
Email: [Charles.penny@statesboroga.gov](mailto:Charles.penny@statesboroga.gov)

With a copy to:  
Same address  
Attn: Cain Smith or City Attorney  
Email: [cain.smith@statesboroga.gov](mailto:cain.smith@statesboroga.gov)

(b) If to the Lender:

Carver State Bank  
PO Box 2769  
7110 Skidaway Road  
Savannah, GA 31406  
Attn: Claudia Clarke or Senior Loan Officer  
Email: [cclarke@carverstatebank.com](mailto:cclarke@carverstatebank.com)

With a copy to:

Carver State Bank  
PO Box 2769  
7110 Skidaway Road  
Savannah, GA 31406  
Attn: Robert E. James, II  
Email: [rjamesii@carverstatebank.com](mailto:rjamesii@carverstatebank.com)

Section 4.10. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

Section 4.11. Confidentiality. Except as may be required by law, including under the Georgia Open Records Act (and any similar State or federal laws), the City will endeavor to maintain the confidentiality of all information furnished to it (or its designee) hereunder or in connection with any document relative to a LLR Loan, except that the City will have no obligation of confidentiality with respect to information that may be generally available to the public, disclosed pursuant to a court order, or otherwise becomes generally available to the public through no fault of the City. The sharing of information with or providing of information to another agency or authority of the State of Georgia by the City (or its designee) shall not be deemed to violate this undertaking, provided that such agency or authority shall remain bound by the confidentiality provisions contained herein. The City shall be authorized to publicize information regarding all

LLR Loans, including, without limitation, information related to the name of the Borrower, the name of the Lender and the amount of the Enrolled Loan.

Section 4.12. Captions. The captions in this Agreement are for convenience only and in no way limit or describe the scope or intent of any provisions or sections of this Agreement.

Section 4.13. Interpretation, Jurisdiction, and Venue. This Agreement shall be governed and interpreted in accordance with the laws of the State of Georgia. The parties agree that jurisdiction shall be solely in the courts of the State of Georgia and that venue shall be solely in the Superior Court of Bulloch County, Georgia.

Section 4.14. Entire Agreement. This Agreement constitutes the complete understanding of the parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the parties with respect to the subject matter hereof.

[Signatures on separate pages]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized officers as of the date first set out above.

**CITY:**

**CITY OF STATESBORO**

ATTEST:

\_\_\_\_\_

BY: Jonathan McCollar, Mayor

\_\_\_\_\_

BY: Leah Harden, City Clerk

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized officers as of the date first set out above.

**LENDER:**

**CARVER STATE BANK**

ATTEST:

\_\_\_\_\_

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

DATE: \_\_\_\_\_