

**CITY GOVERNMENT
OFFICIAL PROCEEDINGS OF CITY COUNCIL
May 24, 2007
SAVANNAH, GEORGIA**

The regular meeting of Council was held this date at 2:00 P.M. in the Council Chambers of the City Hall. Mayor Johnson asked that we reflect in a moment of silent meditation, followed by the Pledge of Allegiance to the Flag. The minutes from the meeting of May 10, 2007 were approved upon motion of Alderman Thomas, seconded by Alderman Felser, and carried.

PRESENT: Mayor Otis S. Johnson, Presiding
Mayor Pro-Tem Edna B. Jackson
Alderman Tony Thomas, Chairman of Council
Alderman Van Johnson, II, Vice-Chairman of Council, Aldermen Ellis Cook, Clifton Jones, Jeff Felser, Mary Osborne and Kenneth Sadler

City Manager Michael B. Brown
City Attorney James B. Blackburn
Asst. City Attorneys William W. Shearouse and Lester B. Johnson, III

Alderman Johnson reported that Council held an Executive Session this morning concerning personnel and held an Executive Session this afternoon for the purpose of discussing litigation. Upon motion of Alderman Johnson seconded by Alderman Felser and carried, Mayor Johnson was authorized to sign the affidavits. (**SEE "RESOLUTIONS"**).

Mayor Johnson reported that in the morning Executive Session, Council evaluated the City Manager and it is their consensus that he has done an outstanding job during the year. Council decided to make certain recommendations in terms of the City Manager's compensation. Mayor Johnson entertained a motion to authorize establishing a new salary of \$180,000 a year and a \$550 monthly automobile allowance for the City Manager. Alderman Thomas moved for approval of the new salary and monthly car allowance for the City Manager. This was seconded by Alderman Felser and carried.

PRESENTATIONS

Alderman Jackson reported that a couple weeks ago, the MS Massdam Cruise Ship came to the port of the City of Savannah. All the tourists disembarked in our city. She met the captain and other staff members of the ship. She presented to Mayor Johnson a replica of the Massdam. The ship's crew looks forward to coming back to the City of Savannah in October, 2007. They are hopeful that in the future Savannah will be a place of destination for people to embark and also that the passengers traveling from Florida and Canada come here and tour our gracious city. Mayor Johnson thanked Alderman Jackson for representing the City of Savannah during the ship's visit to our city.

Alderman Thomas reported that last week he had an opportunity to attend the EOA's luncheon along with Alderman Osborne. The City of Savannah was presented the Harley C. "Nippy" Morrison Super Senior Supporter Award. We get to keep the ward for one year. On behalf of EOA, Alderman Thomas presented the award to Mayor Johnson. The City has won the award in the past and we are happy to win it again this year. Alderman Jackson stated she believes this is very befitting because Nippy Morrison was a member of City Council. She believes Mr. Morrison was a part of the first integrated City Council in Savannah. Mayor Johnson was appreciative that the City received the award this year and thanked Aldermen Thomas and Osborne for representing the City.

REPORTS

J. Edward Gamble, III - Petition 11240, requests that the City quit claim a portion of unopened Reynolds Street adjacent to his property at 410 Stephenson Avenue (PIN 2-0145-05-005). The 60-foot right-of-way extends approximately 230 feet north of Stephenson Avenue and dead-ends at the former Mosby Street right-of-way, which is now private property. Mr. Gamble wants to enlarge the parking area for Gamble Funeral Service, Inc. and is requesting that the City sell him a portion of the unopened street.

Mr. Gamble previously petitioned to purchase the entire right-of-way. That request conflicted with the City's potential need for the right-of-way for stormwater management. He is now requesting that the City sell him only the eastern 10 feet of the right-of-way. Mr. Gamble has offered to pay \$12.00 per square foot which is the value assigned to his adjacent property by the Chatham County Tax Assessor.

Sanitation, Water and Sewer, Facilities Maintenance and Development Services do not object to petition. Facilities Maintenance is satisfied with the City's retention of the western 50 feet of the existing right-of-way. Development Services notes the presence of a power pole within the requested area. If the property is quit-claimed, the petitioner must reach a satisfactory agreement with Georgia Power for access to their equipment.

City Manager Brown explained that Mr. Gamble is requesting to quit claim a piece of an unopened right-of-way which the city does not have use for that runs north/south and abuts Stephenson Avenue on the western edge of his property. The entire right-of-way is approximately 60 feet. He believes it is the petitioner's intent to expand their parking facilities on this unopened end and a portion of the right of way is needed. City Manager Brown believed this has been reviewed and Mr. Gamble has been asking for this. The City Manager recommended approval of the petitioner's request now that the drainage issue has been resolved.

Upon motion of Alderman Thomas, seconded by Alderman Sadler and carried, approved to quit claim the east 10 feet of unopened Reynolds Street adjacent to 410 Stephenson Avenue for the assessed value of \$12.00 per square foot subject to the petitioner reaching a satisfactory agreement with

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Georgia Power regarding access to the utility pole within the right-of-way.

J. Craig Adams, Attorney for V. Berry Construction - Petition 11267, requesting a Quit Claim Deed for the real property known as 0 Mell Street (PIN 2-0023-09-032) and legally described as the west one-half of Lot 4, Block D, Brantley Ward. **REPORT: Recommend approval. The petitioner took title to the property by way of a Warranty Deed dated April 16, 2007 and has paid all taxes and fees due the City.**

City Manager Brown explained that the petitioner is requesting to redeem property at 0 Mell Street. The taxes have been paid. Upon motion of Alderman Felser, seconded by Alderman Jackson and carried, this item was approved. (SEE "RESOLUTIONS").

LEGISLATIVE REPORTS

As advertised, the following alcoholic license petition was heard. No one appeared in objection to the issuance of the license and upon motion of Alderman Felser, seconded by Alderman Jackson and carried, it was approved:

Viren Kumar R. Patel t/a Jay Ram LLC, requesting to transfer a beer and wine (package) license from Brijesh Patel t/a Jay Ram LLC at 3207 Waters Avenue.

As advertised, hearing was held on the petition of **Clarence W. Maxwell t/a Mr. Wonderful Lounge**, requesting a liquor, beer and wine (drink w/Sunday sales) license at 2416 Montgomery Street.

City Manager Brown reported that this location had a license last year under another operator. He believed the license was revoked by the state because of a tax issue. Today, they are presented with an issue having to do with should they grant or not grant a license to Mr. Maxwell. They have reviewed Mr. Maxwell's background to see if he is eligible to receive the alcoholic license and he is eligible. There has not been an alcoholic license operator at this location in six months. There have been prior issues and problems at this location. He believed that meetings were held with the prior operator, but a show cause hearing was not held. City Manager Brown said the reason for his recommendation which is that there is no basis for denying the current applicant provided that he demonstrates his complete willingness and ability to implement acceptable plans for managing the establishment to include a plan for security inside and outside of the establishment; no underage drinking; no "to go cups;" no loitering and drinking on the blockface outside of the establishment or in the parked vehicles; litter control; and compliance with occupancy limits. Mr. Brown said that during the Pre-Council meeting some concerns were expressed about would everyone be subject to these kinds of requirements and that they should be. He only recommended these requirements so that there would be explicit acknowledgement of all present that these requirements would be adhered to. Therefore, he recommends approval,

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but subject to these conditions with a clear set of operating requirements. He said that Alderman Osborne stipulated that boundaries need to be clear for the various areas that loitering would not be allowed. The City Manager recommended approval subject to the applicant accepting and adhering to these requirements. Alderman Felser said he wanted to clarify a question to the City Manager. He said he suggested, but did not know if the City Manager accepted, to change the six months review to an across the board policy. City Manager Brown explained that Alderman Felser was correct and what he intended was a formal review as of six months. He agreed, however, that in this location and in fact in all locations they are trying to work with the captains in the precincts that they would continuously monitor the establishments. It has been requested that he prepare threshold issues for show cause hearings and he will do so, but on this particular location and the others, they need to have continual monitoring. City Manager Brown believes it needs to be a 90 day formal review. Alderman Osborne said during their discussion, they said as the guidelines are established, they need to be applicable to everyone that comes before them. Alderman Clifton Jones believed this included the "to go cups" as well. He believes they need to revisit the "to go cups" issue. Mayor Johnson stated that Council can revisit any issue at anytime they see fit to do so. If they want to review the "to go cup" issue, they will have a workshop. Alderman Jones said he was requesting that they have a workshop on the "to go cup" issue, but this can wait. However, since they were discussing it, he just wanted them at some point to address the "to go cup" issue. Alderman Thomas said he raised the issue about something in writing on the requirements and just wanted to be sure that this was in the records.

Mayor Johnson explained that the hearing would begin with the persons who oppose the issuance of the license. He made a statement that it has come to his knowledge that certain comments have been made about members of Council and he did not want a repeat of this.

Mr. Kevin Beckwith came forward and stated that he moved to 409 West 41st Street in April 2004. He met his wife in this neighborhood. Mr. Beckwith thanked Mayor Johnson and City Council for the outstanding job they have done in helping to further the progress in Savannah. They believe in Council first and foremost. He wanted to especially thank everybody in the Police Department who has worked hard to help to provide them with safety in a challenging and difficult area. Mr. Beckwith said the substance of his objection and the ones who live on his street is that there has been more than 80 arrests in the last six (6) months within four blocks of their neighborhood and at the location that Council is considering approving an application. He said the city statutes state that a liquor license cannot be issued when there is evidence of substantial number of incidences requiring police intervention. But in spite of the fact that they have had 80 arrests and more than 180 police reports have been written in their area, he believes qualify them as a high crime area. There was more than twice this number of arrests in this area the last time the club was open in a comfortable period. Mr. Beckwith said they ask the

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citizens to vote for those who vote for their safety. He said he was begging Council not to reopen the doors to late night liquor by the drink service. They are tired of seeing bloody people, shootings, drug dealings and prostitution. The store has been closed and they are finally feeling safer. They support Mr. Maxwell's right to have a good business here, but they don't want the liquor license to be approved.

Ms. Sara Georgidis resides at 502 East 40th Street came forward and said she spoke during the hearing of Club Exclusive. There were some conditions similar to the recommended conditions for Mr. Wonderful which were imposed. As far as the neighbors who are here everyday can see when the club is open, loitering is still here, people are still outside with drinks and no visible signs of security. Mayor Johnson asked Ms. Georgidis if she was talking about Mr. Wonderful. She replied that she was saying if these conditions are imposed who will make sure that the owners of these clubs do what is imposed. The owners of these clubs may come before Council and agree to do so, but they don't actually do it. She has not seen any enforcement other than a little sign installed the first day after the hearing. Other than this, it is still the same. She wanted to know if someone is checking to see if they are complying with what was asked of them at the hearing. Mayor Johnson asked the City Manager to respond to this question. City Manager Brown stated the captains have the responsibility of carrying this out as well as there is an alcoholic beverage team that includes fire, police and revenue. They all review these locations. He did not know if Chief Lovett had information on this location, but they do check. Mr. Brown did not know if this establishment has been followed up to the letter, but he will ensure that they have followed up as required. He has not heard any reports to the contrary. Maybe Mr. Clay can add to this because he is a part of the team with the Revenue Department. Mr. Clay came forward and said he would be happy to state the issue. He said regarding Ms. Georgidis's comments, he has had frequent contacts with Lt. Riley of the Intelligence area of the central precinct. Mr. Clay said he has had three meetings; one on premises and two in his office to discuss progress at this location. He knew that from the on site visits by the fire marshals regarding the occupancy since this business has reopened that it has had less night business and quite frankly is not doing well financially. Mr. Clay said they have been monitoring the situation at Club Exclusive and could report that there was one incident that Lt. Riley was concerned that the security people were not using the wands. He met with the owners and told them that they must abide by the security rules. Mayor Johnson said they were not reviewing the site Mr. Clay was speaking of but another site. Therefore, they will stay focus on what they are supposed to be discussing now and not get detracted from it. Ms. Georgidis said she was talking about the things that are required and then the club owners say yes they will do them. Mayor Johnson said that Mr. Clay just reported that he is doing his job. Ms. Georgidis said she is here everyday and see people loitering, see them with drinks in their hands and see the fights. Mayor Johnson told her to call the police and then Council will hold the police accountable. Alderman Johnson said his question deals with

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the City Manager's recommendation that there is no basis for denying the application because the applicant proves himself fit for the license. He asked the City Attorney what the basis are just for review that Council can deny someone a license. City Attorney Blackburn said the City's alcoholic beverage code provides for a public hearing prior to the granting of a license. If there are grounds or reasons to deny a license, evidence has to be presented and not just opinions. The specific grounds must be given in writing for the possibility of denial. The applicant must be given an opportunity to respond. City Attorney Blackburn explained that this is the reason he generally says that Council can listen to it but in making a decision, there has to be evidence rather than just general opinion as to how things are being operated. If the public wishes to make specific allegations, then the proper thing for Council to do if they feel the allegations have merit, would be to give notice to have a formal hearing where the applicant could respond and witnesses could come under oath as a show cause hearing. Alderman Johnson stated that ultimately the issues surrounding the matter would come up during the show cause hearing as a part of the City Manager's investigation. City Attorney Blackburn confirmed that Alderman Johnson's statement was correct.

Ms. Cassie Beckwith of 409 West 41st Street came forward and stated that it was hard not to get emotional about the subject. She has lived in this neighborhood for four (4) years and has physical evidence of what she has seen six nights a week. Ms. Beckwith said she has seen fights, persons urinating on their front steps, being called names and litter in their front yards. She did not know what other evidence would be needed other than going door-to-door and saying, "how do you feel about this?" What is your personal experience about this? They have video tapes of fights at Mr. Wonderful. She has collected bags of trash that she has seen people coming from the Club and throwing it on her front yard. Ms. Beckwith said she was not sure what other evidence Council needs besides people coming to them and telling them what they see. They call the police five nights a week, maybe two or three times a night. She has no doubt that Mr. Maxwell has every intention to do well for his establishment, but there is a certain point to what he can do for the people that come to that club and walk out those doors. Mr. Maxwell can say he will pick up the litter and she does not doubt it, but they have lived with the litter for the last four years. This is not a personal attack but is a safety reason that this club should not be opened. This is a residential neighborhood and has three churches at the end of the block. An elementary school is two blocks away. Ms. Beckwith stated again that she was not sure of what other evidence Council wanted them to bring, but within the next six months they will definitely try to record additional information if the request is approved. They may drive by the club one minute and it may be fine, but they see the problems on a daily basis. They say that in six months it will be checked to see how it is going. Alderman Felser said it would be reviewed in 90 days. Ms. Beckwith stated it has been said it will be reviewed in 90 days, but they should put somebody here to live on this block for 90 days. This is not a drive-by moment, but a live in thing that they go through everyday. Alderman Osborne stated that Ms.

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Beckwith indicated that for the past four years she has lived in this neighborhood. It is her clear understanding that Clarence Maxwell did not operate the establishment during this period. She asked Ms. Beckwith if this was correct. Ms. Beckwith acknowledged that Mr. Maxwell was not the operator during the time. Mr. Beckwith stated that he believes the proof that relates to the City's statute and code regarding liquor licensing lie in the incident and arrest reports that clearly signify that they are in a high crime area. Their allies in the police have stated clearly that it is not just the location of the club, but the cover that the surrounding three or four blocks provide for all of the prostitution and drug dealers in the area. This is the reason why this has nothing in their opinion to do with Mr. Maxwell. This is only about the location. It negates any possibility that anything can be done at that club which will remove that cover. He did not want to get any of the police officers in trouble who said this to their faces, but it has been said in record meetings with other people in attendance. Everybody in their neighborhood, every patrol officer and everybody who is responsible for crime in the area knows this. Therefore, it is unconceivable for them to understand that the executives of the city and to a certain extent some of the executive leadership of the police would disagree with this. Alderman Clifton Jones asked Mr. Beckwith that when the police officers arrive at this location are they making arrests based on some of the things he has reported or are they passing it by. In an answer to Alderman Jones's question, Mr. Beckwith said that the first six or eight months he lived here he did not call that much because he did not believe that he should just come in an act like he ran the place. He just quietly observed. The reason Council does not know him is because he has been working behind the scenes with the police through the system. Alderman Jones asked Mr. Beckwith if the police was making arrests. Mr. Beckwith said the first 100 calls that he made to 9-1-1, they got 100 responses from the police and not a single report was written in spite of repeated requests to actually have the police write reports. He said they were given every reason in the world why they could not, but this was before the current police administration. However, things in the last 60 to 90 days from an enforcement standpoint have improved substantially. He did not know if this would be the case anymore, but this is the way it has been over the last couple of years. The statistics have nothing to do with the reality. Alderman Jones said in his opinion, normally if a police is called to the scene of any violation, there is a good chance that someone would be arrested. This is what he is trying to get Mr. Beckwith to say. If the police are being called 100 times and no arrests are made, something could be wrong. This is what Alderman Jones did not understand. Mr. Beckwith replied that when you are lying in bed at night and things in your bedroom are vibrating because of the noise is a quality of life issue. They call the police and when the police come, they are told that they cannot call 9-1-1 for this and the precinct needs to be called. When they call the precinct, they are told that it is not really a crime and there is nothing they can do. He said they ask the precinct to write a report on this because this happens every night and they want it fixed. But, nobody will write a report. Mr. Beckwith said he has been through this

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process multiple times. However, noise is the least of their problems. It is really the surrounding environment of crime. Their area has been largely considered the red light district. They have a problem with liquor by the drink until 2:00 in the morning and acting as a magnet for everybody to come to the red light district to bring in prostitutes and deal drugs. This does not have anything to do with the operation of the club itself. When crime has gone down, they invite anybody to reconsider this, but City statute seems to suggest that where the incident of crime is high, City Council will not approve a license for an area such as this. He asked how their area could be anymore crime ridden. Mayor Johnson told Mr. Beckwith that his interpretation must be different from the City Attorney's interpretation. Everybody has their right to interpret the law the way they want, but Council has to make a decision based on the advice that the City Attorney gives to them. This is what they will do today. Mr. Beckwith stated that they would like for this issue to be continued so they can have a discussion with the City Attorney regarding this matter. Alderman Osborne said the three people hired by City Council are the City Manager, City Attorney and the Clerk of Council. Council relies solely on the legal opinions offered by the City Attorney. Mr. Blackburn has been the City Attorney long before some of them were born and has done well by this city. Mr. Blackburn is very objective. She believes that if an ordinance needs to be changed, they would change it, but the rules must be applied across the board. As they have been instructed today, there is nothing prohibiting the issuance of this license. Alderman Osborne said one of the things she wants them to be cognizant of is that this issue has come up before. She believed Mr. Beckwith was talking about the blocks between Montgomery and Jefferson Streets. Mr. Beckwith stated these blocks as well as between Montgomery Street and Martin Luther King, Jr. Blvd. Alderman Osborne wanted to know to what extent and boundaries Mr. Maxwell would be responsible for with regards to people's behavior. She knew that Mr. Beckwith could not speak to this, but Council has the boundaries that Mr. Maxwell is responsible for. She can ride down Price Street and see people throwing litter out of their cars onto the park and the like. Would she be responsible for this? The rules must be applied evenly and they must be clear about it. Mr. Beckwith said he agrees with Alderman Osborne and the only thing he could tell her is that the statistics on the reduction of crimes which freezes up resources of their police to operate more effectively in the area are overwhelming. There is not a category where crime has not been reduced by 40 percent since the club closed. They have gone over these numbers and it is very clear cut. He said they ask Council to vote for their safety. It was a living hell here when the club was open. Alderman Jackson asked Mr. Beckwith if he was present at the meeting on last evening. Mr. Beckwith asked Alderman Jackson if she was referring to the Thomas Square meeting. Alderman Jackson told him that it was brought to her attention via a telephone call that on last evening a statement was made that she along with Alderman Osborne frequent bars. Mr. Beckwith injected no. Alderman Jackson said not only was she told this, but that the Mayor, Alderman Osborne and she are friends with the owner of the bar. She does not know the owner of the club and does not

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know if Mr. Beckwith or anyone said this, but whoever said this it is a liar. Secondly, whoever said it defamed her character in making comments that they were not aware of. If Mr. Beckwith or someone else had said this 30 years ago, it would be true because she did go to bars during that period because she was much younger. However, as of this day, that interest has gone away. Alderman Jackson said they have served this community well, but to defame their character in a meeting and to say what they are going to do when no one knows and to say that they are friends of people when they don't even know the people is an injustice to all of them. When she heard this, she thought it is the lowest of a person to try to get votes and to get a decision made based on how that person may feel about something. She is terribly upset about this; members of the community called and told her that this is the information that was given out. This is disrespectful, it is not true and it is something that they have never had in this community in order to use as scare tactics to get people to come to a meeting to oppose something that they don't even know where Council is standing with it. Alderman Jackson said she does not know if Mr. Beckwith said this or who said it, but whoever said it she wants them to know that she is insulted. At first she wanted to call the City Attorney to see if she could file a suit for this because her character was questioned on this particular issue. Mr. Beckwith apologized that Alderman Jackson was upset about the issue. He said that Alderman Jackson's sources are mistaken. However, it has been said commonly in the neighborhood that there are friends among Council and he has not brought up any of that information. Alderman Jackson stated that she did not say Mr. Beckwith said this, but what she said is that three names were called and her name was one of the three. Alderman Osborne said she knows Mr. Maxwell quite well. Mr. Maxwell has been a good friend to this community. He has supported causes such as providing uniforms and equipment to little league teams and has provided more than \$2,000 to support the Interfaith Interracial movement with regards to their program on the struggles of civil rights in Savannah over the last 50 years. She said that Mr. Maxwell has done many good things for many people and will be the last person to come here and say what good he has done in this community. Mr. Maxwell is her friend and she is proud of it. Alderman Jones said as soon as a motion is made he will vote on this issue not based on friendship or anything else. He wanted it known that Mr. Maxwell and he grew up together. He has known him for a long time, but to him this is not about friendship. It is about the law and the ordinance that Council is guided by. Mr. Beckwith injected that he did not understand why this is an issue because frankly he did not bring this up. Alderman Johnson stated that he does not know Mr. Maxwell. He asked Mr. Beckwith to give Council a legal reason, with evidence submitted through the City Manager by which they should deny the license. Secondly, he wanted to know if it was possible that the decrease in crime over the last four years, the club was here before Mr. Beckwith came here, has declined because of better policing in the area as opposed to the club being closed in the area. Mr. Beckwith answered that he believes they go hand-in-hand. He believes the fact that the club has closed has provided much more resources for the police to be proactive and they seem much more effective in their

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area now than they did when the club was open. However, he cannot answer rather one or the other is responsible. All he knows is that there have been several hundred fewer incidences requiring the police here. Accidents and citations are down 72 percent in their area for the last four months. It is overwhelming of the difference of open and close. They have 36 students on their street who all are in finals now. They have four local residents and their African-American residents have told him that personally they are afraid of coming down here because of pure retribution. Mayor Johnson stated that this is getting out of hand. He has been to this club; he has been to Mr. Maxwell's club on Bull Street; he goes to clubs. He is elected by all the people, he stays in contact as much as he can with all the people. He goes to the First City Club, the Chatham Club and to all with the exception of the Oglethorpe Club. He has not been to the Yacht Club. Mayor Johnson said he will continue to go these clubs. However, he wanted it known that he can be totally objective when the times come to take a vote and he is sitting in this seat. He believes the statement was made yesterday about the Council members because too many sources heard it. People called everybody that was involved in this. Mayor Johnson stated that if Mr. Maxwell gets this license he will probably go to the club. He has also been consistent in his position with the controversial clubs. Council grants a license as a privilege. If someone does not do what they should do as the holder of the license and come back before Council, don't expect any sympathy from him; he has been consistent with that message and this is the message he has today should they get a majority vote on this issue. Alderman Thomas said he does not know Mr. Maxwell. He was glad that Mayor Johnson clarified that he goes to clubs because he, too, goes to clubs. There are some legal repercussions involved in this. Alderman Thomas believed that there is no basis for denying this license. However, there is evidence that the prior operation of the club caused excessive problems in this area. He wanted to bring up a couple of other clubs that have had problem. Club Ice had almost 70 calls for service based on a memo he received from Chief Lovett. This club is in his district and Council never did anything about it although people were complaining. The citizens were saying the same thing then that the citizens are saying today. Council just completed a hearing on Club Oz. It was reported that Club Oz had 220 calls for service, but they attributed 156 calls for service to this location on Indian Street. City Council was going to be looking at it closely then and it became 156 calls for service. Alderman Thomas said his issue with this is the same as the citizen who said who is going to enforce it; who is going to make sure that they are doing this? They can put anything in the world in a document and say this is what they expect, but unless they are consistently going there and checking on it to make sure that these are being followed, they are doing more damage to the quality of life to those neighborhoods than the clubs as they are not following what they are telling the people they will do. As he has said he does not know Mr. Maxwell. Therefore, he has to hear what everyone else says and it sounds like Mr. Maxwell does a lot of good things. From what he has heard, it appears that Mr. Maxwell will be a responsible owner, but if he becomes an irresponsible owner does City Council have the backbone to

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go in and have him come in for a show cause hearing and strip him of the license which is the privilege that Council grants him. Mayor Johnson told Alderman Thomas that he heard what he said. It is the responsibility of the City Manager through the Police Department and the Revenue Department to monitor the establishments. As members of Council, they do not monitor the establishments. Therefore, the question should not be left out there to say City Council as they have had show cause hearings before and revoked licenses. Council has had show cause hearings and has given people second chances and they have not come back. This is Council's role. The role that they are talking about now has already been made clear and they have also asked that the City Manager come up with criteria that would clearly outline what would trigger a show cause hearing and the City Manager has agreed to do this. Mayor Johnson wanted them to act now on this particular license and expect the City Manager, who supervises the Police Chief, to come up with what has been asked for. A part of this is a police issue. If you know you have a trouble neighborhood, you do something about that in terms of police enforcement. They can blame and hold accountable owners of these establishments for whatever they define as their area of responsibility, but the discussion they have had today goes far beyond what an owner of an establishment in that neighborhood should be accountable for. Therefore, it becomes a police issue. He wanted the issues to be kept clear. They are here today to talk about the worthiness of Mr. Maxwell to receive the license and Council's expectations of him to do what they expect of him as a holder of the license. Council then needs a separate discussion about the problems in this neighborhood, which is a police issue. Alderman Thomas stated that he wanted to be clear as he understood Council's role. However, City Council is the elected voice of the people and when residents have problems, they contact their Aldermen, Aldermen At-Large, and Mayor. It should be incumbent upon them to do everything they can when they are granting these privileges; not specifically to Mr. Maxwell, but to everyone that gets an alcohol license that Council is doing everything it can to put that public trust out there that they are willing to protect that neighborhood and get the issues arise. This is why he requested that they have some type of written documentation so they will no longer have to deal with somebody coming before them with 156 calls for service or have to deal with phone calls that 70 calls for service generated. Mayor Johnson said two discussions have been merged and he is trying to decouple them. They are here to talk about Mr. Maxwell's worthiness to receive the license. What they have gotten into is what the city is or is not doing and a separate discussion about this need to be held with the City Manager. Alderman Thomas asked Mayor Johnson when he wants to have the discussion with the City Manager. Mayor Johnson stated anytime Council wants to have it, but don't merge the two discussions today. Alderman Felser stated that he agreed with Mayor Johnson in total respect; two issues have been outlined and they must be decoupled. One is a policy issue to be discussed at a later date when cooler heads prevail. The one in front of them today is a legal issue as to whether or not the license should be given. Alderman Felser said he knows Mr. Beckwith and he has said that he has allies on the police force, yet no evidence has been presented to Council from

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police officers today. He does not know Mr. Maxwell. He is a member of the IIC and is totally objective, but based on the legal evidence and the City Manager's recommendation that there is no basis for denying the application is the issue before City Council. Alderman Johnson believed some persons were present who wanted to speak in favor of the request. Mayor Johnson said the persons present in support of this request already have the City Manager's recommendation in their favor. Alderman Johnson moved to close the public hearing. This was seconded by Alderman Osborne and carried. Alderman Sadler said he wanted to hear from Mr. Maxwell. Alderman Osborne injected that the public hearing has been closed. Mayor Johnson stated that if Mr. Maxwell is going to get the license, he will have to agree to the conditions as outlined by the City Manager. Alderman Clifton Jones moved for approval of the City Manager's recommendation. This was seconded by Alderman Osborne. The motion carried for approval of the recommendation by the City Manager with a three months review 8 to 1. **Voting in favor of the motion were Mayor Johnson, Aldermen Osborne, Felser, Johnson, Jackson, Sadler, Clifton Jones and Cook. Voting against the motion was Alderman Thomas.**

Continued from the meeting of May 10, 2007, hearing was held on the petition of **Whip Morrison Triplett t/a NP Savannah Midtown, LLC d/b/a Hilton Garden Inn Midtown Savannah**, requesting a liquor, beer and wine (package and drink w/Sunday sales) license at 5711 Abercorn Street.

City Manager Brown recommended approval of the license application after holding the zoning hearing.

Upon hearing the zoning request, closing and approval to rezone the property from its existing R-I-P zoning classification to a B-C zoning classification, the alcoholic beverage petition was approved upon motion of Alderman Thomas, seconded by Alderman Felser and carried. **(SEE "ZONING HEARINGS")**.

ZONING HEARINGS

As advertised, hearing was held on the petition of **Harold Yellin and Timothy R. Walmsley, Agents, NP Savannah Midtown, LLC, Owners (Z-070329-28744-2)**, requesting to rezone 5711 Abercorn Street from R-I-P (Residential Institutional Professional) to B-C (Community Business). The Metropolitan Planning Commission recommends approval because the proposed B-C zoning is consistent with the City's Future Land Use Plan and is an extension of an existing adjacent zoning district. Recommend approval.

Mr. Jim Hansen of the Metropolitan Planning Commission came forward and gave the briefing for the rezoning request. The property is located between Abercorn Street and White Bluff Road north of Johnston Street. The request is to rezone the property from its existing R-I-P

zoning classification to a B-C zoning classification. The site is approximately 3.16 acres and its current usage is and will continue to be two hotels. The hotels were recently constructed. It was only after the applicant sought a liquor license from the city that it was determined that this zoning district did not allow the license the applicant sought. Thus, the request for the rezoning was made. Mr. Hansen reported that the staff and MPC recommend approval of the rezoning from an R-I-P to a B-C zoning classification. Mayor Johnson entertained comments from persons wanting to speak in opposition to this rezoning request. No one came forward. Alderman Cook moved for approval of the City Manager's recommendation. This was seconded by Alderman Osborne and carried. Alderman Sadler said the petitioner has requested that the first and second readings be held today. Council did not have an objection to both readings being held today. (SEE "ORDINANCES")

ORDINANCES

First and Second Readings

Ordinance read for the first time in Council, May 24, read a second time, May 24, 2007, placed upon its passage, adopted and approved May 24, 2007 upon motion of Alderman Cook, seconded by Alderman Clifton Jones and carried.

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM ITS PRESENT B-C ZONING CLASSIFICATION TO A B-C-1 ZONING CLASSIFICATION; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in a regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: The following described property be rezoned from its present B-C zoning classification to B-C-1 zoning classification:

LEGAL DESCRIPTION

Beginning at a point located on the centerline of West Harris Street approximately 57 feet west of its intersection with the centerline of Jefferson Street, thence proceeding westerly along the centerline of West Harris Street a distance of approximately 40 feet to a point, thence southerly along a line parallel to the centerline of Jefferson Street a distance of approximately 87 feet to a point thence easterly along a line South 71 degrees, 27 minutes East a distance of approximately 101 feet to a point on the centerline of Jefferson Street, thence northerly along the centerline of Jefferson Street a distance of approximately 37 feet to a point, thence westerly along a line North 73 degrees 48 minutes West for a distance of approximately 57 feet to a point, thence northerly along a line parallel to the centerline of Jefferson Street back to the point of beginning.

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The property is further identified by Property Identification Number as follows:

P.I.N.: 2-0031-20-01

SECTION 2: That the requirements of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the **Savannah Morning News**, on the **18th day of April 2007**, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED MAY 24, 2007

MPC FILE NO. Z-070316-42685-2

Ordinance read for the first time in Council, May 24, read a second time, May 24, 2007, placed upon its passage, adopted and approved May 24, 2007 upon motion of Alderman Cook, seconded by Alderman Clifton Jones and carried.

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM ITS PRESENT B-C ZONING CLASSIFICATION TO A B-C-1 ZONING CLASSIFICATION; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in a regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: The following described property be rezoned from its present B-C zoning classification to B-C-1 zoning classification:

LEGAL DESCRIPTION

beginning on a point located at the intersection of the centerline of West Harris Street and Montgomery Street, thence proceeding westerly along the centerline of West Harris Street a distance of approximately 193 feet to a point, thence in a southerly direction along a line South 19 degrees 17 minutes West a distance of approximately 105 feet to a point, thence easterly along a line South 73 degrees 06 minutes East to its intersection with the centerline of Montgomery Street, thence northerly along the centerline of Montgomery Street back to the point of beginning.

The property is further identified by Property Identification Number as follows:

P.I.N.: 2-0031-19-001

SECTION 2: That the requirements of Section 8-3182(f) (2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning

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amendment, said notice being published in the Savannah Morning News, on the 18th day of April 2007, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED MAY 24, 2007

MPC FILE NO. Z-070316-41752-2

Ordinance read for the first time in Council, May 24, 2007, read a second time, May 24, 2007, placed upon its passage, adopted and approved May 24, 2007 upon motion of Alderman Sadler, seconded by Alderman Jackson and carried.

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM ITS PRESENT R-I-P ZONING CLASSIFICATION TO A B-C ZONING CLASSIFICATION; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in a regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: The following described property be rezoned from its present R-I-P zoning classification to a B-C zoning classification:

LEGAL DESCRIPTION

Beginning on a point located at the intersection of the centerline of Johnston Street and Abercorn Street thence proceeding in a westerly direction along the centerline of Johnston Street a distance of approximately 627 feet to a point, thence in a northerly direction along a line parallel to the centerline of White Bluff Road a distance of approximately 84 feet to a point, thence westerly along a line parallel to the centerline of Johnston Street to its intersection with the centerline of White Bluff Road, thence northerly along the centerline of White Bluff Road a distance of approximately 164 feet to a point, thence easterly along a line parallel to the centerline of Janet Drive for a distance of approximately 449 feet to a point, thence southerly along a line parallel to the centerline of Abercorn Street a distance of approximately 100 feet to a point, thence in an easterly direction along a line parallel to the centerline of Janet Drive to its intersection with the centerline of Abercorn Street, thence southerly along the centerline of Abercorn Street back to the point of beginning.

The property is further identified by the Property Identification Number as follows:

P.I.N.: 2-0130-02-002

SECTION 2: That the requirements of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property

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right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News, on the 30th day of April 2007, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPPROVED MAY 24, 2007

MPC FILE NO.:Z-070329-28744-2

Ordinance read for the first time in Council, May 24, read a second time, May 24, 2007, placed upon its passage, adopted and approved May 24, 2007 upon motion of Alderman Cook, seconded by Alderman Clifton Jones and carried.

AN ORDINANCE TO AMEND APPENDIX I, SECTION 227 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) PERTAINING TO SECTION 7-1121 OF SAID CODE TO PROVIDE THAT TRAFFIC CONTROL SIGNS SHALL BE ERECTED AT THE WITHIN INTERSECTIONS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: That Appendix I, Section 227 of the Code of the City of Savannah, Georgia (2003), pertaining to Section 7-1121 of said Code, as amended shall be amended by adding thereto the following:

ENACT

AMEND SECTION 227, TRAFFIC CONTROL SIGNS TO INCLUDE

48TH Street SHALL STOP for Atlantic Avenue (east and west intersections.)

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED: MAY 24, 2007

RESOLUTIONS

Mayor Johnson reported that several weeks ago they had a discussion about the involvement of the government of Savannah in the slave trade. After this discussion, they agreed that they would develop a resolution stating their concerns about the issue and that after the passage of the resolution, Council would have no further public comment as an official body on this issue. Alderman Jackson believed it is appropriate that they take this action at this time. The resolution addresses every segment and historical factor and what City Council is about in moving the City of Savannah forward in realizing that there was a dark time in our past. For the record, Mayor Johnson read the following resolution:

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A RESOLUTION CONCERNING SLAVERY AND THE MUNICIPAL GOVERNMENT OF SAVANNAH

WHEREAS, Over 4,000,000 Africans and their descendants were held in involuntary servitude in the United States and the 13 American colonies between 1619 and 1865; and

WHEREAS, The Charter for the Colony of Georgia expressly prohibited the institution of slavery in the thirteenth colony; and

WHEREAS, Creating Savannah, the first settlement in the colony in 1733, required the clearing of forest and the erection of buildings and fortifications which were very labor intensive leading to the immediate violation of the prohibition against slavery in the colony and the revocation of the ban in 1750; and

WHEREAS, Africans and people of color were considered property and not equal citizens; although slave labor was the backbone of the economic base of Savannah and Georgia; and

WHEREAS, Georgia followed Virginia as the second largest slaveholder, with an estimated 462,198 slaves; more than the general population of the state; and

WHEREAS, There was slavery in Savannah long before a city government was created in 1789; and

WHEREAS, Historical records reveal that the Savannah City Council enacted slave ordinances, purchased slaves and oversaw the use of slave labor for public works, with some members of Council personally owning slaves; and

WHEREAS, Under the Savannah slave codes, persons held in involuntary servitude were not permitted to own property, be educated, raise a family, have economic freedom or move about without permission; and

WHEREAS, Savannah City Council obtained revenue from slavery by levying a fee tax for slaves and free people of color to obtain badges to identify them as fines could be levied to slave owners and the slaves sentenced to 39 lashes if he or she was found guilty of not wearing a badge, selling and moving about without permission; and

WHEREAS, Slavery was officially abolished with the passage of the 13th Amendment to the United States Constitution but was followed by "Jim Crow" laws enacted to create a rigid "separate but equal" segregation system that discriminated against non-whites in all areas of life; and

WHEREAS, In 1954 the United States Supreme Court declared segregation unlawful in the *Brown vs. Board of Education*; and

WHEREAS, The Civil Rights Movement, the passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act led to the end of "Jim Crow" laws and systematic racial discrimination in public accommodations, and voting for federal, state and local elections; and

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WHEREAS, In recent decades, Savannah has provided some of the nation's foremost leaders in the Civil Rights Movement, elected African Americans to local and state offices; and

WHEREAS, The present City Council is committed to ensure that "Savannah is a safe, environmentally healthy, and economically thriving community for all of its citizens."

NOW, THEREFORE, BE IT RESOLVED that because the sale and the exploitation of human beings as chattel was sanctioned and perpetuated through the ordinances of the Savannah city government, we acknowledge the complicity of the city government for slavery, its injustice, cruelty and brutality practiced in Savannah through the adoption of ordinances by the Savannah City Council.

BE IT FURTHER RESOLVED that the Savannah City Council recognizes and acknowledges the historic role city government played in passing "Jim Crow" ordinances and supporting racial segregation in our community. Although this City Council cannot erase these inhumane injustices, this resolution provides for the record an acknowledgement of a dark chapter in the history of Savannah and a call to promote healing and reconciliation, for all our citizens as we move forward in creating a better community.

ADOPTED AND APPROVED THIS 24TH DAY OF MAY, 2007 UPON MOTION OF ALDERMAN JACKSON, SECONDED BY ALDERMAN JOHNSON AND CARRIED.

POWER OF EMINENT DOMAIN FOR CULTURAL ARTS CENTER.

City Manager Brown explained this concerns the location and the purchase of property for the proposed Cultural Arts Center. This was presented to the voters during the SPLOST referendum. The resolution is requesting the use of eminent domain. The City Attorney is handling this. City Attorney Blackburn explained that the state procurement code has rules under which elected officials can deal with the state. It is impossible to have a situation where an official is in the way of progress by the ownership of land. They cannot have the land go into the public body. Thus, the official code of Georgia with the procurement rules from the state makes provisions for the purchasing and sale of real property by an elected official to a political subdivision after full disclosure and notice to the Judge of Probate Court of the county where the property is located. Mr. Blackburn reported that this has been done. However, the state ethics and government laws and rules suggest that a method of doing this is by eminent domain even though there might be agreements to do it, but to do it within a tribunal. The public announcement was made some time ago and has received wide publicity that Leisure Services came up with a location in Midtown area as the possible site for the Cultural Affairs facility that was at one time known as Sadler's Market. He remembers that the Sadlers had a grocery store here. City Attorney Blackburn pointed out to the press who erroneously said the property was owned by Alderman Kenneth Sadler is somewhat incorrect. The property was in the estate of Alderman Sadler's father. His mother owns a portion of the property and Alderman Sadler serves as a trustee under his father's will. Alderman Kenneth Sadler has made known that he and his family have an ownership interest in parts of the required

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property. Nonetheless, a possible conflict was there; thus the City Manager and he being elected by the council with Alderman Sadler, disqualified themselves and asked Council to appoint a special counsel to handle this, negotiate if necessary and to proceed with eminent domain. The choice was made and special counsel has been named. It is now necessary in order to use the powers of government in eminent domain, that a resolution be adopted to the effect that this property is necessary for a public use and a public purpose as defined under the law and in order to go forward it is appropriate that Council acquire the property. This directs the filing of the proceeding for eminent domain to acquire the property using independent counsel to do this and try the case.

City Attorney Blackburn pointed out that he is not aware of the values but after we have our appraisal values submitted, he was sure that the owners will submit theirs and a special master will be appointed by the Superior Court who will make a ruling on the value which is subject to an appeal to a jury as provided in the law. He does not know to what extent, if any, that Alderman Sadler has had a discussion regarding this, but the family is represented by counsel who is present and is aware of the resolution. They have waived any rights to notice and a specific special hearing as Council may recall under the eminent domain rules of having a meeting after 6:00 o'clock and so forth. City Attorney Blackburn explained that all of this will be in the records, including the letter to the Probate Court advising this. This will be a completely arms length transaction and certainly not promoted or asked for by the member of Council.

Alderman Johnson thanked the City Attorney and City Manager for their transparency and their diligence to go above and beyond to do the right thing. He believes that everything is above board, but this speaks a lot about the integrity of not only City Council and staff, but also the Ethics Ordinance that Council signed and put before the nation that they are going to do the right thing. They will be above board. He thanked City Attorney Blackburn for his explanation as this exemplifies who they are talking about.

NOTE: Alderman Kenneth Sadler excused himself and left Council Chambers during the discussion and vote on this resolution.

RESOLUTION OF THE MAYOR AND ADLERMEN OF THE CITY OF SAVANNAH FOR THE LAND ACQUISITION AUTHORIZING AND DIRECTING THE FILING OF CONDEMNATION PROCEEDINGS TO ACQUIRE SAID TITLE, ESTATE OR INTEREST IN SAID LAND

WHEREAS, the Leisure Services bureau has determined and recommended that the cultural activities of the City as authorized and budgeted by the Mayor and Aldermen of the City of Savannah can best be delivered by combining the various physical facilities and the construction of a Cultural Arts Center, and

WHEREAS, the Mayor and Aldermen of the City of Savannah have found that such a center will serve the public purpose of providing such services and is a public use, and

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WHEREAS, the parcels of land as herein described have been identified and recommended as the site for this public improvement, and

WHEREAS, said parcels of land are shown on the real estate records as owned by the parties named herein individually or as Trustees under Trust created to hold such lands which are essential for the construction of the project; and

WHEREAS, it is necessary that the needed properties for the project be acquired without delay.

NOW, THEREFORE, it is found and determined for the Mayor and Aldermen of the City of Savannah that the circumstances are such that it is necessary that the lands for said project as described herein be acquired under the provision of O.C.G.A §22-2-1 et seq., as amended, and

WHEREAS, the owners of said lands and the Trustees under the Trust herein described have acknowledged the receipt of the notice of the preliminary determination to acquire said lands for the public use as herein described through the exercise of the power of eminent domain and have given their consent and waiver of the notices and procedures as provided in said Chapter as shown on the Acknowledgment, Consent and Waiver being made a part hereof, and

IT IS ORDERED that the Mayor and Aldermen of the City of Savannah proceed to acquire the title, estate or interest in said lands described in Appendix "A" and on the plat attached hereto by condemnation under the provisions of said Code and that Proceedings to acquire said title, estate or interest in said lands be filed.

ADOPTED AND APPROVED THIS 24TH DAY OF MAY, 2007 UPON MOTION OF ALDERMAN FELSER, SECONDED BY ALDERMAN CLIFTON JONES AND CARRIED.

E-911 TELEPHONE FEE. City Manager Brown explained that this resolution is for the annual reauthorization of the E-911 fee. The fee is \$1.50 and is collected from each telephone subscriber. The funds go into a special set of funds that are used to pay directly for 911 services and for the technological improvements for these services. The reason they have to request the resolution every year is because it is required by the state. City Manager Brown recommended approval of the authorization. Mayor Johnson wanted to know if there was any anticipation that this kind of increase is going to be what they see every year. City Manager Brown explained that the \$1.50 has been in existence for some time. The only reason it is back on the agenda is that it is required by state law. We are now at \$1.50 as he believes most communities are and this amount is now essentially the fixed rate, although we do see some increases each year based on increased subscriptions or customers for telephones, especially cell phones. However, this is not an increase. They can not further increase the fee. Chatham County collects the fee and then those funds go into specially monitored and designated funds for operation of the dispatch and communication centers. Mayor Johnson thanked the City Manager for the explanation and

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said it was his misunderstanding, but he is only looking out for the citizens.

RESOLUTION OF THE CITY OF SAVANNAH, GEORGIA AUTHORIZING CONTINUED COLLECTION OF MAINTENANCE FEES FOR EMERGENCY TELEPHONE SYSTEMS (E-911) DIRECTLY FROM SUBSCRIBERS

WHEREAS, E-911 emergency telephone service provides a life saving link between City residents and emergency services; and

WHEREAS, the City of Savannah now provides this valuable service to promote the safety, health and well-being of residents and of the many visitors each year; and

WHEREAS, it remains in the best interest of the citizens of the City of Savannah to continue the service, the Savannah City Council does hereby desire to reaffirm a method of funding the service that does not rely entirely upon property or other taxes; and

WHEREAS, the amount of \$1.50 per month per exchange access facility provided to the telephone subscriber was approved by the Savannah City Council on December 5, 1991 to be effective on April 3, 1992.

THEREFORE, as required by the Official Code of Georgia, Title 46, Chapter 46-5-134, the Savannah City Council does hereby reaffirm the necessity for a monthly E-911 charge of \$1.50 upon each exchange access facility within the City of Savannah service area.

ADOPTED AND APPROVED THIS 24TH DAY OF MAY UPON MOTION OF ALDERMAN CLIFTON JONES, SECONDED BY ALDERMAN COOK AND CARRIED.

PRESERVE AMERICA COMMUNITY DESIGNATION. City Manager Brown explained that this is a special item with some special persons present from the Coastal Heritage Society. A resolution is being requested to authorize community designation of Savannah as a Preserve America Community. This designation has been obtained by a competitive application to the Preserve America program. He believes that Savannah's historic designation is well deserved, but also its stewardship of our historic assets is well deserved even, though, we face many challenges in face many challenges in the restoration and in the preservation of these resources. Coastal Heritage along with the City recently applied for and qualified to receive a \$200,000 grant for preservation work at the Battlefield Park. City Manager Brown believed, Scott Smith can add to this, that first lady Laura Bush has been an advocate and a promoter of this particular program. He wanted to publicly commend Coastal Heritage as it takes a pragmatic and effective approach to the preservation of our resources. Council may recall that some of them toured the Battlefield Park within the last year. They got a very good briefing on the state of preservation. Even since that date, a number of assets have been improved. City Manager Brown recommended approval of the resolution.

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Mr. Scott Smith said the application does not bind the city in any legal way. It is the statement of values which Savannah is the leader in the nation. The \$200,000 grant is another program, Save America's Treasure Program. Mr. Smith said they do have a competitive proposal and if the resolution is passed will allow us to compete for federal funds. Last year, four communities in Georgia got \$369,000. Mr. Scott submitted a letter from the president of the Coastal Heritage Society thanking the City for its cooperation and pointing out that not only has the City made it possible the operations of the railroad shops in the Savannah History Museum for 16 or 17 years respectively. The letter also states that since 2004 especially large scale restoration and preservation projects have occurred. Attached to the letter is a list of the awards that have been received leading to the joint partnership. The most recent award was presented last Saturday by the Georgia Trust for Historic Preservation. Only three of these awards were given out statewide. Mr. Scott said we have also received regional awards that are unique. Mayor Johnson thanked Mr. Smith and the Coastal Heritage Society for the work they do on behalf of the City of Savannah.

NOTE: The letter from the president of the Coastal Heritage Society is filed in the Council papers and made a part of this proceeding.

**A Resolution to Accompany the Application for
Preserve America Community Designation**

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, designation as a *Preserve America* Community will improve our community's ability to protect and promote its historical resources; now therefore be it

RESOLVED, that the City of Savannah will apply for the designation of Savannah as a *Preserve America* Community; and be it further

RESOLVED, that the Mayor and Aldermen of the City of Savannah will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

ADOPTED AND APPROVED THIS 24TH DAY OF MAY, 2007 UPON MOTION OF ALDERMAN JACKSON, SECONDED BY ALDERMAN FELSER AND

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CARRIED.

RESOLUTION TO BE SUBMITTED TO THE GEORGIA DEPARTMENT OF TRANSPORTATION IN SUPPORT OF AMENDING THE FOLLOWING STREET IN THE RADAR PERMIT.

CITY OF SAVANNAH, CHATHAM COUNTY, GEORGIA

Pursuant to Section 40-6-183 of the Official Code of Georgia annotated concerning local authorities power to alter lawful speed limits, the following ordinance regulating speed limits within the City of Savannah, Chatham County, Georgia is adopted.

BE IT ORDAINED by the Mayor and Council of Savannah, Chatham County, Georgia, that the following speed zones are hereby established based on an engineering and traffic investigation as prescribed by law.

<u>STREET NAME</u>	<u>FROM STREET</u>	<u>TO STREET</u>	<u>SEGMENT LENGTH</u>	<u>SPEED POSTED</u>
Price Street	Liberty St.	Gwinnett St.	0.52	30 MPH

BE IT RESOLVED that any person convicted of a violation of this ordinance shall be punished as provided for by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED THIS 24TH DAY OF MAY, 2007 UPON MOTION OF ALDERMAN COOK, SECONDED BY ALDERMAN FELSER AND CARRIED.

A RESOLUTION TO AUTHORIZE GRANTING A QUIT CLAIM DEED TO V. BERRY CONSTRUCTION, INC. FOR THE REAL PROPERTY KNOWN AS 0 MELL STREET (PIN 2-0023-09-032) AND LEGALLY DESCRIBED AS THE WEST ONE-HALF OF LOT 4, BLOCK D, BRANTLEY WARD, IN CONSIDERATION OF THE GRANTEE HAVING OWNERSHIP INTEREST IN THE PROPERTY AND HAVING SATISFIED ALL TAXES AND FEES DUE THE CITY

WHEREAS, on the 24th day of May, 2007, the Mayor and Aldermen of the City of Savannah, upon petition of V. Berry Construction, Inc., to redeem the property identified as PIN 2-0023-09-032, the western ½ of Lot 4, Block D, Brantley Ward, Savannah, Chatham County, Georgia, and that said property be conveyed to V. Berry Construction, Inc., upon the payment of all taxes and/or assessments due; and

WHEREAS, the granting of said conveyance by Quit Claim Deed is approved upon evidence that all taxes and assessments have been satisfied on said property; and the petitioner has ownership interest in said property.

NOW, THEREFORE, be it resolved and approved by the Mayor and Aldermen of the City of Savannah assembled that a Quit Claim Deed be executed conveying PIN 2-0023-09-032, the Western ½ of Lot 4, Block D, Brantley Ward, situated in the City of Savannah, Chatham County, Georgia, and the City Manager and Clerk of Council are hereby authorized and directed to execute such a Quit Claim Deed as is necessary to effectuate the transfer of all or the rights, title,

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interest, and equity the City of Savannah has in and to said property.

ADOPTED AND APPROVED THIS 24TH DAY OF MAY, 2007 UPON MOTION OF ALDERMAN JACKSON, SECONDED BY ALDERMAN FELSER AND CARRIED.

RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH

BE IT RESOLVED by the Mayor and Aldermen of the City of Savannah as follows;

At the meeting held on the 24TH day of May 2007, the Council entered into a closed session for the purpose of discussing personnel.

At the close of the discussions upon this subject, the Council reentered into open session and herewith takes the following action in open session:

1. The actions of Council and the discussions of the same regarding the matter set forth for the closed session purposes are hereby ratified;
2. Each member of this body does hereby confirms that to the best of his or her knowledge, the subject matter of the closed session was devoted to matters within the specific relevant exception(s) as set forth above;
3. The presiding officer is hereby authorized and directed to execute an affidavit, with full support of the Council in order to comply with O.C.G.A. §50-14-4(b);
4. The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute.

ADOPTED AND APPROVED THIS 24TH DAY OF MAY, 2007 UPON MOTION OF ALDERMAN JOHNSON, SECONDED BY ALDERMAN FELSER AND CARRIED.

RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH

BE IT RESOLVED by the Mayor and Aldermen of the City of Savannah as follows;

At the meeting held on the 24TH day of May 2007, the Council entered into a closed session for the purpose of discussing litigation.

At the close of the discussions upon this subject, the Council reentered into open session and herewith takes the following action in open session:

1. The actions of Council and the discussions of the same regarding the matter set forth for the closed session purposes are hereby ratified;

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2. Each member of this body does hereby confirm that to the best of his or her knowledge, the subject matter of the closed session was devoted to matters within the specific relevant exception(s) as set forth above;
3. The presiding officer is hereby authorized and directed to execute an affidavit, with full support of the Council in order to comply with O.C.G.A. §50-14-4(b);
4. The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute.

ADOPTED AND APPROVED THIS 24TH DAY OF MAY, 2007 UPON MOTION OF ALDERMAN JOHNSON, SECONDED BY ALDERMAN FELSER AND CARRIED.

TRAFFIC ENGINEERING REPORTS

Reduction of Speed Limit on Price Street. The Traffic Engineering Department recommends that the speed limit on Price Street between Liberty and Gwinnett Streets be reduced from 35 MPH to 30 MPH based on residents' complaints of excessive speed. The speed limit on Price Street north of Liberty Street is already 30 MPH.

Results of speed studies conducted on this roadway indicate that the pace of the majority of traffic was between 27 MPH and 36 MPH, the average speed was 31 MPH, and the 85th percentile speed was 34 MPH. This street segment is within a historic district and the adjacent development is residential.

Alderman Felser said this item relates to the resolution for the reduction of speed limit on Price Street between Liberty and Gwinnett Streets. He stated that this is in direct response of the complaints that they have received from the citizens that they have followed up on.

Upon motion of Alderman Felser, seconded by Alderman Jackson and carried, approving the speed limit on Price Street between Liberty and Gwinnett Streets be reduced from 35 MPH to 30 MPH, and that a resolution to amend the Radar Permit be submitted to the Georgia Department of Transportation. (ORDINANCE TO COVER WILL BE DRAWN UP FOR PRESENTATION AT THE NEXT MEETING OF COUNCIL).

MISCELLANEOUS ITEMS

Final Plat - Lot 2, HOPE VI Subdivision. Upon motion of Alderman Johnson, seconded by Alderman Felser and carried, approved the final plat for Lot 2, HOPE VI Subdivision, located between Duffy, Stubbs, Henry and Dieter Streets.

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Upon motion of Alderman Thomas, seconded by Alderman Cook and carried the following **bids, contracts and agreements** were approved:

Document Management System for Recorder's Court - Sole Source - Requisition No. 176881. Approved to procure as Intellivue document management system from Intellinetics in the amount of \$86,253.00. The system will be installed at Recorder's Court.

The document management system will provide comprehensive document capture, workflow, and archive/retrieval for all criminal and traffic documents. It will integrate with the County court system and provide secure access to other court agencies. The system includes licenses, installation and configuration, and training as well as one year of service and support.

The reason for the sole source is that the Recorder's Court records management system will use the same platform as the Savannah-Chatham Metropolitan Police Department to allow full integration of the two systems for improved efficiency, service and instant access to case documents. The software is only available from the publisher.

The offer was received March 28, 2007

Lease of Lot 34 Railroad Ward 1st GMD - Bid No. 07.062A. Approved to lease the property at 533 W. Charlton Street (PIN 2-0031 -24-012), also known as Lot 34 Railroad Ward, 1st GMD, to McKibbon Hotel Group, Inc. for 20 years in the amount of \$105,000.00. The lease will restrict use of the lot to parking for a hotel to be built on Charlton Street near the Roundhouse.

Bids were received May 4, 2007

Radio Batteries - One Time Purchase - Bid No. 07.105. Approved to procure radio batteries from Motorola in the amount of \$29,450.00 and Battery Zone in the amount of \$600.00 for a total of \$30,050.00. The 580 batteries will be used by the IT Mobile Shop as backup batteries during hurricanes or other disasters.

The reason for not selecting McDonald & Associates is that the batteries bid did not meet specifications.

Bids were received May 24, 2007

Street Car Overhaul. Approved a contract in an amount up to \$250,000 for Electrical Motor and Supply to fabricate and install a hybrid electrical and propulsion system onto a recently purchased PCC streetcar. This is the second and last streetcar overhaul as part of the streetcar plan presented to and approved by the Mayor and Aldermen.

The PCC streetcar will be shipped to Electrical Motor Supply for overhaul into a hybrid diesel-electric based streetcar. The company uses a new technique for installation and will also act as a general contractor for the remaining body work needed on the streetcar. Acquiring

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a new streetcar through the bidding process would cost over \$800,000 and therefore is cost prohibitive.

The work on the second street car will not start until the City verifies that the electrical/propulsion work on the first street car meets the specifications. Also, no part of streetcar operations will be covered by General Fund dollars. Instead, the combination of a fare, parking revenue, and contributions from the Mobility Management Board will cover the cost of operations.

The electrical/propulsion and body work on the second streetcar will not exceed \$250,000. (The streetcar's the estimated resale value after the work is \$400,000 for the next two years.)

Security Services for I & D Water Plant - Annual Contract Renewal - Bid No. 07.131. Renewed an annual contract to procure security services from Four Star Security & Detective Agency, Inc. in the amount of \$30,000.00. The security services are needed for the I & D (Industrial and Domestic) Water Plant to provide security at the entrance gate.

AP Security was awarded the bid September 1, 2005 but was terminated due to poor performance.

Bids were received originally received August 9, 2005.

Soft Drink Concessions - Annual Contract Renewal - Request for Proposal No. 07.130. Renewed an annual contract to procure soft drink and related supplies from Savannah Coca Cola Bottling Company in the amount of \$28,422.50. The syrup, cups, carbonated water, etc. will be used in the Civic Center and other City recreation facilities.

In exchange for granting Coca-Cola the exclusive right to market soft drink products at City facilities, Coca-Cola provides the City with various sponsorships, products, equipment donations and other promotional considerations which total \$18,100.00 per year.

Proposals were originally received April 15, 2003.

Basic, Dependent and Supplemental Life and Accidental Death and Dismemberment Benefits - Annual Contract - RFP. No. 07.109. Awarded an annual contract to provide basic, dependent and supplemental life and accidental death and dismemberment benefits from ING Employee Benefits Group in the amount of \$972,537.00. The contract will provide employees, their dependents and retirees with life and accidental death & dismemberment benefits.

Employees pay 45% of the premiums. Rates for active life coverage will be 41% lower than current rates; retiree rates will not increase. The contract is guaranteed at these rates for a four year period. The annual premium with ING will be 29% lower than the current premium.

Proposals were received May 15, 2007.

Telephone System Maintenance Agreement - One Time Purchase - Requisition No. 176890. Approved to procure telephone system maintenance from Layer 3 Communications in the amount of \$52,056.60. The telephone system was originally approved by Council in January 2006 and the pricing for future maintenance was established by the contract.

Janitorial Services for Leisure Services - Annual Contract Renewal - Bid No. 05.086. Renewed an annual contract to procure janitorial services from Randall Green's Professional Cleaning and Carpet Janitorial Services in the amount of \$66,000.00 and JMC Janitorial in the amount of \$9,600.00 for a total amount of \$75,800.00. The janitorial services are needed to clean various Leisure Services buildings on a weekly basis.

Clean Image was originally awarded the bid on April 28, 2005 and was terminated July 21, 2005 due to poor performance.

Bids were received March 22, 2005.

Maintenance of Extreme Hardware - Sole Source - Requisition No. 176889. Approved to procure an annual agreement for maintenance and support for network switches from Layer 3 Communications. The maintenance will be used by the Information Technology Department to maintain the switches used in the City's computer network. Pricing for this maintenance is based on prices submitted on the original phone system proposal approved by Council in January 2006.

The offer was received May 3, 2007.

Audio Visual Connectivity Systems for Savannah-Chatham Metropolitan Police Department - RFP No. 07.088. Awarded a contract to procure audio visual connectivity systems from Rody's Music in the amount of \$29,644.80. The audio visual connectivity systems will be installed at every precinct to more efficiently brief police officers using the City's intranet.

Proposals were received April 17, 2007.

Demolition of Left Field Bleachers at Grayson Stadium - Bid No. 07.027. Approved to procure demolition services from Delmonico Restoration and Development, LLC in the amount of \$49,980.00. The services will be used by Buildings and Grounds to remove the left field bleachers at Grayson Stadium as part of the renovation project.

Bids were received February 27, 2007.

Telescoping Material Handlers/Forklifts for Sanitation Bureau - One Time Purchase - Requisition No. 172293. Approved to procure two forklifts from Low Country Machinery in the amount of

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\$89,600.00. The forklifts will be fleet additions to be used by the Sanitation Bureau at the Recycling Center.

The bid was awarded to Low Country Machinery (B05.030) in March of 2005 and they have offered to hold the bid price for these units.

Bids were received February 22, 2005.

Traffic Signal Preemption System - RFP No. 06.340.

Awarded a contract to install a traffic signal preemption system at seven intersections on DeRenne Avenue and related equipment for 41 ambulances from 3M Traffic and Vehicle Systems in the amount of \$155,970.00. The equipment and services are needed to allow ambulances to preempt the lights on DeRenne Avenue and thereby improve response times for hospital transport.

The system proposed by Southern Lighting is a sound activated system. It is less expensive but demonstrations proved that it would not work in this application.

Proposals were received in November 2006.

The traffic preemption system will be funded with SPLOST (Special Purpose Local Option Sales Tax) funds.

Alderman Felser commented for the public's awareness that this item is a project that they all have been working on that regards the traffic signal preemption for the ambulances on DeRenne Avenue. Council hopes this will help with public safety. Alderman Felser commended the City Manager for passage of this item.

Ready Mix Concrete - Annual Contract Renewal - Bid No. 07.138.

Renewed an annual contract to procure ready mix concrete from Chatham Concrete Construction (Primary) in the amount of \$124,005.00 and Savannah River Utilities (Secondary) in the amount of \$139,824.00. The concrete will be used by Streets Maintenance and other departments for routine maintenance and small projects.

All known area providers were solicited but only two bids were received.

Bids were originally received March 7, 2006.

Westside Stormwater Outfall Line (DR-122C) - Contract Modification No. 7.

Approved of Contract Modification No. 7 with The Industrial Company (TIC) in the amount of \$143,500.00. Unforeseen underground obstructions encountered during the installation of shoring slowed work and required additional labor and equipment.

This project connected the Westside stormwater pump station and the Cleland Street box to the Savannah River. Construction was completed last summer and the system is active and functioning normally.

During the construction of the outfall box, old brick foundations, concrete, pipe and steel were encountered in

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the soil. These underground obstructions were not detailed in the original drawings or specifications and had to be broken up and removed with an excavator in order for sheet piling to proceed.

Following an extensive review, agreement was reached this month between staff and TIC on \$143,500 as the amount of costs due to the conditions which were not known during bidding.

Stamped Concrete Crosswalks - Bay & Jefferson Streets - Quotation No. 07.085. Approved to procure services to install stamped concrete crosswalks from Concrete Design of Savannah, Inc. in the amount of \$54,955.00. The services will be used by Streets Maintenance to install three new stamped concrete crosswalks at the intersection of Bay and Jefferson Streets.

Bids were received May 17, 2007.

Annual Renewal of Revenue Control Service Agreement - Savannah/Hilton Head International Airport. The Savannah Airport Commission requests authorization to renew the annual sole source service agreement for the parking lot revenue control system with McGann in the amount of \$30,000.00. McGann is the Airport's system integrator for the McGann/Amano system. **APPROVED.**

Advertising Incentive US Airways - \$150,000.00 Savannah/Hilton Head International Airport. The Savannah Airport Commission maintains a policy stating that the Executive Director is authorized to offer airline incentives to those airlines that add flights or new service to and from the Airport. The incentives can include an advertising credit up to \$50,000.00 per flight added. In accordance with that policy, the Savannah Airport Commission recommends approval of an advertising incentive in the amount of \$150,000.00 to US Airways for adding two flights to New York's LaGuardia Airport and one flight to Philadelphia. **APPROVED.**

Water and Sewer Agreement - Coastal Christian Church. John 3:16 Ministries, Inc. has requested a water and sewer agreement for Coastal Christian Church. The water and sewer systems have adequate capacity to serve this 5-equivalent residential unit development at Canebrake Road. The agreement is consistent with policy directives given by the Mayor and Aldermen and has been reviewed and approved by the City Attorney for legal format. **APPROVED.**

Water and Sewer Agreement - Envision Eye Care. Annette Parker has requested a water and sewer agreement for Envision Eye Care. The water and sewer systems have adequate capacity to serve this 1-equivalent residential unit development on Montgomery Cross Road. The agreement is consistent with policy directives given by the Mayor and Aldermen and has been reviewed and approved by the City Attorney for legal format. **APPROVED.**

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Alderman Osborne stated that as the Alderman of the 2nd District, it gives her great pleasure to announce that finally they will have the ribbon cutting ceremony of the W. W. Law Center renovation project on Friday, June 1, 2007 at 10:00 a.m. She invited the public to attend the ribbon cutting ceremony.

There being no further business, Mayor Johnson declared this meeting of Council adjourned.

Dyanne C. Reese
Clerk of Council

Cemetery Transfers May 2007

As of January 2005 Cemetery Transfers no longer are approved by City Council but are acted on administratively and recorded as part of the Council Minutes in the month they are approved

PET. NO. 11265, Barbara B. Wilborn and Rachel B. Powell, requesting to transfer Laurel Grove South Cemetery, Section A, Lot 133, Spaces 1 thru 12, from Jonnie L. Burke (deceased mother) to Barbara B. Wilborn, Rachel B. Powell and Clifford Marie B. Bohler. Records on file in the Office of the Clerk of Council, Laurel Grove South Cemetery, Book of Titles D, Folio 285, show this lot in the name of Jonnie L. Burke.

APPROVED: May 4, 2007

PET. NO. 11278, Burton F. Metzger and Julie M. Metzger, requesting to transfer Bonaventure Cemetery, Section S, Block S, Lots 34 and 35, all available spaces, from Burton F. Metzger and Julie M. Metzger to Abraham Sand and Ruth Sand. Records on file in the Office of the Clerk of Council, Bonaventure Cemetery, Book of Titles 1, Folio 275, show this lot in the names of Burton F. and Julie Metzger. There is no reason transfer should not be made as requested by the lot owners.

APPROVED: May 9, 2007

PET. NO. 11272, James M. Turner, requesting to transfer Bonaventure Cemetery, Section A, Lot 308, all available spaces, from James M. Turner to James G. Lindley, III. Records on file in the Office of the Clerk of Council, Bonaventure Cemetery, Book of Titles A, Folio 236, show this lot in the name of James M. Turner. There is no reason transfer should not be made as requested by the lot owner.

APPROVED: May 10, 2007

PET. NO. 11285, Barbara B. Wilborn and Rachel B. Powell, requesting to transfer Laurel Grove South Cemetery, Section Old, Lot 569, all available spaces, to Barbara B. Wilborn, Rachel B. Powell and Clifford Marie B. Bohler. Records on file in the Office of the Clerk of Council, Laurel Grove South Cemetery, show this an unrecorded lot. Verification has been made that the petitioners are heirs of the family members buried on the lot, therefore, there is no reason transfer should not be granted as requested.

APPROVED: May 24, 2007

PET. NO. 11288, Richard Dean Lee, requesting to transfer Bonaventure Cemetery, Greenwich Addition, Section 13, Block TT, Lot 21, Spaces 3 and 4, from Clayton Henry Lee (deceased father) to Richard Dean Lee. Records on file in the Office of the Clerk of Council, Bonaventure Cemetery, Greenwich Addition, Book of Titles D, Folio 337, show this lot in the name of Clayton H. Lee. There is no reason transfer should not be made as requested by his heir.

APPROVED: May 24, 2007

PET. NO. 11296, Danny Spell, requesting to transfer Bonaventure Cemetery, Greenwich Addition, Section 10, Block O, Lot 35, from Mrs. C. A. Spell (deceased grandmother) to Danny Spell (Spaces 4, 5 and 6) and David Spell (Space 3). Records on file in the Office of the Clerk of Council, Bonaventure Cemetery, Greenwich Addition, Book of Titles A1, Folio 162, show this lot in the name of Mrs. C. A. Spell. There is no reason transfer should not be made as requested by her heir.

APPROVED: May 31, 2007

PET. NO. 11297, W. B. Tarver, requesting to transfer Bonaventure Cemetery, Section A, Lot 101, East Half, all available spaces, from Mrs. W. B. Tarver (deceased grandmother) to Elizabeth Zipperer. Records on file in the Office of the Clerk of Council, Bonaventure Cemetery, Book of Titles A, Folio 10, show this lot in the name of Mrs. W. B. Tarver. There is no reason transfer should not be made as requested by her heir.

APPROVED: May 31, 2007

Award of Police Weapon May 2007

As of June 2006 Award of Police Weapons no longer are approved by City Council but are acted on administratively and recorded as part of the Council Minutes in the month they are approved.

Kenneth C. Daniel, awarded his service weapon, approved administratively by the City Manager on May 1, 2007.