

**CITY GOVERNMENT  
OFFICIAL PROCEEDINGS OF CITY COUNCIL  
JUNE 4, 2009  
SAVANNAH, GEORGIA**

The regular meeting of Council was held this date at 2:00 p.m. in Council Chambers of City Hall. Mayor Johnson called the meeting of the Savannah City Council to order. Alderman Stuber introduced Rev. Tom Williams for the opening prayer. Reverend Williams is the Senior Pastor at First African Baptist Church of East Savannah. He has been the Senior Pastor for twenty-two years and his church is located in District 3, at 402 Treat Street. Rev. Tom Williams gave the Invocation, followed by the Pledge of Allegiance to the Flag. Upon the motion of Alderman Osborne, seconded by Alderman Jones and carried, the Minutes from the Council Meeting of May 21, 2009 and the Summary Minutes of the City Council Workshop/City Manager's Briefing of May 21, 2009 were approved.

Alderman Johnson stated before the City Council meeting this afternoon, the Savannah City Council went into Executive Session to discuss personnel, specifically appointments to boards, commissions and authorities. No votes were taken and upon motion of Alderman Johnson, seconded by Alderman Osborne and carried, Mayor Johnson was authorized to sign the affidavit and resolution. (SEE "RESOLUTIONS").

Mayor Johnson announced this morning, Mrs. Dyanne C. Reese, the Clerk of Council informed him that her mother-in-law, Mrs. Ruth Hendrix passed away today. He asked everyone to keep Mrs. Reese in their prayers during this time of bereavement. This is the reason for her absence today.

Mayor Johnson announced Mrs. Edna Jackson is out-of-town today attending a meeting for the National League of Cities, the Women in Municipal Government group which she chaired at one time.

**PRESENT:** Mayor Otis S. Johnson, Presiding  
Alderman Tony Thomas, Chairman of Council  
Alderman Van Johnson, II, Vice-Chairman of Council  
Aldermen Clifton Jones, Jeff Felser, Mary Osborne, Mary Ellen Sprague and Larry Stuber

City Manager Michael B. Brown  
City Attorney James B. Blackburn

Asst. City Attorney William W. Shearouse  
Asst. City Attorney Lester B. Johnson, III

**ABSENT:** \*Mayor Pro Tem Edna B. Jackson (attending National League of Cities-Women in Municipal Government Meeting)

**PRESENTATIONS**

**An appearance by Cultural Affairs Director Eileen Baker, representatives of the 2009 Savannah Asian Festival Planning Committee and representatives from the Telfair Museum of Art to speak about the 14th Annual Savannah Asian Festival and concurrent activities taking place the week of June 1-7, 2009.** Mayor Johnson stated now we have something that he likes which occurs every year. They will have an

appearance by the Cultural Affairs Director Eileen Baker and representatives of the 2009 Savannah Asian Festival Planning Committee and Dr. Steven High, Director of the Telfair Museum. This is a continuation of a year long celebration that this community has of its various cultures and the opportunities we have to share those cultures with everyone in our community. Ms. Baker thanked Mayor Johnson and the members of council. She was very excited today to look at the agenda and see how many arts and cultural items that they will be hearing about today. This truly makes a statement about how important having a strong cultural sector is for the betterment of our community but right now she is here to invite them to the 14<sup>th</sup> Annual Savannah Asian Festival which is held at the Civic Center. She has a few members of the planning committee. They are all volunteers. She would like them to introduce themselves and talk about their performances. A representative from Thailand stated they will be performing at 3:30 p.m. at the Asian Festival. The first and second shows will be performed by members of the Thailand dance group. Please come and join them. A student from Savannah College of Art and Design representing India introduced herself of behalf of the Savannah Asian Festival. They three performances scheduled for the day. The first performance is an Indian classical dance form from the South which would be followed by the playing of a popular Indian percussion instrument played in olden times then they would be ending the recital with a semi-classical dance from North India. Ms. Baker stated that is it for today. As you will see from the schedules she left them, the festival schedule has an eclectic mix of concurrent activities all happening underneath the Civic Center. There are performances; educational and creative workshops, travel and language information, a marketplace and of course, food. Countries represented will be India, Tibet, Korea, Japan, the Philippines, Polynesia, China, Indonesia, Thailand, Vietnam and the Middle East. This year there is something super special. We have an opening to our opening ceremonies at 11:00a.m. The Drepung Loseling Monastery will perform the Dance of the Black Hat Masters. This is a special dance designed to clear obstacles and create a harmonious environment for the day so hopefully the good vibe will set the tone for our entire city. The Saturday Asian Festival has attracted approximately 10,000 attendees which are both residents and tourists. In order to further the educational and community goals, dedicated partnerships and collaborative related programming are essential. In the previous years, the Telfair Museum of Art has expanded the scope of the festival with providing innovative programming. She introduced Dr. Steven High, the Executive Director of the Telfair Museum of Art. Dr. High stated the Telfair Museum is thrilled to be partnering with the City of Savannah on the Asian Festival. He wanted to invite them to several different things coming up so they can participate. Presently they are featuring the Tibetan Monks of the Drepung Loseling Monastery. They are building a Sand Mandala in the atrium of the Jepson Center now. He encouraged them to walk over and check it out. One of the monks will be lecturing this evening at six o'clock. The process will be discussed. On Sunday, the closing ceremony will be held the day after the Asian Festival. They will be sweeping up the sand and carrying it down to the river. It should be a great performance and parade. In celebrating the Asian Festival and its art, they have provided for them a catalogue of an exhibition called Counter-Photography, Japan's Artists Today. It is a major exhibition that they are working on with the Japan Foundation. An invitation was given for a reception and an opening of the exhibition on June 18, 2009. The reception will be with the Counsel General of Japan who will be visiting Savannah to kick-off this exhibition. One last issue in the spirit of international understanding, the museum is now featuring an exhibition called, Persian Visions, Contemporary Art from Iran. He hopes they will have the opportunity to come and explore this very interesting culture at a very timely period in our history and with our relationship with Iran. Thank you very much for listening to him and he hopes to see them at the Jepson Center for all of the activities. Mayor Johnson thanked everyone. They will be present for the opening ceremony. Applause was given.

**An appearance by Rob Gibson, Executive and Artistic Director of the Savannah Music Festival, to provide a report on the 2009 festival.** Now one of his favorite people, Mr. Rob Gibson who is the Executive and Artistic Director of the Savannah Music Festival has come to provide them a report on the 2009 festival. It was something to be a part of and it gets better every year. Mr. Gibson thanked Mayor Johnson and all of the members of city council for their support of the music festival. As you know the music festival is funded by the Department of Cultural Affairs headed by Eileen Baker. Each year they complete an extensive application and a final report. Today he is present

to share report information which will confirm the City's investment in their festival is a prudent and wise use of taxpayer dollars. They are one of two organizations funded by the Department of Cultural Affairs specifically in the cultural tourism category which is distinctly different than all of the other arts groups. Ticket sales are the driving force behind what they do. Each year the number one question he gets regards ticket sales. The year prior to his arrival, the festival had about \$100,000.00 in ticket sales. This year the festival had over one million dollars in ticket sales. We have grown by ten times as much. Each year they feature music from around the world. In the last six years, they have presented musicians from thirty-four countries and six continents. No other arts organization in our city is generating the international press that they are getting. In the packages they included highlights from the press. Writers from England, Germany, Canada and throughout the United States in cities like, Charlotte, Atlanta, Charleston, New York City and Los Angeles attended the festival and wrote about them. The festival's out-of-town audience has grown from 23% to 48%, therefore 48% of the people attending their festival are coming from outside of Savannah, Georgia. This is very important. They know 33% of the people are coming from more than 200 miles away which means they are staying for an average of four nights. They are judging from the survey people were given. They are leaving those dollars here in Savannah, Georgia. The festival budget was nearly \$700,000.00 the year before his arrival. The city granted \$75,000.00 which was more than 10% of their budget. Now the budget is approximately three million dollars and about five percent of their total budget comes from the city. They are very grateful for the support as a cultural tourism organization. They always believe you get back more than you spend in tax revenues at the state level. For every dollar you spend, you get \$7.00 back. They know the Cultural Affairs budget has a finite amount of money to distribute throughout our City. They are realistic. There are limitations here but they all agree tourism is a major driver in our city. They found that the average tourist spends an estimated amount of \$ 271.00 a day. Those are the CVB numbers. The average music festival tourist is spending close to \$400.00 a day. They are leaving more money here. In closing their board and staff works very hard all year to raise money. This past year they lost sponsorship with the economic downturn. Two major corporations, Verisign and Memorial stopped and they were \$60,000.00 sponsors which resulted in \$ 120,000.00 of lost money. They lost \$20,000.00 from Cititrend. Three local banks reduced them by nearly 80% so they have been hit hard in the corporate realm. Did they continue to look for new funding? Absolutely. They found almost \$300,000.00 in new donations which primarily came from individuals. They did a charity golf tournament and a number of different things to make up for the economic impact this year. According to a formula created by Dr. Bruce Siemens, an Economics Professor at Georgia State University and a consultant to the Georgia Department of Economic Development, he calculated all of the survey. Twenty six million dollars which produces a little over \$ 900,000.00 in tax revenues for the city of Savannah was determined. As a result of the money the City is giving to them, they are getting a six to one return on the dollar maybe not a seven to one return like Governor Perdue likes to say, but six to one is still pretty good. He does not know many people who would not like that type of return. Absent from this number is the 19,000 students who attended their concerts for free from educational programs throughout Chatham County. They are sponsoring free concerts along with the big sponsors, Gulfstream and International Paper. The money given from the City does not go to this program. They give everyone credit at all events but the City is funding cultural tourism. The majority of children attending the free in-school downtown programs are the sons and daughters of their constituents so they should be proud. They love their work and it is taken very seriously. On the most basic level, the performing arts brings joy to a person's life. They are creating great press and tax revenues for our city. They are thankful for the support and please continue to provide more support. Thank you very much. Applause was given. Mayor Johnson stated during the festival, it is certainly good for his mental health. He goes to as many of the concerts as he can and it is good for him. Alderman Johnson thanked Mr. Gibson for the report. It creates an opportunity for people because they don't just go to the concert. They walk around and get to know and love our city then they come back to Savannah. Thank you for the hard work you do for us. Alderman Felser stated he and Alderman Sprague were commenting on how well Mr. Gibson's comprehensive report was given. It is fantastic to get data, feedback and knowledge of where the tax dollars go so they can respond to people. He wished every entity given this kind of money could give that kind

of report but they are striving to improve. He hoped that they used their organization as an example because they have truly set the mark way up there. Thank you.

**An appearance by Mari Carswell, Blue Ocean Film Festival Advisory Chairperson; Dr. R. L. Stevenson, Savannah Film Commission; and Jay Self, Film Services Director, concerning the Blue Ocean Film Festival.** Mr. Jay Self introduced himself to Mayor Johnson and the members of council. He is the Director of the Tourism and Film Services Office. He is very proud to be here today to tell them about the Blue Ocean Film Festival and to introduce Mrs. Mari Carswell. Dr. Stevenson could not be here but Dana Braun, Past Chairman of the Savannah Film Commission is representing the Film Commission and has been very helpful in this process. We, in the tourism and film community, are always looking for world-class events to bring to this city. We have tried to grow a few. We heard of one great success in the Savannah Music Festival. They are very excited about the opportunity to host and to continue in the years to come to host the Blue Ocean Film Festival. It brings three things together. It brings our ecology which is a big topic, economy and education. It would not be here if it were not for the diligent work of Mari Carswell. He would like to introduce her to them. Mari Carswell greeted the City Council. A number of them might know her husband, Jim Carswell from working with him for years. Everybody thinks he disappeared a few years back and that they left town but they didn't. They started a film company and produce for their television networks and other distribution channels around the world. They have focused quite a bit on the oceans. A few years ago she was approached by some fellow filmmakers in a far off meeting of filmmakers. They tend to be independent people so they live around the world and gather in very strong groups. They share information and sell their products. While at that meeting she was approached about starting a global oceans film festival. There is not one in the world. She is a marketer by background. It is not very often that they hear of something that has not been done before. Almost every coastal community in the world has its own little ocean film festival. They have a hard time getting some of the best films because there are so many of them. The filmmakers feel like that is a very time consuming task. Industry film festivals, on the other hand, are where industries come together and you are probably familiar with Sundance and Cannes; those are industry film festivals. At the heart of those film festivals is an event where there is a marketplace and people come together and sell their products. It is very economically driven. It is very prestigious. It is very loyal if it is done well. Sundance has become synonymous with Sundance. There are two top international wildlife events that for years have happened in Jackson Hole, Wyoming and in Bristol, England. They are huge. They don't have a very strong local component. When the people approached her, she agreed to help establish what they are now calling Blue Ocean Film Festival. She is excited to tell them that a year ago they managed to steal it away from Boston. It had been promised to Boston but because of the economic issues and the fact that she had such a good, strong support system in her hometown of Savannah, Georgia, it allowed them to bring this festival from Boston to Savannah in a city absolutely made for a film festival. Boston is a little burnt over and hoping to get it back one day. That is why she is here to talk to them today. Two of them founded this global event. It is already a success globally. People have heard about it on ships in the South Pacific and all across the world. The filmmakers are saying each time they come back from some remote location that they have heard about the Blue Ocean Film Festival in Savannah, Georgia. One of the very cool things about this is the people talking about this festival are world leaders. There are world leaders in filmmaking; the people that make the films running on all of the broadcasting networks and have reality shows, documentaries and movies in the theaters. There are world leaders in broadcasting who run the networks all around the world. There are world leaders in conservation, Conservation International, Ocean Conservancy and Oceana. We are talking to the top organizational leaders as well as world leaders in government. She was responsible for building a board that would enable them to do a global event. One of the board members was the second person in charge at NOAA, the Deputy Secretary of Oceans and Atmosphere. There is the Director of National Marine Sanctuaries who will be here week after next and he has been a tremendous support. He was instrumental with Savannah as well because Gray's Reef has had its own ocean film festival. Dan Basta is on board. They engaged George Sedberry. Gray's Reef agreed to bring the festival into Savannah and join them as their host for this year. They will be back next year with their own festival. This year with an industry event at the core, the difference is they will be bringing in the world's greatest

collection of ocean films. The beauty of it is, we get to share it with the city of Savannah. Please support this and more than anything else please spread the word. There are passes on their desks. She has to admit as much of a marketer as she is, she has had no dollars on this event. Mr. Gibson told his budget. They started the local event from scratch two years ago on \$100,000.00 budget and a lot of love. Love and concern for the oceans along with the understanding from global leaders of the need for this event and their backing of this project. They have a world class board of directors which includes the Director of the CIA, the Head of the National Marine Sanctuaries, a representative from National Geographic and the Executive Producer for Discovery. The list goes on and on. Jean-Michel Cousteau, the son of Jacques Cousteau asked to be on their board of directors. Last month they got a call from Disney saying, we need to be in your festival, how do we become involved? They have already succeeded at a global level but they have not locally because they have had so much of their effort put into building the base of the festival. She is here to say please help them by telling your friends and encourage them to buy tickets. They have the most wonderful slate of free activities but they also need people to buy tickets and to go to the screenings themselves. These are amazing films. They are trying to get out some examples and recommendations to make it a little easier. With fifty films on the slate, we know it is going to be hard to pick but you can't go wrong. Each one of them is a finalist in a world wide competition. They are hoping everyone will come out. They have a community fair slated on Saturday that is free to the public. Mayor Johnson asked for the dates of the activities. Mrs. Carswell stated June 10-June 14, 2009. On June 13<sup>th</sup>, it will be focused largely on education and students. There are a number of free events. She wanted to make sure they are aware and details are given on page twelve of the Savannah Quarterly also. Mayor Johnson stated for the viewing audience on the re-broadcast the dates should be given. Mrs. Carswell brought to their attention on Saturday, June 13<sup>th</sup>, there will be a children's block of films in the morning. They are finalists in the children's competition. They are wonderful. They will have a family festival in the streets that is going to have things no one has ever seen in Savannah. They wanted to be careful that they were not duplicating Earth Day. They brought in things like the Georgia Aquarium; they will be here with a very large exhibit. They are one of the major sponsors along with some fascinating organizations from around the country. They would also like to get the word out on their career insights day at the Telfair in their auditorium. They will have world leaders talking to students from high school and on the college level and telling them how they can get into these careers. They will have an Executive Producer from Discovery and the gentleman who figured out how to film the Titanic underwater and people of that caliber. One of the Cousteaus. She is a little passionate. Mr. Self thanked the city council members for their time and the Savannah Film Office and Film Commission are very proud to sponsor this event. Thank you. Mr. Dana Braun stated Mari Carswell has given every minute of her life for the last two years to do this. The quality of the people coming here is unsurpassed. It is a world-wide oceanographic collection of some of the premier leaders in the field. The education component is so important and a benefit to the city. It is going to market the city. Years ago they used to say Savannah was the best kept secret in the state of Georgia. This event right now might be the best kept secret in the city of Savannah. It is going to be terrific. Mari Carswell deserves recognition for the hard work she has done in developing this. It is going to be a benefit to Savannah which the Film Commission is all about promoting as well. Thank you. Mayor Johnson thanked Mrs. Carswell so much for the idea, passion and commitment that she has placed in this and because of the way that this community has responded to the SCAD Film Festival, he is sure that they will respond equally or more to this film festival. This will bring something new and different to our community. We thank you and appreciate it. Applause was given.

**An appearance by Muhammad Surmani, a recent Master of Urban Design graduate of SCAD from Tripoli, Libya, on behalf of Ali El-Helali, a political correspondent for the Libyan Al Jamahiria newspaper, to present two gifts to the Mayor.** Assistant City Attorney Lester Johnson introduced his guest. He thanked Mayor Johnson and the members of council. It is a great pleasure to bring someone who has been a part of our city for the last two years. As you all know we have two Islamic centers here in Savannah, one on 34<sup>th</sup> Street and one on Dutchtown Road. Brother Surmani was kind enough to be a part of their mosque on 34<sup>th</sup> Street. He received his masters from SCAD in Urban Design. He had two important people come to Savannah. One was an

ambassador. Unfortunately he was unable to stay long but he did come. He also brought some gifts with him. He thought it would be appropriate since they could not be here to have Bro. Surmani present those gifts. He would like to present Muhammad Surmani from Tripoli, Libya. Mayor Johnson welcomed Mr. Surmani. Mr. Surmani introduced himself as a native of Libya and a recent Masters Degree graduate from SCAD in the area of Urban Design. He thanked the members of council for being who they are and for their commitment to Savannah, for the right to be here while making life wonderful and interesting. He presented a watch with a picture of the leader, Muammar Gaddafi to Mayor Johnson along with a silver plate with a map of Libya. Mayor Johnson thanked Mr. Surmani on behalf of the citizens of Savannah for the gifts. Please let him know how he can write the ambassador to express our appreciation for these gifts. He does not know if he is going home or staying here but wherever it is he hopes that he has success in his career. Mr. Surmani thanked Mayor Johnson and the members of council.

**Recognition of the 2008-2009 Savannah Youth Council and presentation of a Certificate of Completion to the 8th graders.** For the past five years we have recognized the members of the Savannah Youth Council who are terming out. Our council is a middle school council with sixth, seventh and eighth graders. As they go into high school they become eligible to join the Chatham County Youth Commission. Today we would like all of our eighth graders to come forward along with Alderman Johnson who assists our staff in the Clerk of Council Office who works with these young people. Alderman Johnson thanked Mayor Johnson and the members of council. This is indeed a very happy time under our gold dome and in our community as we celebrate graduations and commencements. Today we are celebrating the achievements of our young people who have served our community well through the Savannah Youth Council and will now be moving on to the big wide world of high school. Since this Council started the Savannah Youth Council in 2004, we have received national attention for our governmental leadership approach as it relates to middle school students. Many places do very early young people and some do high school but rarely do you see anyone out there doing things with middle school students which some theorists feel is our most volatile group. This year the Savannah Youth Council kicked it up a notch. They were active in City events. As you know they attended every council meeting throughout the school year. They took part in the Town Hall Meetings. They lobbied in the State Capitol during Savannah Day in Atlanta while members of council were lobbying; they were lobbying too for things that are important to young people in this community. They were the only middle school students in the nation to attend the National League of Cities Conference in Orlando, Florida. Many of you saw the students there. We thank you for your vision. We thank you for your support of our young people and for your courage to be directly involved in direct services for young people. Due to your investment and he has said it before and he will continue to say it, these young people were not involved in crime, not having sex, kept their grades up and they were good citizens. We certainly want to thank our Clerk of Council, Dyanne C. Reese in her absence, her staff, Tanet Taharka, Gladys Selby and Kentia Jenkins. We would like to thank Bret Bell and the Public Information Office for plastering our young people's faces all over television. This is a good thing because it helps to keep them accountable. We would like to thank our city manager and all of our city departments and of course parents who have entrusted their young people; he actually thinks that they enjoy entrusting their young people to us. Parents were acknowledged and asked to stand to be recognized. Applause was given. Mayor Johnson and Alderman Johnson presented certificates to the eighth grade students as they came forward. President Brianna Adams, Wynter Benyard, Sha'Kira Bush, Cory Coleman, Vice-President Nia Dawson, Travon Epps, Claire Hammond, Mallorie Holmes, Jasmine Jackson, Isaac Kirkland, Niegel Middleton, Brandon Miller, Greg Mortimer, Brianna Polite, Karen Waggoner, Tyhira Williams, Breka Goldwire and Sha'daya Hood. Applause was given to the graduates. Mayor Johnson took photographs with the Savannah Youth Council graduates. Mayor Johnson stated now we have a spokesperson for the group who will now come forward and make some comments, the president. Savannah Youth Council President Brianna Adams greeted Mayor Johnson and the aldermen. She is an eighth grade student at Oglethorpe Charter School. She stands before them to share her two year experience as a member of the youth council. The youth council is comprised of middle school students who have leadership qualities that need support, guidance and intervention to develop their full

potential. We participated in the Mayor's Motorcade. It was a great success. She went to conferences in Orlando, Washington, Philadelphia and New York. We went to Atlanta to celebrate Savannah Day. We participated in hands on exercises and workshops. The youth council prepares students to work together to develop action plans that affect change within their homes and communities. Being a member of the youth council helped her understand you are never too young to make a change in your government. Lastly she would like to thank their advisor, Ms. Kentia Jenkins, for her support and cooperation. She is the best. Thank you. Vice President, Nia Dawson greeted Mayor Johnson and the aldermen. First of all, she thanked the members of council for the opportunity. We all really did learn a lot not only in government but actually in leadership. We have all learned that we can do little things to make a difference. Thank you. Mrs. Ellen Wyatt greeted Mayor Johnson and the members of city council and all distinguished leaders. She is before them today as a mom, her daughter, Claire entered youth council as a somewhat shy eighth grader. Things have changed for Claire. She went on trips. She had an opportunity to go to Washington, D.C. and New York. She does not know if it was the coveted shirt or the all-night bus trips but as a result Claire came to view the world a little differently. This was a good thing. She made friends. She was not as shy. This is a child who has crawled in an eagle's nest and probably painted more houses than most adults her age. She has kept an average of 94 and above through middle school and when she came home from Washington, D.C., she said she wanted to be a lobbyist. What degree do you need to become a lobbyist? A tough one probably. She would sincerely like to thank the Mayor and Council for their commitment to all children and especially she would like to thank Alderman Johnson, Ms. Jenkins, Ms. Taharka, Mrs. Reese who she is sorry is not here with us and Mrs. Selby. You care. She understands that it is their job but you truly care. It is so coincidental that you care - YC, Youth Council. Thank you very much. Mayor Johnson made the request we need sixth graders to apply. We welcome all. Each year he sends out letters to every middle school both public and private, inviting the principals to contact the counselors and let them know about the youth council and to apply. There is no way we can go out and drag children in. They have to apply. Since this is televised he is speaking to parents out there. Please if you have a middle school student look at the possibilities of having your child apply. It is not one of these kinds of organizations that only creams for the best students. Any student no matter the grade point average or any other barriers are in the way. It is open. Next year this time we will be honoring another group that will be going on to high school. We need this new freshmen crop to come in and to participate. He put it out there. He hopes that the principals and the counselors will work with them to get students to apply. Of course once they are in, they become our special projects.

## **LEGISLATIVE REPORTS**

Alderman Johnson stated several months ago the Savannah City Council approved a hybrid definition that was added to classifications of businesses that were granted an alcohol license. It was his understanding at the time and probably incorrectly that the council would be involved in the approval of the hybrid designation. Since the granting of a hybrid designation could dramatically change the operation and the nature of the business; without public input and without council acknowledgment although ultimately they are held responsible. He believed the deliberation and the granting a hybrid license should be up for public review and ultimately council action because legally we are not obligated to grant a hybrid license although they might be under certain circumstances for a liquor license. Although the city manager and he is sure he does a wonderful job with this, he thinks ultimately that is a council responsibility. He wanted to move effective immediately that all requests for hybrid licenses should be brought before council and in the meantime he would like to have a list of the businesses that currently have hybrid licenses, seconded by Alderman Osborne. Mayor Johnson stated he had a motion and a second that the application for hybrid licenses in terms of the ability to sell alcohol in certain establishments then to allow at a period of time people under the legal age to consume alcohol to be in those establishments that those applications be brought for approval to the council. Is that the sense of the motion. Alderman Johnson stated yes sir, effective immediately. Alderman Jones asked aren't we approving them now. Alderman

Johnson responded no. Alderman Jones asked in what manner do we deal with hybrids. Alderman Johnson stated right now it is administratively done he guessed under the city manager's direction. Again it is nothing against the city manager but the reality is that when we grant a hybrid license. It's like if you plant an apple tree then you walk away a hybrid changes it to an orange tree. We thought we planted an apple tree; when the public review process took place it was an apple tree. It is the same thing if it is a restaurant and we say it is a restaurant; we approve it as a restaurant. The public input was as a restaurant but then with the hybrid designation it changes the nature of that. He thinks that it should go through the same process so that people know what is going on in their community and ultimately since we are the ones who are being called about it and held accountable they should have a hand in determining it. Alderman Osborne stated up front. Alderman Thomas concurred with Alderman Johnson's concerns. He does recall when they first entered into what is known as a hybrid license. At that time we thought there would only be a few of them. Now he understands there are as many as fifty right now so he concurs. There is a second on this. City Attorney Blackburn stated for the record let me point out, any alcoholic beverage license, the initial license does come before them. The request is directed to the staff and to the city manager. If there is a request, they already have a license but the request is to have a hybrid. As we define the license that it be made known to the council and come before them to approve the hybrid. There is nothing wrong with that; it is a matter of policy that you will do it. He thinks the direction is to the city manager since you do approve all licenses anyway either through his authority that you delegate to him or the initial one which always has to come to here. Mayor Johnson stated he thinks it is important to make this statement. Often when we are dealing with these policy matters someone always says it is not against you Mr. City Manager; no Michael Brown is Michael Brown. The policy is the policy of the council. Michael Brown will not be the city manager forever. We have to make policy as if it was forever. He wanted to make very clear that in many of these discussions it may be felt as if it is directed at a person but it is not. It is about the carrying out of the duties and the responsibilities of the council and their roles of government. They are the ones that the people elect. He wanted to be clear and not have any misinterpretation of being aimed at a person. It is not aimed at Michael Brown. If it was Joe Jones sitting in that chair, the concern of this council about this issue would be the same. Alderman Jones stated the timing undoubtedly is the reason for the discussion because the first of the year when the licenses were issued in all probability that attachment was not there but he thinks some midterm things are happening now. This is the reason for the discussion. He totally agrees they should know if someone were to apply for a hybrid license because he knows that there are departments like the police and these people and if they are not on that hybrid list then he is afraid that they might be challenged. They need know about this. Mayor Johnson stated as Alderman Thomas said, we did not anticipate as many hybrids as we now have. He thinks that has generated a concern. Now he has a motion and second, are we ready for the motion? Alderman Osborne repeated what has been said but it is to be understood. Alderman Johnson had a good analogy, it starts out to be an apple tree and morphs into something different therefore the behavior of the whole climate changes and it should come before council, we as the policymakers for the City of Savannah. Mayor Johnson stated he was ready for the question. The motion carries and the minutes will reflect that. Now let me ask a legal question, Mr. City Manager, is there any necessary alteration of our ordinance governing this? Is any alteration necessary to carry out the will of this council? City Manager Brown stated not administratively we will simply bring in a change of license from any type of license to a hybrid. We will bring that forward as a license hearing petition. It is not a problem. Mayor Johnson stated what starts as a restaurant in a neighborhood and now is going to morph into a nightclub ought to come before this group. Alderman Thomas asked City Manager Brown could we get a list of who is a hybrid right now? City Manager Brown responded sure.

As advertised, the following alcoholic license petitions were approved upon motion of Alderman Thomas, seconded by Alderman Felser and carried:

**Carlton S. Mann d/b/a Ruby Tuesday, requesting to transfer a liquor, beer and wine (drink) license with Sunday sales from William P. Prodoehl at 14045 Abercorn Street (Savannah Mall),** which is located between Apache Avenue and Rio Road in District 6.

**Mary A. Reynolds d/b/a T&P Supermarket, requesting to transfer a beer and wine (package) license from Carolyn George at 1820 Montgomery Street,** which is located between 34th and 35th Streets in District 5.

**Adam VanNus d/b/a Texas Roadhouse, requesting to transfer a liquor, beer and wine (drink) license with Sunday sales from Tamera S. Denise to Adam VanNus at 14045 Abercorn Street, Suite 2110,** which is located between Apache Avenue and Rio Road in District 6.

As advertised, the following alcoholic license petition was approved upon motion of Alderman Johnson, seconded by Alderman Felser and carried:

**Tammy Lynn Withington for Buddy Bro, LLC d/b/a T. Rex Mex, requesting a liquor, beer and wine (drink) license with Sunday sales at 217 W. Broughton Street,** which had a 2006 liquor, beer and wine (drink) license with Sunday sales and is located between Barnard and Jefferson Streets in District 1. (New business. Continued from May 21, 2009.) Approved providing that the terms in the amended application are conditions for the license and that the applicant take steps to fully comply with the conditions. Specifically, 1) the seating capacity will be 72 seats and that any further expansion of the existing premises would not result in more than 100 seats; 2) the business will operate solely as a full service restaurant and not as a bar; 3) at all times when the restaurant is open the kitchen will be operational and food service will be available to patrons, otherwise the business must apply for a hybrid permit and not allow persons under 21 on the premises at a time certain each night; and 4) the owners understand the issues regarding underage patrons and will attend and require their employees to attend alcohol server training.

City Manager Brown stated agenda item nine is Tammy Lynn Withington for Buddy Bro, LLC d/b/a T. Rex Mex. This is at 217 West Broughton Street. Questions were raised about the specifics of this location, the capacity of it and how it would be operated therefore we did contact the petitioner. They have legal counsel. He contacted the legal counsel and asked that they provide in writing how they intend to operate this establishment and they have done that. Those stipulations we have provided and the stipulations agreed to by the petitioner should be incorporated as a part of the license. Likewise he was going to propose that there would be no alteration to become a hybrid. This is to become a restaurant with no more than one hundred person seating capacity. If they do attempt to change it from that use they would have to come back and petition us for an alternate license. With all of these stipulations incorporated, they do meet our ordinance. He recommended approval. Mayor Johnson asked is there anyone here to speak against this license?

## **ORDINANCES**

### **First and Second Readings**

**Rezone 1312 E. 67th Street (Z-090312-33404-2).** An ordinance to rezone 1312 E. 67th Street from R-6 (Single-Family Residential) to R-I-P (Residential-Institutional-Professional).

Ordinance read for the first time in Council, June 4, 2009, then by unanimous consent of Council, read a second time, placed upon its passage, adopted and approved upon motion of Alderman Johnson, seconded by Alderman Thomas and carried.

### **AN ORDINANCE** **To Be Entitled**

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM ITS PRESENT R-6 ZONING CLASSIFICATION TO A R-I-P 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-6 zoning classification to a R-I-P zoning classification:

**Legal Description**

Beginning at a point located on the centerline of E. 67<sup>th</sup> Street, approximately 342 feet east of its intersection with the centerline of Ranger Street, thence proceeding easterly along the centerline of E. 67<sup>th</sup> Street a distance of approximately 258 feet to a point, thence in a northwesterly direction along a line North 22 degrees 48 minutes a distance of approximately 270 feet to a point, thence in a westerly direction along a line parallel to the centerline of E. 67<sup>th</sup> Street a distance of approximately 120 feet to a point, thence southerly along a line parallel to the centerline of Ranger Street a distance of approximately 90 feet to a point, thence easterly along a line parallel to the centerline of E. 67<sup>th</sup> Street a distance of approximately 48 feet to a point, thence in a southerly direction along a line parallel to the centerline of Ranger Street back to the point of beginning

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

**P.I.N.: 2-0114-03-006**

SECTION 2: That the requirement 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 29<sup>th</sup> day of April, 2009, 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: JUNE 4, 2009

**RESOLUTIONS**

**Minority- and Women-Owned Business Enterprise Policy.** A resolution to formally adopt a *Minority- and Women-Owned Business Enterprise Policy* as proposed with deletion of any waiver provisions and inclusion of using the best value contracting process to increase the capacity of local minority and female-owned firms through mentoring, sheltering and business creation.

Alderman Felser thanked the city manager and all of his staff, Mayor Johnson for his leadership and all of the council. Today we are hopefully getting ready to pass the MWBE, Minority and Women Owned Business Enterprise Policy. For the public's recollection, a disparity study was conducted in 1994. It showed there were disproportionately low levels of participation in City of Savannah contracts for minorities and women. This policy is now the formulation of our attempt to redress a history of racial and gender discrimination. In fact there is another disparity study moving forward. He wanted to thank the city manager for including our revisions of three weeks ago and of this morning which we feel helped tighten up our goals. A couple of highlights for the public. This is the first time we are enacting in a policy, the Best Value Contracting which has been proposed to our council. We all went to a workshop on it previously. There will be project management on a project over the \$500,000.00 limit. He also wanted to note that we are also allowing the Davis-Bacon requirements to be met which

the union has spoken to us about with regard to following up on companies that have either proposed illegals or people who are undocumented. This MWBE policy is a tremendous achievement of Mayor Johnson and of this council. The public should understand the history and know where we have come from so they can recognize the tremendous accomplishment. He knows there are other comments to be made but he wanted to move for approval. Alderman Osborne stated her observation, the men and women of the city that pay taxes, live and work in establishments here are truly the locals not someone who comes into town a short time before an opportunity arises for them to bid and earn money from a tax base that the citizens that are truly locals have achieved. She commended the fact that we are going to recognize, local is local. As the School Board Superintendent always says, all means all – local means local. Thank you. Alderman Osborne seconded the motion. Mayor Johnson stated he had a motion and second. Alderman Sprague agreed this policy overall is a good one. She is concerned about the project manager portion. She saw a lot of abuse of this type of thing while she was on the school board. She is concerned that we just it brought forward at the last minute and really have not thought it through. For instance it says they will be hired on projects; hired by who. It does not say who is doing the hiring. She will support the overall policy but she is very concerned about the project manager position. She will be asking further questions for clarification about this in the future. Thank you. Alderman Johnson stated this is good. It certainly is good business, good government and good policy. We are finally in regards to this particular area of our operation putting policy where we have been saying we were going to do all along. We are finally codifying it in writing. He does share some of Alderwoman Sprague's concerns. The good thing about policies are when you find that they are not working the way we want them to we can certainly modify them as necessary but overall this council's intent is extremely clear. This will make our community more inclusive of the City's business. Not to put anyone at a disadvantage but it will allow our monies to be spent where we would like for them to be spent. Our community will grow as a result of all certainly meaning all. Alderman Thomas commented on something Alderman Osborne said and on an item raised in the pre-Council session. His concern is addressed in this. This policy is very good but he is a little concerned about real locals and fake local. Fake local is a company that sets up a post office box and a suite. He wants to make sure our compliance officers monitor to make sure a company is not holding themselves out as being a local company which does not actually operate within the city limits. They are here trying to get a contract to build an arena or some other project we will be building in the future. Alderman Johnson stated he is glad Alderman Thomas brought that up. His request would be to monitor this especially in the initial stages because an aggressive compliance approach might ultimately include some staffing. You have to verify whether it be Assistant City Manager Rochelle Small-Toney or others because as Alderman Thomas said, people can come and say whatever they want but we need someone working on behalf of the City to actually verify people who certify as local, minority and woman-owned businesses to be just that. He thanked Assistant City Manager Rochelle Small-Toney, Mrs. Marronde' Lotson and the other folks who worked very hard on this. Alderman Felser stated to Alderman Johnson, this morning we added once the city manager gets the data he has to report to us quarterly exactly what has transpired during that quarter. This is an excellent opportunity for them to address Alderman Sprague's concerns, Alderman Thomas' and yours with regard to monitoring and to make sure local is meant to be local. He looks forward to those quarterly reports as well. Alderman Jones advised our contractors in the city of Savannah especially those contractors being addressed with this policy. He understands in today's market contractors need to be certified. They need to let the City know they are interested in their business. He is sure there is a list that they would have to sign up for and meet the requirements demanded by the City. He would hope the minority and female contractors take advantage of this but they also need to follow these directions. They do not come up sometimes when they have the opportunity to get a contract. They are not in place and not on the list for the invitation. Some of the minority contractors are out there. This contract now includes purchasing, materials, equipment and professional services. Some of these things were not included when he came on this council but now the opportunity is here. If you are operating in any of these particular types of business then put yourself in place ahead of time. If you qualify then make sure you are certified and ready to do the job. He feels sure if the policy works then you will have more opportunities. Alderman Osborne stated since there was an expressed concern about the construction project managers piece of this policy which

needs to be in place. She is sure it is going pass. She would like to express the fact that when we built the Liberty Street Parking Garage and Ellis Square, major projects over a certain dollar amount need a project manager to watch out for the citizens' dollars that are being invested. This is a good point in the policy. She is happy to see it there. Alderman Stuber commented that he supported the policy. He was fortunate about seven or eight years ago to have an opportunity to help a minority business get started. Most of you might know this company, Coastline Consulting Services. They secure contracts under the old policy and they have been very successful in the last seven or eight years of prospering and making money. This policy is an improvement over the old policy. He would like City Manager Brown to briefly address this. The impression he got was that the City of Savannah has a leading policy of minority business enterprise for cities of this size. He did not remember the exact details. Mr. City Manager, where do we stack up? We are considered at this point a leader in this particular policy that we are about to move on. City Manager Brown stated he thinks that we are. Yes. Alderman Stuber stated okay. Mayor Johnson asked if there was any further discussion. He thanked the staff of the city manager as well as the city attorney for getting them to this point today. He would like to say before the motion a universal statement, what gets measured gets done. If we do not look at this and get those quarterly reports then this could have not found its way because there were a lot of other good intentions that have not been implemented. The motion carries unanimously.

**MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISE POLICY. A RESOLUTION TO FORMALLY ADOPT A MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISE POLICY AS PROPOSED WITH DELETION OF ANY WAIVER PROVISIONS AND INCLUSION OF USING THE BEST VALUE CONTRACTING PROCESS TO INCREASE THE CAPACITY OF LOCAL MINORITY AND FEMALE-OWNED FIRMS THROUGH MENTORING, SHELTERING AND BUSINESS CREATION.**

**CITY OF SAVANNAH**

**JUNE 2009**

**I. M/WBE IMPLEMENTATION OF THE POLICY**

**II. M/WBE POLICY STATEMENT**

The City of Savannah (hereinafter referred to as "the City") shall [promote and] provide equal business opportunities to all persons seeking to do business with the City. The goal of the M/WBE policy is to increase the utilization of minority and women-owned firms in all areas of procurement of the City including small contract purchases, materials and equipment, and in professional services, so as to remedy past patterns of discrimination and achieve equal opportunity.

The Minority/Women-Owned Business Enterprise (M/WBE) Program will be administered by the Department of Economic Development, with the support of the Purchasing Department and all other departments of the City that are engaged in the procurement of goods and services. Further, the provisions of the M/WBE policy shall apply to all contracts awarded by the City, subject to the requirements of controlling Federal and State law and except as specifically exempted herein, with special emphases on construction contracts to promote the inclusion of M/WBE subcontractors and sub-suppliers.

**MINORITY AND WOMEN BUSINESS ENTERPRISE PROGRAM (M/WBE) POLICY**

**III. M/WBE PROGRAM BACKGROUND**

The City of Savannah has achieved economic growth in part by acting consciously to shed the vestiges of a history of racial and gender discrimination, thereby increasing the participation of all members of the business community in the local economy.

However, there remain in Savannah real barriers to equal participation by minority- and women-owned businesses (M/WBEs) in the market. A Disparity Study conducted in 1994<sup>1</sup> confirmed the continued existence of these barriers, showing that M/WBE construction, professional services and supply firms in the Chatham County area have seen disproportionately low levels of participation in City of Savannah contracts. The purpose of this Policy is to redress a history of racial and gender discrimination toward the end of achieving equal opportunity and access to City contracts by M/WBE businesses.

The City of Savannah M/WBE Policy will achieve this end by establishing M/WBE participation goals, defined below, on City contracts that approximate the market share of available M/WBEs, and also by providing assistance to new, inexperienced and small businesses generally, because many M/WBEs fall into such otherwise race- and gender-neutral categories. The City can thus achieve its goal of promoting equal access to City contracting opportunities in a way that benefits the entire Savannah business community (i.e., not just M/WBEs), thereby allowing the M/WBE-specific provisions of the Policy to be as narrowly tailored as possible.

The City's M/WBE Policy shall be the guiding document that provides the foundation of the M/WBE Program and its components that are paramount to the city's effort to insure equal access, to increase support, and to sustain minority and women owned business in City contracting activities.

To this end, the M/WBE Policy provides the following:

- Policy Statement
- Purpose
- Definitions
- Tasks
- Responsibilities

#### **IV. PURPOSES AND OBJECTIVES OF THE M/WBE PROGRAM**

The purposes of the City's M/WBE Program are to:

1. Advocate and promote equal opportunity and access to contracting and procurement opportunities with the City;
2. Develop programs that will increase the participation of M/WBE businesses in city contract and procurement activities in order to achieve equal opportunity;
3. Monitor and assess the utilization of M/WBE businesses in all City contract and procurement activities;
4. Monitor and assess the compliance by contractors with the M/WBE policy on all City contracts;
5. Identify M/WBE businesses and promote their awareness of City contracting opportunities;
6. Develop and implement programs that provide assistance and training to less experienced small businesses, as well as established small businesses working to expand their present capacity;
7. Recommend revisions and changes to policies or procedures that are an impediment or barrier to equal opportunity of participation for M/WBE businesses in City contracting and procurement activities.

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<sup>1</sup> A Disparity Study is currently under way to determine whether to continue this program, and if so, how to improve its effectiveness toward promoting equal opportunity of participation in City contracts.

The objectives of the City's M/WBE program are to:

1. Ensure nondiscrimination in the award and administration of City contracts;
2. Remove barriers to the participation of M/WBEs in City contracts;
3. Assist the development of M/WBE firms and their capacities so that they can compete in the market successfully outside of the M/WBE program, and
4. Increase the number of M/WBE firms and the volume of their business with the City, so as to approximate their population and market share in a given business sector.

V. Several methods shall be used to increase the opportunity for M/WBE participation. The methods include but are not limited to:

- Conducting pre-bid conferences
- Creating and distributing pamphlets/literature on doing business with the City
- Conducting workshops and/or seminars for vendors
- Attending community workshops and meetings
- Advertising bids in minority and women focused media
- Allowing all vendors to register on the vendor bid list
- Establishing a program of non-restrictive pre-qualification of vendors and contractors
- Providing information on access to small business assistance programs
- Establishing M/WBE participation (utilization) goals on a project-by-project basis
- Establishing separate sub-goals for minority and gender participation (MBE% and WBE%)
- Categorizing M/WBE firms by business sector, sub-sector and specialty firms, and assessing their relative participation levels, to most efficiently achieve the goals of this program by the most narrowly tailored means.
- Provide project management on a project by project basis.

ADOPTED AND APPROVED THIS 4<sup>TH</sup> DAY OF JUNE, 2009 UPON MOTION OF ALDERMAN FELSER, SECONDED BY ALDERMAN OSBORNE AND CARRIED.

**Quitclaim Deed – Roberts Management, Inc.** A resolution to authorize the City Manager to execute a Quit Claim Deed for Dana Avenue to Roberts Management, Inc., the sole abutting property owner, subject to the City being paid in the amount of \$45,000.00 and granted a 15-foot utility easement for the maintenance and operation of a water line.

Alderman Thomas made a motion for approval for the city manager's recommendation of the quitclaim deed with Roberts Management, Inc., seconded by Alderman Johnson. City Attorney Blackburn instructed them to get the motion on the floor. Mayor Johnson stated it is on the floor. City Attorney Blackburn stated this is in the form of a resolution. You have the approved the declaring of this right-of-way surplus; it is not of any need to the City. You have established in the resolution a value. The value has been established by the city manager through the appraisal process and by working with the petitioner as \$ 45,000.00. There are also some conditions in the resolution. They will appear in the quit claim with reference to the utility easement in the plat which is attached and is in the written resolution. The counsel for the petitioner is here. You may want to concur with his statement but you have made the findings in the minutes as to the value and authorized the quit claim. Mayor Johnson stated we are voting to quit claim a piece of

property on Dana Avenue which is valued at \$45,000.00 and withholding a fifteen foot utility easement.

**RESOLUTION**

WHEREAS, the Mayor and Alderman of the City of Savannah are authorized by Georgia Law 1927, p. 1537, sec. 1, to sell to abutting property owners for such compensation as the Mayor and Alderman of the City of Savannah deems reasonable, which has been determined to be Forty five thousand and no/100 dollars (\$45,000.00), and such streets and alleys as do not conform to the plan of the City of Savannah and which no longer serve the purpose for which these particular streets and alleys were originally established, and

WHEREAS, the Mayor and Aldermen of the City of Savannah find that Dana Avenue (as shown and described in the Quitclaim Deed of even date herewith) is surplus property because it no longer serves the purposes for which it was established and the Grantee (as described in the Quitclaim Deed of even date herewith) is the sole abutting property owner.

NOW, THEREFORE, the Mayor and Aldermen in a regular meeting assembled, with more than two-thirds of the Aldermen present and voting in the affirmative, approve the sale of the requested portion of unnamed lane to Grantee. The Mayor and Alderman further authorize the Mayor or City Manager to execute a quitclaim deed in conformance with this resolution.

ADOPTED AND APPROVED THIS 4<sup>TH</sup> DAY OF JUNE, 2009 UPON MOTION OF ALDERMAN THOMAS, SECONDED BY ALDERMAN JOHNSON AND CARRIED.

**A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH AUTHORIZING THE MAYOR TO SIGN AFFIDAVIT OF EXECUTIVE SESSION**

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

At the meeting held on the 4<sup>th</sup> day of June, 2009 the Council entered into a closed session for the purpose of discussing personnel, specifically appointments to boards, commissions and authorities.

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); 17
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 4<sup>TH</sup> DAY OF JUNE, 2009 UPON MOTION OF ALDERMAN JOHNSON, SECONDED BY ALDERMAN OSBORNE AND CARRIED.

## **BIDS, CONTRACTS AND AGREEMENTS**

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

**Microsoft Enterprise License Agreement – Annual Contract Renewal – Bid No. 09.142.** Renewed an annual contract to procure a Microsoft Enterprise License Agreement from Dell Inc. in the amount of \$368,545.64. The license agreement provides an annual and renewable contract for all Microsoft licenses, services and upgrades. The City will be migrating from Lotus Notes to Microsoft products for its email software and continue to use Microsoft products for operating systems, intranet, internet, document management, word processing, spreadsheet, database and presentation software. The license agreement will also allow the City to acquire software which will increase our management and retention of documents produced internally or received from the outside. Several hundreds of bidders were solicited for this contract; however, Microsoft limits how many resellers are able to provide this agreement within a single state. As the state contractor for Microsoft software, Dell was the only bidder to submit a bid. The bid was originally received June 10, 2008. This bid has been advertised, opened and reviewed. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2009 Budget, Account No. 611-1140-51320. A Pre-Bid Conference was not conducted as this is an annual contract renewal.

**Worm Gear Tower with Pinion – Sole Source – Requisition No. 09188892.** Approved to procure two worm gear towers with pinions from Walker Process Equipment in the amount of \$47,396.00. The gear boxes are used on the secondary clarifiers and have been rebuilt several times since the construction of the Water Quality Control Plant. These gear boxes will be placed into inventory as spares in case of failure. The boxes are subject to long delivery times since they are not stocked at the manufacturer. The reason for the sole source is that this vendor is the manufacturer of the clarifiers and parts are only available from the manufacturer. The offer was received May 11, 2009. This bid has been advertised, opened and reviewed. Delivery: 4-6 Weeks. Terms: Net-30 Days. Funds are available in the 2009 Budget, Account No. 311-9207-52842. A Pre-Bid Conference was not conducted as this is a sole source purchase.

**Universal Mounting Systems for Mobile Data Terminals – One Time Purchase– Requisition No. 09191812.** Approved to procure 233 universal mounting systems from Insight Public Sector in the amount of \$113,377.80. The mounting systems will be installed in Savannah-Chatham Metropolitan Police Department patrol cars and will hold the mobile data terminals. These mounts have a universal adapter which will allow any manufacturer's mobile data terminal to be used in a vehicle. This is an additional purchase from Bid No. 08.021 approved by Council on February 28, 2008. The vendor has agreed to hold the unit pricing for this additional purchase. The bid was received February 12, 2008. This bid was advertised, opened and reviewed. Delivery: 21 Days. Terms: Net-30 Days. Funds are available in the 2009 Budget, Account No. 101-4250-51320. A Pre-Bid Conference was not conducted.

**Swimming Pool Chemicals – Annual Contract – Bid No. 09.116.** Awarded an annual contract to procure swimming pool chemicals from Pride Pool Spas & Leisure in the amount of \$27,920.66. The chemicals will be used by Leisure Services for the treatment of the City's swimming pools and is also stocked at the Central Warehouse for use by other departments. Bids were received May 19, 2009. This bid has been advertised, opened and reviewed. Delivery: Same Day. Terms: Net-30 Days. Funds are available in the 2009 Budget, Account No. 101-6120-51323. A Pre-Bid Conference was conducted and two vendors attended.

**Vehicle Tracking System – RFP No. 08.295.** Approved to procure a vehicle tracking system from Zonar Systems in the amount of \$35,931.00. The system will initially be installed on 40 Stormwater Management vehicles to provide the real-time location of each vehicle, history and reports of vehicle locations, and operation status of the vehicles such as idle time. Data will be collected from this initial install to determine the suitability of the tracking system for other City departments. Vehicle tracking systems have proven to reduce fuel costs and carbon emissions in other communities and during a test demonstration on City of Savannah vehicles. Thirteen proposals were received in December 2008. Proposals were evaluated on functionality, experience and references. A shortlist of three vendors was established and interviews were conducted. Funds are available in the 2009 Budget, Account No. Various. A Pre-Bid Conference was conducted and three vendors attended.

**Water and Sewer Agreement – Union Mission Dutchtown Campus.** Union Mission has been approved for a water and sewer agreement for the Union Mission Dutchtown Campus. The water and sewer systems have adequate capacity to serve this 44-equivalent residential unit development on Middleground 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.

**Pre Cool Units for Passenger Boarding Bridges – Bid No. 09.103 –Savannah/Hilton Head International Airport.** The Savannah Airport Commission has been authorized to enter into a contract with JBT Aerotech, Jetway Systems, Inc. in the amount of \$103,581.00. The pre cool units will provide for a level of air conditioning on older boarding bridges as passengers enplane and deplane. This customer service improvement requires a specialized manufacturer based retrofit and, as such, there are only a limited number of contractors nationwide who can do the work. JBT Aerotech is one of those companies and their bid was responsive.

**Commercial Grade Tractor – Bid No. 09.111 – Savannah/Hilton Head International Airport.** The Savannah Airport Commission has been authorized to enter into a contract with Fleet Equipment in the amount of \$29,597.00 for a Commercial Grade Tractor. This tractor is a programmed life cycle replacement for unit #208 and will primarily be used for mowing operations on the airfield.

**High Speed Regenerative Runway Sweeper – Bid No. 09.109 –Savannah/Hilton Head International Airport.** The Savannah Airport Commission has been authorized to enter into a contract with Consolidated Disposal Systems, Inc. in the amount of \$162,555.00 for a high speed regenerative runway sweeper. This sweeper is needed to keep the aircraft movement areas around the terminal apron taxiway connectors clear of debris which could damage aircraft during the Taxiway "A" Extension project. This is a specialized sweeper designed for aircraft movement areas.

**Chiller Maintenance Agreement Contract – Savannah/Hilton Head International Airport.** The Savannah Airport Commission has been authorized to enter into a contract with Johnson Controls in the amount of \$60,319.00. The annual contract for Chiller Maintenance with Johnson Controls is due for renewal. This service agreement covers chillers, cooling towers, condenser water pumps, primary and secondary chill water pumps, chemical treatment and the condenser water loop. Johnson Controls acquired

York (maker of the Airport's chillers) and they are the York Certified Chiller Contractor for our area.

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Upon motion of Alderman Thomas, seconded by Alderman Felser and carried, the following **bid, contract and agreement** was approved:

**Engineering Services for President Street and General McIntosh Boulevard/Congress Street Improvements (TE 310) – Contract Modification No. 4.**

Approved of Contract Modification No. 4 to Thomas and Hutton in the amount of \$1,343,800 for the design of the bridge over the canal and railroad, and the connection to the Truman Parkway. The original scope included design of improvements to raise General McIntosh Boulevard and President Street out of the flood plain and to make intersection improvements. The contract was previously amended to include design for the relocation of water and sewer lines which will need to be relocated in the future but it was determined that with a higher street elevation the existing lines would be very difficult to maintain. As design of this project and a related project to increase the capacity of the Bilbo storm water box progressed an opportunity was identified to eliminate the at grade railroad crossing just west of the Truman Parkway and to improve the President Street/Truman Parkway interchange. Further it was determined that these improvements could potentially be eligible for Federal Stimulus Funding. The Mayor and Aldermen have previously adopted the President Street project as Savannah's top priority for competitive Federal Stimulus transportation funding. Likewise the Metropolitan Planning Organization CORE had adopted this project and Truman Parkway Phase 4 as the top regional priorities. Staff has gotten indications of strong support for Stimulus Funding for this project from several members of the local legislative delegation as well as the GDOT Board Chair and District 12 Representative. In order to be eligible for Stimulus Funding GDOT must approve a Project Concept Report and determine that the project is eligible for a Categorical Exclusion from the Federal environmental assessment requirements. Based on preliminary discussions with State and Federal DOT staff, City staff is confident that the project meets the requirements to qualify for this exclusion. In order to meet time deadlines for Stimulus Funding engineering design must be complete and the project ready for construction bidding by December. Public meetings will be held on the President Street Overpass Project on Tuesday, June 16, 6-8 p.m., in the Islands Precinct Squad Room, and on Thursday, June 18, 6 – 8 p.m., in the Jenkins High School Auditorium. The original Thomas and Hutton design contract has an MWBE goal of 9.93%, which is being met. With this amendment, Thomas & Hutton will commit to meet a goal of 13.21%, and agree to explore additional opportunities to exceed this goal.

Alderman Thomas made a motion for approval per the city manager's recommendation. He thought an explanation might be needed on this item. The motion was seconded by Alderman Felser. Mayor Johnson asked the city manager to inform the public on this item. City Manager Brown stated this involves the design of the President Street corridor between General McIntosh and the railroad tracks on the east part of downtown. We have an opportunity to receive as much as \$ 26 million dollars in federal funds for this project. It is heavily traveled by people who are both city and non-city residents. Industries use this corridor. Its low elevation is well known. Oftentimes there is water on the road and we hear the complaints about the train movements on East President Street. This project would elevate the roadway which will make it less flood prone. It should improve the Bilbo Basin which will result in better drainage in that whole area of the city and provide for grade separation so when you cross the railroad tracks you will not be at the grade. This overall project would improve the utilities. There are very extensive utilities in that area. These design services have to meet a December deadline to get this design ready for bid. This is a DOT requirement. We are working very hard to get this into the DOT priority list and get this approved as a stimulus project. These design services will allow us to stay in the game. We are not there yet but we believe that we have merit with this project and hope to get it funded. Mayor Johnson stated this is a needed project. We have discussed the President Street challenge before. Now we are moving towards resolving this issue. He has a motion and a second to approve the

contract for engineering services for President Street and General McIntosh Boulevard/Congress Street improvements. The motion carries.

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Mayor Johnson announced in their executive session today, they discussed nominees for an appointment to the Economic Opportunity Authority. Ms. Gertrude Jennings was nominated. Alderman Johnson made a motion to approve the nomination of Ms. Gertrude Jennings to the Economic Opportunity Authority, seconded by Alderman Felser. Mayor Johnson stated he had a motion and a second for Ms. Gertrude Jennings to be appointed to an unexpired term on the Economic Opportunity Authority ending December 31, 2009. The motion carries.

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Alderman Johnson stated recently we discussed this jaywalking issue. All of us have received phone calls about it. There has been a fair amount of media attention. Not to belabor a point in terms of fault, all of them either indirectly or directly has asked the city manager to address this issue. He did not know nor did he believe the council knew about this. Jaywalking is an obvious problem which has been evidenced by an unacceptable number of injuries and fatalities. He will let the city manager extrapolate further. Alderman Felser stated he had comments also. We all agree life is precious and too easily lost. We all agree public policy is to increase and promote public safety and make pedestrians and motorists aware of the rules of the road, but somewhere in there it has to be a balanced approach with law enforcement. He thinks given the fact, we have struggling businesses on Broughton Street and in the height of a recession. The cost of man hours were put into effect recently without their real knowledge. There were a number of tickets given out for excessive fines for jaywalking. He received phone calls and emails, perhaps all of them have. He does not understand the courtesy warnings and notices given to motorists, property maintenance, sanitation and others. Why didn't the officer use their discretion if there were not any aggravated circumstances? In other words, if somebody was not trying to flee, allude or was not being belligerent and obnoxious, why wasn't the person given a warning? We want to get their attention and make them be more aware of the rules of the road. We are to promote their safety. These fines that have been given to both for our citizens and visitors to Savannah has truly sent an egregious message and does not seem to have a balanced approach. How and why did it come about in this manner? Alderman Sprague agreed with Alderman Felser. She searched and found various jaywalking fines in other cities. The highest fine for a first offense was \$ 100.00. \$145.00 is a great deal of money for a first offense for jaywalking. She would like them to look into either a warning system or at least a smaller fine for a first offense. Alderman Johnson stated now the other issue is the fines levied are as violations of state law. The state law has prescribed fines already attached so we have to be careful with our statements. If an officer is giving a citation based on the state law being his base then the officer is not in control of the fine levied on it. It is unreasonable. Alderman Felser stated the officer has the discretion to issue a courtesy warning as they do when they pull over someone for questionable speed. Alderman Johnson stated correct, it is the discretion of the officer. Alderman Felser stated that was his statement unless there are aggravating circumstances. It would appear that the discretion of the officer should have been to give these individuals courtesy warnings which would let them know we were entering into a campaign to promote public safety and awareness about the rules of the road. Alderman Johnson stated unless they were directed to give the ticket. Alderman Felser stated that is what he is trying to find out. Alderman Thomas agreed with Alderman Sprague regarding fines. He does not know legally. City Attorney Blackburn will have to work through the system to see if there is a way to do this. More education is needed on this issue with the general public. There needs to be a graduated approach with it. If you started off with a smaller fine then a secondary offense will be higher. There needs to be a change of the culture out there in the violation of pedestrians but also to bike riders who blow intersections on bicycles downtown. It is very obvious. It needs to be extended to those riders who are not obeying the traffic signals as well. Mayor Johnson stated also riding on the sidewalks. Alderman Thomas stated riding of the sidewalks and violating the ordinances. There needs to be education and consultation of our attorney to see if there is a way as Alderman Johnson suggested to not to get into

odds with the state law and to find a way to generate an ordinance of local scale in a graduated approach for a habitual jaywalker, a person with a problem with this issue. Alderman Jones stated it startled him when he was first approached about it because he did not know we were enforcing the jaywalking rule. It came up suddenly. Now as a city of this size as Alderman Thomas said, the educational aspect of this was not handled properly. He has seen **No Jaywalking** signs posted in a lot of cities. He does not know if they have a single sign posted in the city of Savannah; there could be. Another problem he sees in Savannah because this is a large city, there are many places where the likelihood of jaywalking could occur. This does not necessarily have to be downtown unless the ordinance is confined to downtown. A police officer doing his job can write a ticket to a person jaywalking anywhere which in itself could create a tremendous problem in the city. They should slow down a bit and make sure the general public knows this law is going to be enforced. We have a lot of tourists coming here. We need to let these companies know whenever the people take tours and include the hotels. Let the people know if you jaywalk in Savannah, you are subject to get cited. This whole process needs to slow down for a minute until the word is out thoroughly that you will be cited for jaywalking if you are caught. Alderman Osborne stated many of the streets, on MLK Jr. Boulevard near the Visitors Center have official crosswalks with the little pedestal stands that say pedestrians have the right-of-way which is fine. A point of clarification is needed. Let's take the corner here, you have a walk; the pedestrian does not have the right to go into that walk and cause traffic to stop if they don't have the right. Is she correct? City Manager Brown stated you are not to enter in front of a vehicle that cannot stop. They are not to enter an intersection in such a way in which the vehicle cannot stop but if they do enter it and the vehicle does have a normal stopping distance then they are supposed to stop. Alderman Osborne stated even if there is a red light there that says, Walk/Don't Walk. City Manager Brown stated when there is a signal then they should cross with the pedestrians. Alderman Osborne stated pedestrians must cross with the signal even if it is within a crosswalk correct. City Manager Brown stated that is correct. Alderman Osborne stated by stopping and being courteous, you could cause a pileup behind you which is dangerous. Alderman Stuber followed up on Alderman Thomas' comments about enforcement and education. There are three legs to the stool on protecting pedestrians walking around while they are in downtown Savannah. Education and tickets were mentioned. The third is infrastructure improvements. Two examples are Oglethorpe and Liberty and Bull. There are no traffic lights there. There are crosswalks there. There are a lot of people going through those intersections day and night. His office was near there and he saw it for twenty years. You go in those intersections and you are literally playing chicken. Who is going to go first? Whether it be pedestrians or the person in the automobile. As they study the appropriate approach to all of this as well as considering some modifications to the fines because they are a little bit too high. They also need to look at some infrastructure improvements on these high priority intersections like flashing lights and devices were you push the button. The more pedestrians and people coming to this town, this issue will come up. He trusts the professional staff will come back with the appropriate recommendation. Mayor Johnson stated after the tragedy with the Swedish persons, he asked the city manager to look at what could be done. He expects some kind of report to come back to carry out what was said. He does not want to add to the piling on but he was caught totally by surprise with this thing. It has not had the intended effect as a matter-of-fact he thinks it has boomeranged on them. He had a discussion this morning with the city manager. He is aware of our concerns. He is sure that an appropriate action will be taken to get this calmed down until we can take a more thoughtful approach to this. Alderman Johnson stated we are not in Mayberry anymore. We are a metropolitan city. He is sure folks that have been here for quite sometime remember you could move in an unobstructed way and it was okay. Now we have more vehicular and pedestrian traffic downtown than ever before. There has to be a change in culture because the reality is, it is not like it used to be. By teaching our young people how to walk appropriately and also by teaching our adults while making sure whenever visitors and students come here from all over the world that they are fully aware. An aggressive education campaign is needed to inform all sectors of our community. The city manager has agreed and he will help to remedy this issue. We want to use tickets as a final option and as an absolute behavior medication tool but not in this case because people are not familiar with it yet. Alderman Felser stated at one time the entire council, prior to Alderman Stuber and Alderman Sprague, discussed having an Ambassador Program in the downtown area as they do in Charleston

and Atlanta. There would be posted ambassadors helping the visitors with where they were going and how to get to different places. We would be proactive and friendly rather than using the harshest approach first. What happened to this suggestion and could it be included in the report on this issue? It could also help educate the visitors in many ways about the rules of the road in Savannah. Mayor Johnson stated he could give him an answer. It was promoted as a cost-sharing initiative. The partners could not agree on paying their share of the costs. They wanted the City to incur the total cost for it. We were trying to get the hotels and the tourist industry to agree to use a portion of the hotel/motel tax. They would not agree. The City decided not to carry the whole freight. Mr. City Manager, is that correct? A lot of these people come up with these great ideas. They want the City to pay for it. Is there any more discussion? Alderman Jones stated something needs to be done but nothing has been said in terms of what will happen. Mayor Johnson stated the city manager can tell them what he will do because the police work for him. Alderman Jones asked can something be done at this particular point? The current fines are from the state law. He understands. They are in the newspaper. Can they be modified? If they continue in this manner then we are going to get some more phone calls and hear concerns. Mayor Johnson stated the city manager heard the will of this council. He knows what he needs to do. The city attorney can look at the law and see whether or not, we can enact a local ordinance that is not as severe in fines and has graduated fines in it. They can come back to us with a plan. One of the delegates from Sweden talked about having stanchions like they have on MLK Jr. Boulevard in front of those crossings where SCAD is and up and down Bull Street. There are things that they can do. We have asked the city manager to look at it, come back to us and if we want to get time certain to come back, in the meantime let's back off of these fines. Alderman Jones thanked him. Alderman Johnson asked is thirty days sufficient or two council meetings, Mr. City Manager? Does it need to take the form of a motion? Alderman Jones stated it does. Mayor Johnson stated let us have a motion that in thirty days the city manager and the city attorney will bring us a plan to help them reduce the problem of jaywalking and automobiles not respecting the rights of pedestrians. Alderman Thomas made the motion, seconded by Alderman Sprague. Alderman Johnson stated date certain July 2, 2009. Mayor Johnson stated he had a motion and a second, date certain July 2, 2009. The motion carries.

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Alderman Sprague announced there are two public meetings for the President Street Extension Project. They will be held on June 16<sup>th</sup> and June 18<sup>th</sup>.

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



Dyanne C. Reese  
Clerk of Council