

**CITY GOVERNMENT  
OFFICIAL PROCEEDINGS OF CITY COUNCIL  
MAY 26, 2005  
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 12, 2005 were approved upon motion of Alderman Jackson, seconded by Alderman Thomas, 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  
Assistant City Attorney William W. Shearouse

**ABSENT:** Assistant City Attorney Lester B. Johnson, III

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**PRESENTATIONS**

City Manager Brown explained that as known, the City of Savannah has the capacity to issue bonds. Chatham County periodically comes to the City to make use of our capacity for bond issuance. This is the Downtown Savannah Authority's intent (DSA) to issue bonds to assist Chatham County in the refinancing of 1993 DSA bond at lower interest rates to achieve debt service savings, to renovate and expand the public health related services, and improvements to the Chatham County Aquatic Center. No Council action is required for this item; we are simply posting this as a public announcement. Within the next 30 to 60 days, more specifics will be forthcoming about the Aquatic Center, the health facility and the Ellis Square parking facility.

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Students from Delta Academy (middle school) and Teen Lift (high school), both sponsored by Delta Sigma Theta Sorority, and the Youth Futures Authority Young Voices Advisory Council (high school) were recognized by City Council. Ms. Jacquelyn Elmore stated that she usually comes before City Council regarding Youth Futures, but today she was appearing on behalf of the Delta Sigma Theta Sorority, Incorporated. One of their services is to ensure that youths have the right things provided for them. The groups appearing before Council are celebrating "Public Service" month. Today, the group decided to come to the City Council meeting to see what is done by the Mayor and Aldermen. Jamila Davis came forward and reported that she is in the 7<sup>th</sup> grade at Mercer Middle School. She represents a group of young ladies who are striving to be leaders in

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the 21<sup>st</sup> Century. She thanked Council for having them present today to witness what they do for our City. Alderman Jackson thanked Ms. Elmore for bringing the group to Council meeting. She wanted Council to know that these young ladies have many activities that they participate in and get a chance to travel and see what the national government is about. The young men also get the same opportunity. This is a wonderful program for our young people to be exposed to and this is a part of what Council talks about regarding what young people should be doing and how to get them involved. Certainly, both of these programs are very important.

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Mayor Johnson said it was a pleasure to welcome as Council's guest today students from the Youth Challenge Academy at Ft. Stewart, GA. The Academy is a special academic and life skills program operated since 1993 by the Georgia National Guard and led by Col. Frank Williams. These young people complete their General Education Diplomas (GED); participate in the decision-making and team building projects; make plans for their post secondary lives in areas such as technical school, college, military or the workplace. It was with great pleasure for Council to have these young people visit today along with their guidance counselors, Ms. Denise Fisher and Ms. Elaine Lacy. Ms. Fisher said she lives in Chatham County and was appreciative that the students could visit us today. Andrew Gallazzo came forward and stated that he is the Youth Challenge Academy Student Council treasurer. His future plans are to work in his step-father's motorcycle company and later enroll into MMI in Orlando, FL to become a certified fabricator and motorcycle technician. Andrew presented a coin to Mayor Johnson. Jennifer O'Brien stated that she is the secretary of the student council. When she graduates from the Academy, she plans to enroll into the National Guard and receive training as a medical assistant. Shawntavis Houston thanked Council for allowing them to appear today. His plan is to attend Savannah State University. Shawntavis presented a coin to Alderman Thomas. Alderman Jackson recalled that they had interschool counseling when she was in school and a lot of the training she received reflects on where she is today with understanding parliamentary procedures and other things. It is wonderful to hear that the training is continuing among this group.

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Mr. Barry Baker, Director of Recreation Services and Summer Lunch Program Coordinator Tosha Powell appeared to announce the kick-off of the Summer Lunch 2005 program. Mr. Baker was pleased to announce that for the 34<sup>th</sup> summer, the Summer Lunch program will begin on June 6. They will serve approximately 120,000 meals at 100 locations. This program meets the need for youth at the end of the school term to the beginning of the next term. It is a picnic-style lunch that will be available during the lunch hour and will be served along with a lot of ongoing summer activities such as camps, park programs, and church vacation Bible schools. Ms. Powell said they will have a drawing at all six (6) zones. This information is posted on the City's website. Mayor Johnson stated that this is an effort to use our tax money in a wise and proactive way. Mr. Baker stated that

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on a national level the money comes from the USDA and this year the funding on the state level will be through the Georgia Department of Childcare and Learning. Alderman Thomas remembered that during the summer of 1973-75, the truck would come to Savannah Gardens and they would get the lunches and they were wonderful. He wanted it to be realized that this is the only meal that some children will get daily. Mayor Johnson said many of our children qualify for free and reduced lunch while in school. When school is out, they do not get this free lunch. This is a part of what he talks about when they speak of building a more just and caring community. This is the caring part and we know that young people need this nutrition in the summer. The federal government has been doing this for a long time. We should be proud to have our City government involved in this program. Mayor Johnson thanked Mr. Baker and Ms. Powell for what they do and knew this summer lunch program will be great.

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Savannah Speech and Hearing Center Executive Director, Beth Larrimore along with Sertoma Club President Alan Jones, appeared to receive a letter of support in recognition of "Better Speech and Hearing Month". Mayor Johnson read a part of the letter written by him to this group in support of Better Speech and Hearing Month. This is in recognition of their 51<sup>st</sup> Anniversary. City Council is proud of the collaboration between the Speech and Hearing Center and the Sertoma Club. Ms. Larrimore thanked Council and the Sertoma Club for helping the Savannah Speech and Hearing Center raise awareness of hearing and speech month. Mr. Jones thanked City Council for their support.

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**REPORTS**

**Charles VanderBulck for The Olde Pink House - Petition #10281**, requesting an encroachment under the St. Julian Street sidewalk adjacent to 23 Abercorn Street for the installation of a grease trap and access ports. **REPORT: Recommend advising the petitioner of these requirements: verification that the new sidewalk meets minimum City standards and does not restrict pedestrian, including handicapped, access; field location of all existing utilities to ensure no conflict with the proposed waste line; submission and approval of a plan of the proposed system to Water and Sewer Planning and Engineering; and adequate maintenance of the sidewalk and surrounding area, including weekly pressure washing, to the satisfaction of Facilities Maintenance. Recommend also advising the petitioner that the encroachment grants no ownership rights to the right-of-way and that, if required by the City, must be removed at the petitioner's expense.**

**Russell L. Hoyser - Petition #10385**, requesting the award of his Glock 19 service weapon upon retiring from the Police Department. **REPORT: Recommend approval.**

**BE IT RESOLVED AND IT IS HEREBY RESOLVED** that the Mayor and Aldermen of the City of Savannah in regular meeting of Council assembled, that the foregoing recommendations are hereby approved upon motion of Alderman Johnson, seconded by Alderman Thomas and carried.

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**LEGISLATIVE REPORTS**

As advertised, the following alcoholic license petitions were heard. No one appeared in objection to the issuance of these licenses and upon the motion of Alderman Osborne, seconded by Alderman Felser and carried, they were approved:

**Deborah J. Boulanger t/a Scottish Mae, Inc. d/b/a Molly MacPherson's Pub & Grill**, requesting a liquor, beer and wine (drink w/Sunday sales) license at 311 W. Congress Street.

**William L. Crosky t/a Budget Inn Extended Stay**, requesting a beer (package) license at 3702 Ogeechee Road.

Alderman Clifton Jones asked if this is an unusual circumstance where Budget Inn would be selling beer to be taken off the premises. City Manager Brown said he believed under law, it is allowable to have an establishment of this type have a package license to allow the patrons of the establishment to buy and take off the premises. Mr. Brown asked Mr. Clay if this was correct. Mr. Clay answered that this is correct. Alderman Sadler asked if someone who is not staying on the premises would be allowed to buy the beer. Mr. Clay answered yes. Alderman Jones asked if this would make it somewhat like a package store. Mr. Clay stated that this location is regarded as an extended stay motel. He believed the primary customers are workers who come and stay for an extended periods of time. They have a small convenience store operation on site here that provides food service for people who are staying here. Mr. Clay believed that many of the units here are kitchenette-type units. The applicant wants to add to their ability to make beer sales to the residents of his hotel. In talking with the applicant about this, he was told that they only operate the store for short periods of time during the day. Their principal time is usually about 5:30 p.m. to 8:30 p.m. This is when the people get off from work and come into the facility. It is entirely possible that someone else can go here and buy beer. Alderman Jones said he knew that this area has had a lot of problems. He asked if there were any other licensed alcoholic establishments in this vicinity. Mr. Clay answered that there are a number of convenience stores right in the area that are already licensed. He believed one is directly across the street. Alderman Jones asked if the establishment sells beer and wine. Mr. Clay answered yes. (APPROVED).

**Lenaida Green t/a Eckerd Drugs #8187**, requesting a beer and wine (package) license at 4222 Waters Avenue. (package) license.

**James Jackson t/a American Legion Post 500, Inc.**, requesting to transfer a liquor, beer and wine (drink w/Sunday sales) license from Moses West t/a American Legion Post 500, Inc. at 1716 Montgomery Street.

**Note: Mayor Johnson and Alderman Clifton Jones did not vote on this petition as they are members of Post 500.**

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**John Tran t/a RIA**, requesting a beer and wine (drink w/Sunday sales) license at 149 E. Montgomery Cross Road.

City Manager Brown recommended approval of this petition with the condition that they meet the other zoning requirements having to do with restaurants and sit-down cafeterias. **The Neighborhood-Business (B-N) zoning permits Use #40, Restaurant, sit-down or cafeteria, which serves alcoholic beverages provided the alcoholic beverages are only sold as part of a meal. (APPROVED).**

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Continued from the meeting of May 12, 2005, hearing was held on the petition of **Vinay Patel t/a Country Convenience #3**, requesting a beer and wine (package) license at 1102 E. Victory Drive. Recommend approval. Measurements made and witnessed on May 19 confirmed that the location is more than the required 300 feet from a school.

City Manager Brown reported that at the last Council meeting, questions were raised about the distance from the establishment to the nearest church and school. As requested, they conducted a review of the measurement. He asked the Revenue Director, Buddy Clay, to come forward. Mr. Brown believed it was important that we first stipulate how the measurement was to take place and did take place. He asked Mr. Clay to present the exact measurement and how it was completed. Mr. Clay reported that as City Council instructed, a meeting took place on site. He thanked Attorney Steinmetz for being instrumental in working out the arrangements for the meeting. Mr. Clay believed that Attorney Steinmetz was one of the representatives of the Blessed Sacrament school. He wanted to go over briefly some information for the benefit of those in attendance and for a clear understanding of what is provided by the ordinance in terms of measurements. The ordinance is in line with what is required by state law for package beer and wine. The measurement for a beer and wine package license states that "no wine or malt beverage may be sold by package in or within 100 yards of any school building, educational building, school grounds, or college campus, measured from the primary entrance of the alcoholic beverage establishment to the property line of the nearest such institution, nor within 100 yards of any alcoholic treatment center. Under state law, there is no distance minimum to a church for wine and beer sold by package." The ordinance further provides the method for measurement. The requirement is as follows: "unless otherwise provided by law, all measurements to determine distances as required in this section for the issuance of an alcoholic beverage license shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

- (i) From the front door of the structure from which alcohol beverage is sold or offered for sale;
- (ii) In a straight line from the front door to the nearest public sidewalk, walkway, street, road or highway;
- (iii) Along such public sidewalk, street, road, or highway by the nearest route;

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- (iv) To the front door of the nearest church, school building or educational building, or to the nearest portion of the school grounds, whichever is applicable to the appropriate section.

Mr. Clay stated that in this instance, the applicable point was from the front door and the most direct route of travel on the ground to the closest property line. This is the way the measurement was conducted. A slide was shown of the exact route that was measured. An aerial photograph was shown of the lot, which is on the northeast corner of Victory Drive and Waters Avenue. They measured a straight line from the front door to the sidewalk, went west to the crosswalk, crossed Victory Drive and then crossed Waters Avenue to the property line. They actually went to the fence. The measurement taken was 321 feet. Mr. Clay showed some photographs of the construction of this building. The front door is located in the middle of the building and is the primary entrance for the business. A view of the lane behind the building was shown. Several other photographs were shown of this building which gave the visibility of how the building was situated on the lot to provide for the adequate parking, gas pumps, egress and ingress from Waters Avenue and Victory Drive. Alderman Johnson stated the reason this was sent back was to provide all parties with the opportunity to go out to this site together and establish the measurement. It is not City Council's desire or intent to break the law. The law is 100 yards from the entrance of the establishment to the property line of the educational building, church and so forth. He asked Mr. Clay if he was reporting that the measurement that was taken with everybody there, basically was more than 100 yards from the entranceway to the property line. Mr. Clay said this was correct based on the measurement. Alderman Osborne asked that the slide be shown again that showed the route. She understood that they took the walkway. She asked that if they had gone straight across Waters Avenue and then come to the school line what would be the measurement. Mr. Clay answered that the measurement would be 327 feet. Alderman Osborne wanted to know what was shown as the measurement on the slide. Mr. Clay answered that the measurement was 321 feet. Mayor Johnson invited the citizens who oppose the license to come forward. He asked if the applicant was present. City Attorney Blackburn stated that the petitioner was given written notice of his rights to be present. Mr. Patel and his attorney were present.

**Attorney Chris Steinmetz** stated that unlike Mr. Clay graciously said, he does not represent Blessed Sacrament school or Blessed Sacrament church. He represents a five year old and a six year old as he is their parent. Attorney Steinmetz believed that several members of the community, both the Blessed Sacrament community and the Live Oak community join with what he had to say. Last time they were at the Council meeting, he encouraged Council to consider the spirit of the statute, being to separate the presence of the sale of beer and wine from schools. It was brought up at the last meeting that legally if the distance is correct there may be nothing that could be done. He wanted to submit that the City of Savannah is incredibly lucky to have someone such as Mr. Clay in its employ. Mr. Clay was very professional, kind, polite and accommodating.

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He believed that Mr. Clay should be congratulated for working with him and the other members of the community. What Mr. Clay reported today is correct. Either way you measure according to law and it was measured according to law, is either 321 feet or 327 feet. This is 107 or 109 yards. The members of his community recognize that legally this building meets the requirements. However, he encouraged Council to consider the law. He wanted City Council, City Attorney Blackburn and the City Manager to get a copy of the City Ordinance Section 6-1208. Attorney Steinmetz told City Council that by law they have the discretion and no matter what was said before, he wanted Council to read Section 6-1208 - Denial, suspension, or revocation; notice and hearing; and waiting period - Section (a) Reasons for denial, suspension, or revocation. The Mayor and Aldermen may deny, suspend, revoke or refuse to renew any alcoholic beverage license for one or more of the following reasons: number (7) - "The Mayor and Aldermen may, in its discretion, issue or deny any alcoholic beverage license when there is evidence that the type and number of schools, churches, libraries, or public recreation areas, or other circumstances, in the vicinity of the place of business cause minors to frequent the immediate area, even though there is compliance with the minimum distances as provided in this article". He wanted to submit to Council that the compliance with minimum distances has been met and he could not dispute this. This does not mean that he agrees with the way it was measured. But, legally it was measured correctly. We are bound by law, but law provides City Council with the discretion to consider not only the facts and circumstances contained in the application, whether the distance is correct. But, he wanted Council to look at the community and what is in the community. Attorney Steinmetz stated that Mr. Clay has stated that the City ordinance clearly states that there is no minimum distance requirement between a church and a place that sells beer and wine. However, Council may consider the number of churches in this area if such would cause minors to frequent the immediate area. On the northwestern side of Waters Avenue, there is the Faith Hope and Charity church in the Live Oak community. This is a striving church and a lot of attendees are here and a lot of the attendees are children. Coming south on Waters Avenue and turn west (according to the photo) onto Victory Drive, the second building is the Savannah Mission. This is an alcohol, drug and rehabilitation facility. This is another consideration. If they were to cross Victory Drive, there is the Blessed Sacrament school, which has grades 1 thru 8. There are more than 350 students here and Blessed Sacrament church has more than 950 parishioners. Presently, they have four masses per weekend. In addition, if we cross on the south side of Victory Drive across Waters Avenue, there is Daffin Park. Attorney Steinmetz said he could not tell Council how early one must get here on a Saturday morning to get a picnic table. Children play here all the time and school children play here. Sometimes families of the community play here, too. He wanted to submit to Council that by statute they are authorized to consider what is in the immediate vicinity. There are two churches, one school, an alcohol, drug and rehabilitation facility, and a public recreation area. These are the exact things that City ordinance Section 6-1208 (a)(7) specifies. Attorney Steinmetz said they have heard a lot

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of things recently about people having to take responsibility to better our community; make it a better place for children. He did not know if the presence of beer and wine would be detrimental to this community, but he knew that the spirit of this statute is to separate the sale of beer and wine from the education of our children. He knew, too, that they were not seeking to deny Mr. Patel from having a convenience store. They will be Mr. Patel's biggest customers. When he is there with cub scouts, PE classes or a basketball intramurals, he will come to this convenience store to buy sodas. They are not seeking to deny Mr. Patel from making a living, but what they are asking is for Council to use their discretion and to consider will the ability of this store to sell beer and wine help this community or is there a possibility that it may affect the lives of minor children who are in the immediate vicinity. If City Council feels that it will affect the lives of these minor children in a negative fashion, then they are authorized to deny this license, by law City Council has the authority. Mayor Johnson told Attorney Steinmetz that he has predicated his argument on the harm that this will do to the children. But, minors or anyone under 21 years old cannot buy beer or wine at this store. Mayor Johnson asked Attorney Steinmetz to tell him how he perceives harm to the children. Attorney Steinmetz answered that the fact that minors cannot buy beer and wine from this store does not mean that they are not placed in harms way. For example, someone goes in buys beer and wine and if they do so while intoxicated, get into their car and drive off, they could hit someone. In this area there is no secret that there is a tremendous amount of foot traffic. He lives three doors down from this location on victory Drive and there are many people who walk by his residence. Foot traffic, as well as people who drive, can buy beer and wine. In the event that among those folks are some bad folks, he believed that this could put our children at harm. Attorney Steinmetz was not saying that they are not here already, but he was saying that if someone who is a bad person is inclined to buy beer and wine, we will give him another reason to come into our community, to come diagonally from our school, and between two churches. Someone from the Union Mission who is there for alcohol and drug rehab and happens to get out of the mission is only two houses down from being able to buy beer and wine. Granted, however, they could walk five blocks south on Waters Avenue and buy beer and wine as well, but his point is this is near where children are and this statute says that Council may consider the presence of this among all of the churches and schools. In his opinion, the stereo fact that beer and wine are sold in this community is not in itself going to put anyone in danger, but if beer and wine that is sold attracts someone who is inclined to break the law, then this can put members of this community in greater danger. This is not a direct cause and effect relationship as it must be considered in its totality.

**Ms. Kathleen Collins** stated that she lives on 46<sup>th</sup> Street. She has two children that attend Blessed Sacrament school and she frequents the area of Daffin Park and picnic in this area also. Just as Attorney Steinmetz said, the ability of someone to buy beer and wine, walk over to Daffin Park while they are picnicking would make her uncomfortable. She did not want the fiber of the

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neighborhood that she has moved back to, to disintegrate with more beer and wine sales. They are trying to generate a more positive neighborhood in Ardsley Park. She felt this would not contribute to it. One thing that was done during the measuring and this is not in the minutes is they took a third measurement to see how a crow flies. She showed a diagram of this area that started from the front door perpendicular to Victory Drive, down Victory Drive as shown by the purple squares, came across Victory Drive, then west to Waters Avenue to the corner of the school grounds and the church's parking lot. The second pathway that they walked was shown in green and was perpendicular to Victory Drive from the front doorway across Waters Avenue and then to the church and school parking lot. This, too, was within the ordinance range. Ms. Collins said if Council looks at the thin yellow line, the front entranceway of the building will have parking across the front. She believed that people walk a straight line to get to the sidewalk. This would be a diagonal line not perpendicular to Victory Drive as they will come out of the front door and walk straight to the sidewalk, turn and go to the corner and either cross Waters Avenue, then to the corner of Victory Drive where the property line is located. This measurement came up to 288 feet. She wanted Council to be aware that this is not within the ordinance range of 100 yards. She believed that people will walk the shortest distance between two lines, which is a straight line to her. The City's ordinance says a straight line. Who determines the straight line that people will walk? This is what she wanted Council to consider when they look at the measurement that has been presented to them.

Alderman Thomas said he understood the discussion and knew that a lot has been said about the measurements from Blessed Sacrament to the location. But he wanted to clarify one point about this operator and then wanted to bring up some information for Council and perhaps for some of the folks that were present today. Mr. Vinay Patel is an operator of the highest integrity and is community oriented. He knew this because Mr. Patel owns businesses in his district. Any time they have had issues that involve the neighborhoods of Windsor Forest and the south side, Vinay Patel has always been one of those people that they could go to and has been a person who cares about the appearance of his store and about the kind of people who are loitering, landscaping and everything else. This neighborhood despite what some may believe is lucky to get an operator, especially on this corner. He also wanted to bring up the fact that you can go to Grayson Stadium and get an endless cup of beer at a baseball field that is inside Daffin Park. If Mr. Patel is granted a license and violates the law, he could tell the citizens that by being a part of City Council and knowing the folks he serves with that the license would be revoked immediately. Alderman Thomas wanted to tell everyone that he did not believe that this would be the most evil thing that would ever impact Daffin Park, Blessed Sacrament or the Waters Avenue corridor. He listened to Attorney Steinmetz talk about the threat to children, but the children in this neighborhood are already threatened in this neighborhood because of the drugs that exist here. He believed that a lawful operator who sells beer and wine will be concerned about this because he knows that this Council will revoke his license.

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A reference was made earlier that somebody drunk could pull up and buy beer. However, Alderman Thomas wanted to tell the person that in his personal opinion, Vinay Patel or whoever works in his store is trained and will not sell beer to someone drunk that his pulling up in a car. In fact, they would probably be the first to call the police; it is his hope that the police would respond in enough time to catch the person before he does one of the atrocities that was cited. He believed that before they vilify the site, they need to look at the surrounding areas, including the endless cup or what they call it and also the look at the bordering bars and other stores in this area. Alderman Thomas said he knew that this operator operates an establishment that is a lot different than some of the ones he has seen in this neighborhood.

Mayor Johnson said Council wanted Mr. Patel to tell them how he was going to operate his business, ensure that there are no sales to minors and how he will respond to what he has heard the last couple of meetings. City Attorney Blackburn said he wanted to put into the records that after the last meeting of City Council, he sent Mr. Patel notification by certified mail which he received and assumed that his attorney, Mr. Yellin, has the letter. Attorney Yellin confirmed that he had the written notification. Mr. Blackburn said he pointed out in the letter that evidence might be presented including what was just presented with reference to the discretionary matter. At the time, he advised Mr. Patel that he could be represented by counsel and would have the opportunity to cross-examine any witnesses that might testify and he could offer evidence in his own behalf with reference to this. Alderman Clifton Jones said he was not opposed to the discussion on this matter, but he believed that the records would show that the only outstanding disagreement with this particular item is that the measurement was somewhat in doubt. He believed that Mayor Johnson's statement to both sides was they would have the opportunity to retake the measurements, comeback and Council would hear the measurements. Alderman Jones thought today this would be the extent of the discussion. Mayor Johnson said this was his hope, but because this is a public hearing, they have the right to restate what they have already said. Council understands the issues. The question is was the measurement accurate. This is why he asked for two representatives of the opposing group to accompany our professional staff so that there would be no question about the measurement, but they are still questioning the measurement. Therefore, it does not matter which way they go with the measurements, there will be a disagreement and now we have a factor that he wants to make some comments about when the discussion is over.

**Attorney Harold Yellin** said he was present on behalf of Mr. Vinay Patel. He believed that it is obvious that this petition is not about who has made the most calls to City Council, but it is a matter of just right and wrong. This property has been measured not once, twice, but three times. This property was measured for the first time before Mr. Patel bought the property. He wanted to know that if he bought the property and made substantial improvements to it, could he use it for the intended purpose of a convenience store. The first measurement took

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place months ago. When he applied to the City for a license, it was measured a second time. Council asked for Mr. Patel to be there, but he was not notified and was not present for the third measurement. But during the first, second and third time, the measurement was always above 100 yards. Therefore, the location has been in compliance during all three measurements. Mr. Patel in reliance upon the City's ordinance and upon measurements and in the reliance upon the confirmation of the ordinance, he bought the property and has spent a ton of money. Two weeks ago, Mayor Johnson said the only issue is the distance. Is this over or is it under? Mayor Johnson is 100 percent right. This is the only issue that is before Council and to his knowledge, this Council and the ones who have come before them has never turned down an application when it meets the 100 yard requirement. He believed this is true because this Council has always been charged with the responsibility to uphold the laws. Today, Council is being asked to hold the spirit of the law and not the law. This gives him a great deal of trouble because if Council does this, someone will have to tell him how will the citizens of this community know when they are going to be applying the law and when will they be applying the spirit of the law. Attorney Yellin said he has seen the ordinance that has been presented to Council which requires that evidence come forward as a burden of proof. Where is the evidence that will cause minors to frequent this area? He heard no evidence at all. All he heard was if there is a convenience store, then there must be minors coming here, but he did not hear any evidence as required by the ordinance. In fact, there are convenience stores next to elementary schools in this city. Jacob G. Smith is across Habersham Street from a convenience store. The White Bluff elementary school is directly across White Bluff Road from a convenience store. There is no evidence that this will bring minors to the location and as the Mayor pointed out, minors cannot be served beer and wine. There was also an argument made about harms way. Attorney Yellin believed that the location is a PBC zoning classification. This means that a restaurant that serves beer, wine and alcohol can go here now as a matter of right and no distance requirement is required. Therefore, if there is a concern about harms way, it can be tossed out the window because as he said a restaurant that serves alcohol can go here now. This is an intensive BC zoning classification. He said Mr. Patel would answer any questions of City Council.

Alderman Felser asked Attorney Yellin that when he said that this Council gave Mr. Patel guarantees, was he denying that Section 6-1208, paragraph 7 allows City Council to have discretion in making these decisions. If so, if they do have that right, when did they guarantee that they will vote either way in this matter? In an answer to Alderman Felser's question, Attorney Yellin stated that he did not believe he used guarantee as it is not correct. Mayor Johnson said his understanding is that Mr. Patel went into this venture after he measured the distance that would allow him to do what he wanted to do. Attorney Yellin stated that Mr. Patel measured the distance with the City of Savannah. Mayor Johnson said once this was done and when Mr. Patel got the building to a point where he could apply for a license, it was measured a second time. Attorney Yellin replied correct. Mayor Johnson said two

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weeks ago, the public hearing was held and the opposition questioned the measurements. He asked them to select two people of their choice to go back and go through the measurement again. He asked if it was correct that all three times, the measurement was within the requirements of the law. Attorney Yellin replied yes. Mayor Johnson said if there were other issues to be considered then they need to talk that, but leave the measurement issue out because it is a moot point. Mr. Patel is within the requirement limit, but if they wanted to argue about Section 6-1208, paragraph 7, argue about it, but they need to get the arguments over so Council can vote on the issue. Alderman Fesler said his question had nothing to do with the measurements. His question was if Attorney Yellin agreed that City Council has discretionary powers under Section 6-1208, paragraph 7 to deny the application. Alderman Felser asked him whether he agreed with it or not, did he believe that the law gives City Council those discretionary powers. Attorney Yellin said in all fairness, the answer to Alderman Felser's question has to be given by the City Attorney. There are discretionary points to this; Alderman Felser and he took basic constitutional law in law school. There is an issue constitutionally applied. To his knowledge, Council has never taken this ordinance and said they are not going to give the license to you because you have met this burden of proof. Council has denied licenses in the past because people served alcohol to minors, has turned down licenses because people had criminal records. There are reasons that he is familiar with where Council has turned down licenses, but to his knowledge as this ordinance has been applied, Council has never turned down an application where the distance requirement has been met such as the case by this applicant, Mr. Patel. Alderman Felser said he could not cite the place and time, but he knew that the argument was consistently made when they were discussing applications on the west side for certain places and some of them have voted against those locations based on this discretionary powers. He could not say whether it was not given, but he could tell Attorney Yellin that it was used as a basis for voting no. Alderman Osborne asked if the third measurement raised by Ms. Collins was not a valid point of exit from the store and to the school which was measured under the requirements. Attorney Yellin said as he understood, Ms. Collins measured as the crow flies - a direct straight line which is not how the ordinance says you should measure. Mr. Clay said they did the third measurement because they were asked to do so, but with the understanding that this measurement would not meet the standard requirement of the ordinance. The ordinance clearly states that you go in a direct straight line to the closest sidewalk. They did the first two measurements according to the standard. They were asked to go across diagonally to do the third measurement, but they did so with the clarity that this did not meet the standards.

Alderman Cook said he believed this was an unfortunate situation. He wished that Mr. Patel had met with representatives from the school before he bought the property to let them know his intentions. Alderman Cook believed that under those circumstances, Mr. Patel might have looked for another site for his store. There are plenty of uses that do not sell alcohol that this corner could be used for. Alderman Clifton Jones stated that

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Council has to make a decision with this matter and they make most decisions based on their individual discretion. Based on his discretion in this matter, Alderman Jones moved to approve the City Manager's recommendation. This was seconded by Alderman Thomas. Mayor Johnson called for the discussion on the motion. Alderman Felser explained that he would vote to oppose the motion because he believed just as he has done for the west side in trying to preserve and maintain the neighborhood, he believed that the totality of the circumstances that were outlined by Attorney Steinmetz and using his discretion as the statute allows, he did not believe that the citizens of Savannah sent him to Council to leave his common sense at the door. As Gwen Goodman might have said, he believed that if he is going to err he needs to err on the side of the children. Therefore he will not vote for approval of this license. Alderman Cook said he believed that paragraph 7 of Section 6-1208 presupposes that there will be trouble in the area with minors trying to buy alcohol and so forth. However, he believed the law states that if they do sell alcohol to minors, their licenses can be revoked. Mayor Johnson said they have made it as clear as possible that if there is trouble the license will be revoked. Alderman Jackson said of all people sitting on this Council, she has always been one to believe in the community and for businesses to be in the community. Council has always been concerned about the sales to minors and other problems in the areas. They have also said that people are going to have to learn to co-exist in areas. City Council has imposed upon businesses to meet with residents in the area to show that they all will be on the same accord when it comes to protecting our young people. They have made decisions for this community based on the integrity of the people who were opening businesses in our community to ensure that they were being of service to the community. How can City Council deny Mr. Patel the right to have his business in the area? She will be voting for approval and wanted the residents to know why she would do so. The reason is because she cannot justify based on what she heard that Mr. Patel would be selling alcoholic beverages to minors. If this vote passes, she was hopeful that Mr. Patel would get involved with the various groups that were present today to assure them that his business would be one that they can respect and that Mr. Patel has mutual respect from them. Young people can walk across from any part of the community and walk into people in Daffin Park and so forth, serving beer and not necessarily selling beer and they will give it to our young people. But, if Mr. Patel is committed to do what Council is talking about today, she did not see why his license should be denied. They have had this same issue before in every segment of this community; including the west side. The most recent one she remembered was on 37<sup>th</sup> and Florance Streets as well as West Savannah. To her surprise at the meeting in West Savannah, the residents that opposed the beer and wine license that was approved by Council, now the gentleman that has the store has become a part of the neighborhood association. Alderman Jackson informed Mr. Patel that if this passes, she hoped that he would become involved not only by receiving money from the community, but that he will give a service to the young people, residents, and churches. If the license is approved, City Council will monitor what happens in his business and if violations occur, she will be the first to propose a motion

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that his license to be revoked. **Voting in favor to approve the license were: Mayor Johnson, Aldermen Clifton Jones, Cook, Sadler, Jackson, Thomas, and Johnson. Voting to deny were: Aldermen Felser and Osborne.**

Mayor Johnson told Mr. Patel that he has been here at two City Council meetings and understood the concerns of the neighborhood; heard the Council members and their expressions of concern and what Council is committed to do should any laws be violated. Mayor Johnson asked Mr. Patel if he was clear on this. Mr. Patel answered yes. **The motion passed 7 to 2. (LICENSE APPROVED).**

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**ZONING HEARINGS**

As advertised, hearing was held on the petition of **Murray K. Barnard, Agent, Jeffrey Dorsten, Owner (Z-040921-32471-2)**, requesting to rezone 209 E. 40<sup>th</sup> Street from TN-2 (Traditional Neighborhood-2) to TC-1 (Traditional Commercial-Neighborhood) in conjunction with a General Development Plan in accordance with Section 8-3031(D)(1)(a). The Metropolitan Planning Commission (MPC) recommends denial because the proposed rezoning is not consistent with the Mid-City Land Use and Zoning Study Future Land Use Plan which calls for residential uses on the south side of 40<sup>th</sup> Street at this location. The proposed TC-1 district is not appropriate as it would extend uses that are incompatible with the surrounding residential development and further introduce commercial development in a residential area. Recommend denial.

Ms. Charlotte Moore said this is a rezoning petition to rezone 209 East 40<sup>th</sup> Street. The existing district is traditional neighborhood. The request is to rezone the property to traditional commercial neighborhood. The petitioner is also requesting approval of a general development plan. The zoning map was shown on the monitor. Ms. Moore explained that the property was shown in black. It is on the south side of East 40<sup>th</sup> Street, between Abercorn and Lincoln Streets. She gave the background on this property. It was rezoned in February 2005 as a part of the Mid-City zoning plan and was previously zoned R-I-P (Residential- Institutional-Professional). The site is developed with an existing single-family home. She showed photographs of this home. The site is approximately 4,300 square feet. The petitioner wants to rezone the property in order to convert the restaurant into a take-out restaurant. The petitioner owns several lots to the west, including a parking lot and an existing seafood restaurant known as Russo's. The other surrounding properties in the area are residential, either single-family or two-family. The existing TN-2 district was intended for residential area and intended to allow for some nonresidential uses within mid block area. This would include special need housing, offices as secondary uses, and artist studios. The uses on the interior block are very limited. The TN-2 district, however, on corner lot does allow more intensive types of uses that are more traditional in older neighborhoods. This is the Thomas Square neighborhood and is within a national registry district. The TC-1 district is intended mainly for north, south streets and commercial

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areas and to allow developments that complement the existing residential areas and to have architectural that is also in the mass and scale of the nearby neighborhood. Ms. Moore said the allowed uses in the TC-1 district are more intensive. This includes offices and uses that are allowed in the TN-2 district. However, this includes funeral homes, Laundromats, and animal boarding facilities. The density is increased within this district and allows up to 30 units per net acre whereas the TN-2 allows 20 units. With the Board of Appeals approval, there could be bars or package stores. The applicant has a general development plan which would restrict this use to only the take-out restaurant. Ms. Moore reported that MPC has recommended denial of the petition for several reasons. One reason is the concern regarding the traffic on a residential street and noise that may emanate from the use as well as the odor and parking. Within the new Mid-City plan, any use that is less than 2,500 square feet does not require that there be off street parking. Therefore, there is no parking that has to be provided on this site. She gave Council a site plan of this particular use. The petitioner is proposing to have an eight (8) feet fence next to the eastern-southern property line. This building is only 12 feet from the next door neighbor's building to the east. There is concern in the neighborhood that this may reduce the desirability of residential in the area. The land use plan is residential and would have to be changed to commercial. The MPC also recommended denial because this does not promote goal A of the redevelopment plan and land use plan. The goal is to promote the vitality of the residential neighborhood. The intent is to have limited nonresidential uses and this would essentially allow encroachment of a commercial use into the neighborhood. Another goal of the plan is to restrict traffic on local streets. It is intended to be residential street and not a commercial street. Ms. Moore said, therefore, MPC recommended denial of the rezoning and the general development plan.

Alderman Sadler asked Ms. Moore if she was present at the Delaney Social Hall when they had their meeting about the rezoning of Thomas Square. Ms. Moore answered that she was not present at the meeting. Alderman Sadler told Ms. Moore that he would repeat what he said then and may be she can tell him if this is true and maybe City Manager would respond also. It was his understanding that when they passed the Thomas Square neighborhood plan, one of the concerns of a number of people was that they would be able to expand their existing businesses. It was told to Council that this was a reasonable concern and that businesses would be able to expand. Alderman Sadler asked if this would not be considered an expansion of the business on the corner. Ms. Moore answered that she did not believe that it would be considered an expansion because it is a separate parcel. The petitioner has two other parcels; one is a corner lot with the seafood market and the other lot has parking for the market. This would be the third lot in from Abercorn Street. Alderman Sadler asked Ms. Moore for clarification on this aspect. She explained that the parking lot is related to the seafood use. There are two lots; one for the parking lot and one for the seafood market. The third lot contains the single-family residence. This has never been a commercial use. Alderman Sadler asked if the third lot is contiguous with the other

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lots. Ms. Moore said it is contiguous, but in her opinion it is not an expansion of the business because it is on a separate lot. Alderman Clifton Jones stated that he did not know if Ms. Moore would have this information, but he wanted to know if minutes were taken at the meeting held at the Delaney Social Hall. Ms. Moore answered that she did not know if minutes were taken. Alderman Jones said there appears to be some confusion about some of the things that were said at this meeting. As he understood, they talked about the interior lots and the fact that businesses should not be intruding into the various blocks. He believed that someone said that one lot could be expanded to include another lot. Alderman Jones said he did not remember it this way. He remembered that the lady that is present today was concerned about the fact that she sold the building to the petitioner and she really did not desire to see a business here. He believed this is the way he cast his vote. Ms. Moore said MPC worked with the property owners who already had businesses located within mid block location and there was some compromise. Alderman Osborne said whether there are minutes or not, most of them were present at that meeting and her absolute recall as confirmed by many other members of Council, the purpose of that town hall meeting was so citizens could bring forth their concerns about the proposed Thomas Square plan. At that time, several issues were brought forth such as the streets that were arterials and the businesses that had plans in the making such as the Russo plan. She believed that Mr. Ramsey Khalidi had some concerns, but she did not remember his specific concerns. However, all the issues were brought forward that night and during the course of the discussion, they said if the plan was approved that the Russo parcel would be the last to be approved because he was already in the process of planning for this and that the business would not create an intrusion on the neighborhood based on the location and how the entrance would be turned to the parking lot. Alderman Felser agreed with Alderman Osborne. He was present at the meeting held at the Delaney Social Hall and recalled that Mr. Russo was given reassurances that it would be an exception. Members of the MPC was put on the spot, they gave him a direct answer. This is how he will vote on this petition because he was there and heard the stipulations. Mr. Russo and the gentleman from Warno-Cam were addressed as were Mayor Adams, Mr. Ramsey Khalidi and possibly one other person. Council was very specific in their statements to Mr. Russo and he intends to uphold it. Mayor Johnson reminded City Council that this is a recommendation from the MPC and the City Manager. Mayor Johnson invited the citizens who were in opposition of this petition to come forward.

**Ms. Yvonne McQueen** came forward and stated that she attended the meeting in February regarding the rezoning. She is concerned about this because her property is next door to where the petitioner is proposing to put the restaurant. She was the third house away, but the house was demolished to expand the parking lot. Therefore, this puts it closer to her property. As far as keeping the integrity of the neighborhood, she sees her neighborhood diminishing if businesses are allowed to come into the neighborhood. In February, 2005, she was promised that their neighborhood would be protected from businesses coming into the mainstream of the residential area. She

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actually lives on the property. As was stated, when the property was sold, they thought it was going to be sold to someone who would live here. They had no idea it would be used as a restaurant. Ms. McQueen was hopeful that the MPC recommendation of denial would remain intact and that their neighborhood would remain as a neighborhood and not turn into a commercial area. Alderman Jackson asked Ms. McQueen if she was in attendance at the meeting held at the Delaney Social Hall. Ms. McQueen answered that she was out of town when this meeting was held. When she returned home, she was told what was going on. She attended the MPC meeting and City Council meeting. Mayor Johnson said he remembered that someone was present at the Delaney Social Hall arguing Ms. McQueen's case. Ms. McQueen said Ms. Mobley was probably present at that meeting. Ms. Mobley said she was present at the meeting held at the Delaney Social Hall and Ms. McQueen was present when Council took their vote on the plan. At that time Council gave Ms. McQueen assurances because the question was brought before them about this particular piece of property and the zoning. Mayor Johnson said no assurance was given about this because they made another agreement at the Delaney Social Hall. Ms. Mobley said if Council checks the tapes of the Council meeting Ms. McQueen was assured and they questioned the vote. Mayor Johnson said Council will vote again and, therefore, they did not need to argue the point.

**Ms. Kathleen McCoy** came forward and stated that she rents from Ms. McQueen. Ms. McCoy moved here from South Carolina and chose this neighborhood because it is quiet. She was not looking forward to the traffic or the smell. Literally, a strip of concrete separates her house from this property. This may be a take-out restaurant, but if she had known this initially, she would not have moved here. She came here to be a schoolteacher and believed that this neighborhood would be a nice place. But, now that this is happening she is glad she is renting on a month-to-month basis. If this is going to turn into a restaurant, she would hate to live next door to it.

**Ms. Virginia Mobley** stated that she wanted to ask Council if their comment of the street corner precede their vote in Council when the action is put into law. She had the feeling that most of them came here with the preconceived approval of this change in zoning. What she will say may be a moot point, but she wanted to say it anyway. Mr. Russo owns and has connected presently under one piece of property a multiple of lots that are used for commercial purposes. This piece of property, a single lot, has no connection to the others is a noted nationally registered property on the historical register. It has always been a residential use. Under the current plan, Mr. Russo can take up to 70 percent of his existing property and do whatever he wants; he can expand, put in an additional business, and is exempt from the old parking requirements. Therefore, he has ample room to continue his commercial use. But given her perception of the demeanor that she has seen, she wanted to point something out. This is noted property that comes with guidelines and standards for redevelopment and conversion. What they were presented with by MPC and City Council by no means met those standards. They have compatibility of mass and scale; they have location of entrances, materials and use. If they look at

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the mass and scale and at the conversion, they do not go together. City Council voted on February 3, 2005 after an 18 year process to have these properties residential. She asked Council to keep in mind the impact this will have throughout the entire City if they start changing what has been approved as a model.

**Attorney Tom Mahoney** came forward and stated that he was present on behalf of Mr. Russo. Mr. Murray Barnard, Architect, was present also. Attorney Mahoney explained that what was before City Council in the rezoning petition will establish the best of both worlds in their opinion. Prior to the adoption of the present ordinance by Council in February 2005 and in the prior draft, this use would have been allowed. Prior to the first draft being adopted, Mr. Russo's plans were already in place and being worked upon. As pointed out by some members of Council, Mr. Russo knew that the ordinance was being considered and was also pursuing this particular use. Attorney Mahoney corrected that Mr. Russo does not operate a restaurant on the corner of 40<sup>th</sup> and Abercorn Street, but has a well-established seafood business that has been here more than 30 years. Prior to this, the Russo family had an operation at two other locations. They were located for many years at Waters Avenue and 31<sup>st</sup> Street. The importance of this is that Mr. Russo along with his family has always operated the business in a residential neighborhood. The business today is still on the edge of a residential neighborhood which already has mixed uses. In his opinion, this contributes to the viability, the diversity and the quality of life of the residents and owners of this neighborhood. Business uses are scattered throughout this zoning district. They are restaurants, architect offices, dance studios, and real estate offices. Attorneys' offices are located here in new buildings, while some offices are in old homes that have been converted not on the corner lots, but in some of the interior lots. The lady who is most affected by this petition to rezone this property lives immediately east of the building in question. The building and property was shown on the monitor. Attorney Mahoney pointed out the front area that would be seen when going down 40<sup>th</sup> Street. If the petition is granted, Mr. Russo proposes and will commit to Council that as they look at the building facing 40<sup>th</sup> Street, it will remain exactly the same with the exception that instead of being old and looking abandoned, it will be refurbished. The building will become an attractive scene for anyone going down 40<sup>th</sup> Street. The idea for this restaurant, which is somewhat a misnomer in the ordinance the way it describes restaurants, is a take-out sandwich facility. This will be an addition and extension to the operation that Mr. Russo has now. If someone comes along and wants to buy seafood to take home and prepare, they can also purchase a shrimp salad sandwich. They propose that what they will do and this has been done in other communities throughout the country, they will have an entranceway going in through the west side of building. By law, they will be required to establish a handicap ramp and Mr. Barnard has designed the handicap ramp where the person using the ramp would enter from the south side and not from the 40<sup>th</sup> Street entrance. You go in make your purchase of your sandwich and leave. Get in your car that would be parked in Mr. Russo's existing parking lot. There is no parking requirement and there will not be

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an increased or great influx of traffic going down or parking on 40<sup>th</sup> Street. He wanted to submit that this would be betterment to the neighborhood as opposed to any detriment by granting this petition. In Council's ability to have the discretion in all zoning matters and acting as legislators, they should consider the gain of the benefit to the public by leaving an abandoned and neglected home in its present condition and weigh this against refurbishing, improving of the appearance and leaving the front the same as it is now; having the appearance of a single-family residence. They have gone to great lengths and expense to try to provide some additional comfort level to Ms. McQueen who testified before Council today. They cannot do anything about the buildings being 12 feet apart, but what they can do is that in the rear of the subject property, there is a very narrow driveway and a narrow one car garage. They propose to demolish this and will put up a fence in the driveway area. They also propose to put in plantings and buffers that would cut down the noise. However, he wanted to submit that there will not be any noise because there will not be any operation at times other than when Mr. Russo's seafood market is open which normally closes about 6:00 to 6:30 p.m. There will be no increase in density. The young lady who is renting here said she did not want any odors. All garbage will be contained on the premises under ice, in wraps inside the building until it is carried and disposed of properly in a receptacle. There will not be an increase in garbage collection coming to this location. There will not be any late night activity or obnoxious odors. Attorney Mahoney said there is no benefit to the public health, safety or convenience of general welfare of the community by allowing the property to remain zoned as is, but is highly detrimental to the petitioner if the property is left as TN-2. Attorney Mahoney respectfully requested that this one parcel be rezoned to TC-1 to allow the expansion by Mr. Russo under the strict guidelines that he has outlined and under the appearance that will be left here. No one from the neighborhood has objected with the exception of the one lady and the tenant. If someone else objects and has no standing if they don't live here or own property here, they also asked that Council take this in consideration. They believe that this would be the highest and best use of the property and will not infringe or take away from the intent and the desire of keeping this wonderful neighborhood coming back everyday viable and in accordance with the ordinance.

Mayor Johnson said Council heard both sides of the argument. He entertained questions from Council. Alderman Clifton Jones said he believed that if this happens, it would defeat the purpose of the plan. He was hopeful that this would not set a precedence. The idea of the plan, he thought, was to stop this from occurring. Alderman Cook said he was concerned that assurances were made at the meeting held at the Delaney Social Hall. He did not believe that by granting this rezoning, they would be opening the door to other people. The only ones who were granted some sort of assurance were the people who already had something in the works. One of Mr. Russo's concerns was that he had a plan that he wanted to go forward with and needed some assurances that if the zoning was changed, he would be able to complete his plan. Alderman Cook said,

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therefore, he believed that Council should give Mr. Russo the courtesy of following-through on the promise that they made to him. There will not be any alterations to the building, except to improve the looks of it as a residential building. If they look at the building from the front, Ms. McQueen is protected by an 8 foot buffered fence; parking will not be a problem as Mr. Russo already has existing parking. As far as Ms. Mobley saying there is no connection between the two properties, he wanted to submit that there is a physical connection adjacent to Mr. Russo's property. Alderman Osborne moved for approval of the petitioner's request. This was seconded by Alderman Felser. The motion carried for approval with only Alderman Clifton Jones wanting no. **(ORDINANCE TO COVER WILL BE DRAWN UP FOR PRESENTATION AT THE NEXT MEETING OF COUNCIL).**

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As advertised, hearing was held on the petition of **Valerie Hinesley, Agent, Tom Cobernus, Owner (Z-050308-53832-2)**, requesting to rezone 1225 Fulton Road from PUD-B-C (Planned Unit Development-Community Business) to P-R-M-15 (Planned Multi-Family Residential - 15 units per net acre). MPC recommends approval of the proposed rezoning and approval of a change of the Future Land Use Map designation from Retail/Office/Commercial to Multi-Family Residential. The P-R-M-15 district will establish a zoning district that is more compatible with the surrounding neighborhood than the current zoning. Recommend approval of the MPC recommendation.

Ms. Moore explained that this rezoning request is for property located on the southwest corner of Fulton Road and Navajo Road on the south side. The current zoning is PUD-B-C (Planned Unit Development-Community Business). The property owner would like to rezone a portion of the property to P-R-M-15 (Planned Multi-Family Residential - 15 Units Per Net Acre). The remainder of the property is zoned R-6 and is approximately two acres and is marshlands. She showed the zoning map of the area. The property was shown in black. The property owner wants to develop the property with townhomes. He has already rezoned several properties at the south end of Navajo Road for townhomes as well and has had a general development plan approval. The uses within this area vary and along Navajo Road they include residential, offices, and a church. This area is behind the old vacant Wal-mart building on Abercorn Street. The B-C district allows all the uses within the neighborhood-business and the community-business zoning district. This was rezoned to this designation in 1994. However, it has been undeveloped for the past 11 years. The proposed multi-family designation would allow mostly residential uses, up to 15 units per net acre. If this property is rezoned, the developer would have to install 15 foot buffer along the southern property line; to the south there is an office use. Ms. Moore reported that MPC recommended approval of the rezoning. MPC feels that the location on the marsh front on Fulton Road and Navajo Road which are minor roadways suggest that the property would be more appropriate to be residential and would be consistent with the other recent rezoning in the area.

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Mayor Johnson invited persons pro or con to come forward and speak on behalf of the petition. **Mr. Owen Murphy** came forward and stated that he was present on behalf of Mr. Tom Cobernus and accompanying him was Ms. Valerie Hinesley, landscape architect, Mr. Tom Cobernus, petitioner, and Mr. Scott Cobernus who will be in charge of the construction of the proposed luxury townhomes. Mr. Murphy said they would be happy to entertain questions from City Council and Ms. Hinesley was prepared to give a presentation with respect to the proposed townhomes and the compatibility of the townhomes with the area. Alderman Thomas said this parcel of property lies in District 6. As stated, it is behind the old Wal-mart location. He understood that Wal-mart has expressed a renewed interest in doing a development here. There are additional properties that are commercial in nature as well as residential and to the west are institutional properties. This area has many different designations. Alderman Thomas understood that this could possibly be a two-phase project involving 80 units. Landscaping is one thing, but he had concerns about the traffic and lighting. He also had concerns about the car dealerships and major heavy commercial uses that are already here. Alderman Thomas moved that this hearing be deferred until June 23 to allow all parties to get together along with City staff and MPC to look at what would be best as a master plan for the area. This was seconded by Alderman Jackson. The motion carried to defer this hearing to the meeting of **June 23, 2005**.

Mayor Johnson explained that this is a major undertaking in this area and it should be done very deliberately looking at all of the consequences and not just the petitioner's action, but what this action would begin in this entire area. This is why Council wants to take their time and be sure that they look at what Mr. Cobernus wants to do and what the latent affect might be in this surrounding area. Alderman Thomas wanted the petitioner to understand that the deferment in no way signals that Council is against the development. They are in favor of housing being built in the City limits, but just want to be sure that the proposed housing fits in with everything else that is going on in the area so there will be compatibility of everyone.

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**ORDINANCES**

**First and Second Readings**

Ordinance read for the first time in Council, May 26, 2005, read a second time, May 26, 2005 placed upon its passage, adopted and approved May 26, 2005, upon motion of Alderman Johnson, seconded by Alderman Felser and carried.

**AN ORDINANCE TO AMEND APPENDIX I, SECTION 234, OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) PERTAINING TO SECTION 7-1112 OF SAID CODE; TO PROVIDE DESIGNATED TIME LIMITS AND TIME CONTROLLED PARKING ZONES (UNMETERED); TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:**

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**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 234 of the Code of the City of Savannah, Georgia (2003), pertaining to Section 7-1112, of said Code, as amended, shall be amended as follows:

ENACT

AMEND SECTION 234, TIME CONTROLLED PARKING ZONES (UNMETERED)

On the east side of Ann Street from Alton Street to Zubly Street (Two Hour Time Limit).

On the west side of Ann Street from Youmans Street to Zubly Street (Two Hour Time Limit).

On the south side of Zubly Street from Ann Street to Laurel Street (Two Hour Time Limit).

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

ADOPTED AND APPROVED: May 26, 2005

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Ordinance read for the first time in Council, May 26, 2005 read a second time, May 26, 2005, placed upon its passage, adopted and approved May 26, 2005 upon motion of Alderman Johnson, seconded by Alderman Felser and carried.

**AN ORDINANCE TO AMEND APPENDIX I, SECTION 218 (c) OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) PERTAINING TO SECTION 7-1062 OF SAID CODE TO PROVIDE THAT FIFTEEN MINUTE PARKING METER ZONES BE ESTABLISHED ON CERTAIN STREETS NAMED HEREIN; 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 218(c)of the Code of the City of Savannah, Georgia (2003), pertaining to Section 7-1062 of said Code, as amended, shall be amended by adding thereto the following:

AMEND SECTION 218(c)PARAGRAPH A

York Street, 100 block East, two meters on the south Side west of the YIELD sign at Abercorn Street

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

ADOPTED AND APPROVED: May 26, 2005

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Ordinance read for the first time in Council, May 26, 2005, read a second time, May 26, 2005, placed upon its passage,

**OFFICIAL PROCEEDINGS OF SAVANNAH CITY COUNCIL, MAY 26, 2005**

adopted and approved May 26, 2005 upon motion of Alderman Johnson, seconded by Alderman Felser 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

Brown Pelican Drive shall **STOP** for Vernon River Drive (three-way stop).

Fiddler's Court shall **STOP** for Vernon River Drive.

Vernon River Drive shall **STOP** for Brown Pelican Drive (three-way stop).

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

ADOPTED AND APPROVED: May 26, 2005

\*\*\*

Ordinance read for the first time in Council, May 26, 2005, read a second time, May 26, 2005, placed upon its passage, adopted and approved May 26, 2005 upon motion of Alderman Johnson, seconded by Alderman Felser and carried.

**AN ORDINANCE TO AMEND APPENDIX I, SECTION 219 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) PERTAINING TO SECTION 7-1091 OF SAID CODE TO PROVIDE THAT THE STREET NAMED HEREIN SHALL PROHIBIT STOPPING, STANDING AND PARKING AT ALL TIMES; 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 219 of the Code of the City of Savannah, Georgia (2003), pertaining to Section 7-1091 of said Code, as amended, shall be amended by adding thereto the following:

AMEND SECTION 219, STOPPING, STANDING AND PARKING PROHIBITED AT ALL TIMES TO INCLUDE

BROWN PELICAN DRIVE

**OFFICIAL PROCEEDINGS OF SAVANNAH CITY COUNCIL, MAY 26, 2005**

On Brown Pelican Drive from the parking lot entrance just west of Vernon River Drive to the roundabout, inclusive.

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

ADOPTED AND APPROVED: May 26, 2005

\*\*\*

Ordinance read for the first time in Council, May 26, 2005, read a second time, May 26, 2005, placed upon its passage, adopted and approved May 26, 2005 upon motion of Alderman Johnson, seconded by Alderman Felser and carried.

**AN ORDINANCE TO AMEND APPENDIX I, SECTION 219 OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) PERTAINING TO SECTION 7-1091 OF SAID CODE TO PROVIDE THAT THE STREET NAMED HEREIN SHALL PROHIBIT STOPPING, STANDING AND PARKING AT ALL TIMES; 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 219 of the Code of the City of Savannah, Georgia (2003), pertaining to Section 7-1091 of said Code, as amended, shall be amended by adding thereto the following:

AMEND SECTION 219, STOPPING, STANDING AND PARKING PROHIBITED AT ALL TIMES TO INCLUDE

FIDDLER'S COURT

On Fiddler's Court from Vernon River Drive westward to the parking lot entrance, inclusive.

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

ADOPTED AND APPROVED: May 26, 2005

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**RESOLUTIONS**

Alderman Cook asked City Manager Brown to explain this resolution. City Manager Brown explained that this is an opportunity to receive grant funding from the Land and Water Conservation fund up to \$100,000. We will try to use the funds in phase two of the Daffin Park project. Formal approval is needed to pursue this and it is not a guarantee that we will receive the funds.

**A RESOLUTION TO SUPPORT A PRE-APPLICATION FOR A LAND AND WATER CONSERVATION FUND (LWCF) GRANT IN THE AMOUNT OF \$100,000.00. THE GRANT WOULD BE USED ON PHASE II OF THE DAFFIN PARK RENOVATION. DURING FEDERAL FISCAL YEAR 2005, GEORGIA RECEIVED APPROXIMATELY \$2.1 MILLION IN LWCF FUNDS. THIS GRANT PROGRAM ASSISTS STATE AND LOCAL GOVERNMENTS TO**

**OFFICIAL PROCEEDINGS OF SAVANNAH CITY COUNCIL, MAY 26, 2005**

**ACQUIRE RECREATION LANDS AND DEVELOP OUTDOOR RECREATION AND RELATED SUPPORT FACILITIES.**

**WHEREAS**, at the regular meeting of the Mayor and Aldermen of the City of Savannah of Chatham County, Georgia, held on May 26, 2005, a motion was made and duly seconded that the City of Savannah agrees to submit a pre-application for funding from the Land and Water Conservation Fund (LWCF). The City of Savannah further agrees that in the event the City of Savannah pre-application is recommended for funding by the Department of Natural Resources, the City of Savannah certifies and assures that it has the ability and intention to finance their 50 percent of the total project cost and will move forward with due diligence to prepare, or have prepared, appropriate documentation required for a formal LWCF application.

ADOPTED AND APPROVED THIS 26<sup>TH</sup> DAY OF MAY 2005 UPON MOTION OF ALDERMAN JOHNSON, SECONDED BY ALDERMAN JACKSON AND CARRIED

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**MISCELLANEOUS ITEMS**

**Downtown Savannah Authority Application for Chatham County (First Reading).**

The Chatham County Commissioners have amended their request for the Downtown Savannah Authority's assistance which was approved by City Council on May 12, 2005. To meet the requirements of the statute governing the Authority, the approval process for the revised request has started over. Chatham County has requested the Downtown Savannah Authority's assistance in the financing of a refunding of the Authority's 1993A Series to achieve debt service savings for the County, renovation and expansion of public health related facilities, improvements to the Chatham County Aquatic Center, and to pay all costs incidental to the issuance of the Series 2005 Bonds. As required by state statute, the Authority in turn has requested City Council's approval to issue the bonds.

Under state statute, the Authority's application to the City to issue the bonds must receive two readings before City Council.

City Attorney Blackburn explained that City Council initially received through the Downtown Savannah Authority a request to approve assisting the County in certain projects they are doing. In doing their financial study, they determined that the issue of 1993, they make considerable interest savings in combining this into a new issue along with their proposed improvements. City Attorney Blackburn said it is his opinion that the County had to amend or start over and give the notices. This is the first notice and it has to come twice for public comments, which will be at the next meeting.

Mayor Johnson explained that this is for information and no action is required on this first reading of the application. The second reading has been advertised for the meeting of June 9, 2005

**OFFICIAL PROCEEDINGS OF SAVANNAH CITY COUNCIL, MAY 26, 2005**

Alderman Cook asked that on the application for the bonds in conjunction with the County and the Downtown Savannah Authority, he wanted to know if this would leave the City liable if someone defaults on the bonds. City Manager Brown explained that we have a contractual relationship with Chatham County where it pledges to pay its portion of the bonds. In fact, the Mayor and Aldermen also make their pledge because the Authority is the technical issuer of the bonds. Therefore, we will make a pledge on our portion and the County will make pledges on their portion. They have never defaulted and this is a binding inter-governmental agreement. Alderman Cook asked if this would put the City at-risk. City Manager Brown said this is a legal and appropriate facilitator bond issuance that the County would be responsible for taking the bond proceeds, implementing the projects and paying on the interest and principal on the bonds. This will not put the City at any risk. Alderman Sadler wanted to know if the County has a methodology for bonds other than through this development. City Manager Brown answered that the County does, but it would be the issue general obligation bonds. This gives them the ability to bond projects using the least method.

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

**Liberty Street Parking Garage Shuttle Agreement.**

Approved to contract with Chatham Area Transportation Authority (CAT) to provide shuttle service for the Liberty Street Garage which is scheduled to open on June 1. Express shuttle service from the Garage is critical to relieving traffic congestion and parking deficits in the core downtown area by providing remote parking to downtown workers and visitors.

The City negotiated the agreement with CAT to ensure this new shuttle service is coordinated with the existing Downtown CAT Shuttle. CAT will provide two dedicated express service shuttles from the Garage to the Johnson Square area on ten minute headways from 6:00 am to 9:00 am and from 3:00 pm to 6:00 pm, Monday through Friday. During non-peak hours and weekends, the Downtown CAT Shuttle will be re-routed to include the Garage (and Civil Rights Museum) and its frequency will be increased.

The City will pay CAT \$16,537.00 per month for the Liberty Street Garage Shuttle, and an additional \$4,000.00 per month to increase the frequency of the Downtown CAT Shuttle.

Alderman Thomas abstained from voting on this item. He has a contract with Chatham Area Transit Authority and he wanted it noted that he did not participate in the discussion of this matter.

**Soft Drink Concessions - Annual Contract Renewal - RFP No. 05.171.**

Renewed an annual contract to procure soft drink concessions and supplies from Savannah Coca Cola Bottling Company in the amount of \$28,422.50. The syrup, carbonated water, etc. will be used in the Civic Center and other City recreation facilities. In exchange for granting

**OFFICIAL PROCEEDINGS OF SAVANNAH CITY COUNCIL, MAY 26, 2005**

Coca-Cola the exclusive right to market soft drink products at City facilities, Coca-Cola provides the City with sponsorships, products, equipment donations and other promotional considerations which total \$22,100.00 per year.

Proposals were originally received April 13, 2003.

**Radio Parts for EF Johnson Radios - Annual Contract Renewal - Bid No. 05.190.** Renewed an annual contract to procure radio parts from Jan Communications in the amount of \$14,400.00. The parts are needed by Electronic Equipment Repair for EF Johnson portable radios.

Bids were originally received May 11, 2004.

**Air, Fuel and Oil Filters - Annual Contract - Bid No. 04.240.** Awarded an annual contract to procure various air, fuel and oil filters from Chatham Automotive Warehouse in the amount of \$44,956.68. The filters will be used by the Vehicle Maintenance Department for the City's vehicle fleet.

The reason for not selecting the low bidder is that Vehicle Maintenance Program did not meet the specified delivery requirements.

Bids were received March 15, 2005.

**Flygt Pump and Triplex Control Panel - Emergency Purchase - Requisition No. 160860.** Approved to procure a 6" Flygt pump and a control panel from Ellis K. Phelps & Company in the amount of \$23,295.00. The pump and control panel will be used to upgrade lift station 134 (Southbridge) at Dean Forest Road. This lift station was not originally scheduled for an upgrade this year but the system is failing and must be replaced immediately.

Ellis K. Phelps is the sole distributor for the Flygt pump and can expedite its emergency purchase and installation by also providing the control panel.

The bid was received May 12, 2005.

**Sidewalk and Curb Repair - Annual Contract - Bid No. 05.149.** Awarded an annual contract to procure sidewalk and curb repair from Kam Contracting (Primary), Coastline Concrete Services (Secondary) and Griffin Contracting (Tertiary) in the amount of \$428,250.00. Streets Maintenance and Park & Tree will use the services as needed based on requests to the Customer Service Center or staff identified needs for routine maintenance and repair of sidewalks, curbs, handicap ramps and slate walkways.

Bids were received May 10, 2005.

**Construction Testing - Annual Contract - Bid No. 05.062.** Awarded an annual contract to procure construction testing services from Wright Padgett, Christopher, Inc. in the amount of \$117,808.00. The testing services will be used by various City departments

**OFFICIAL PROCEEDINGS OF SAVANNAH CITY COUNCIL, MAY 26, 2005**

to test soils, concrete, asphalt and other materials used for construction projects.

The reason for not selecting the low bidder is that Building & Earth Sciences, Inc. does not have a supervising professional engineer located within 30 minutes of Savannah as specified in the bid.

Bids were received March 15, 2005.

**750 KW Generator for Wilshire Water Quality Control Plant - One Time Purchase - Bid No. 05.106.**

Approved to procure a 750 kilowatt (KW) generator from TAW in the amount of \$119,994.00. The generator will be installed at the Wilshire Water Quality Control Plant and will be used for emergency power. The existing generator is no longer economical to maintain and operate.

Bids were received May 3, 2005.

**Counseling Services for Savannah Impact - RFP No. 05.146.**

Approved to procure counseling services for the Savannah Impact Program from Tonya Ruffin in the amount of \$29,000.00. Savannah Impact will use the counseling services for its juvenile substance abuse program, which will provide treatment to juveniles between 13 and 21 years of age.

Youth will be identified for the program based on a substance abuse evaluation. The treatment curriculum will consist of individual, family and group counseling. In a one-year period approximately 80 to 100 youth will receive individual counseling, 40 families will receive family group counseling, and 100 youth will attend group substance abuse treatment classes.

Proposals were received May 10, 2005.

**Dean Forest Road Leachate Lift Station and Force Main - Bid No. 05.040.**

Approved to reject all bids for the Dean Forest Road leachate lift station and force main. Only one bid was received and it significantly exceeded the budget for the project. The project will be redesigned and re-bid at a later date.

**Cart Tippers - One Time Purchase - Bid No. 05.120.**

Recommend approval to procure cart tippers from Bayne Premium Lift Systems in the amount of \$38,791.90. The tippers will be used by the Vehicle Maintenance Department to refurbish seven sanitation trucks to extend their service life.

Although several solicitations were made to every known supplier, only one bid was received.

Bids were received April 19, 2005.

**Life and Accidental Death and Dismemberment Benefits - Annual Contract Renewal - RFP No. 05.195.**

Recommend renewing an annual contract to procure group life insurance and accidental death coverage from

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Assurant (formerly Fortis) Life Insurance Company in the amount of \$768,664.00. The original contract guaranteed the City's rate for three years. We are in the fourth year of a possible 5-year contract and subject to a rate increase.

The rate increase on basic life for active employees has been negotiated to \$.49 per \$1000.00 of coverage. The renewal rate appears to be reasonable based on our recent loss experience. Unfortunately, the City presents a underwriting risk concern in that the retiree population continues to grow and has increased by nearly 50% in the past six years. The active basic life rate on the previous contract with Unum was \$.47/\$1000.00. Therefore this represents about a 4% increase from the rate the City paid in 2001.

Proposals were originally received April 9, 2002.

**Pump for Highway 21 Pump Station - Sole Source - Requisition No. 166479.**

Approved to procure one Sutzer double suction split case pump from Southeastern Pump and Equipment in the amount of \$15,945.00. The pump will be installed in the station on Highway 21 which pumps water to Effingham County, Pooler and Port Wentworth. This pump works in conjunction with three other pumps and must be of the same manufacturer to function properly. A larger pump is needed to handle the increased flows of the Crossroads system.

The reason for the sole source is that Southeast Pump and Equipment is the only authorized distributor for this pump manufacturer in Georgia.

This bid was opened and reviewed.

**Office Supplies - Annual Contract - RFP No. 05.066.**

Awarded an annual contract to procure office supplies from Staples Contract Division in the estimated amount of \$344,000.00. This contract will be used by all City departments to procure office supplies, copy paper, office equipment and small furniture items.

Nine responses were received and the top four companies were selected for an in depth review. The review team included end users, Information Technology staff and administrative staff. The team used a sample supply list to evaluate discounted pricing offered by each vendor. This pricing is reflected below. As well as offering the best overall package Staples has offered the City an annual \$5,000.00 contract signing bonus and an instant \$5.00 rebate to departments placing orders of \$200.00 or more.

Proposes were received March 22, 2005.

**"Mock City" for Savannah Fire Department - Sole Source.**

Approved to procure design and construction of a "mock city" Command and Control Simulator from the Savannah College of Art and Design in an amount not to exceed \$22,500.00. Scaled versions of 29 structures representative of Savannah will be produced for training at

**OFFICIAL PROCEEDINGS OF SAVANNAH CITY COUNCIL, MAY 26, 2005**

the Savannah Fire and Emergency Services Fire Academy on Agonic Road.

The reason for the sole source procurement is that the Savannah College of Art and Design (SCAD) will complete this project as part of their architectural curriculum. Funding is from a Federal Homeland Security grant.

The offer was received April 13, 2005.

**Alice-Tattnall Drainage Relief System - Bid No. 04.324.** Approved to reject all bids on the Alice-Tattnall Drainage Relief System and to redesign and re-bid the project. Only two bids were received and both bids were substantially over the budget.

**Southbridge Deep Well and Hydropneumatic Tank - Bid No. 05.088.** Approved to procure construction services to install the Southbridge well and tank from PINCO in the amount of \$551,950.00. The project will improve water pressure in Southbridge by constructing a supplemental well and storage tank system in the subdivision.

The Water and Sewer Bureau has successfully completed recent projects with the low bidder, PINCO, by closely supervising the work. The bureau has reviewed PINCO's work load and determined that the award of this contract would not conflict with other work the contractor is performing for the City.

Bids were received April 12, 2005.

**HVAC Maintenance for Water Treatment Facilities - Annual Contract - Bid No. 05.162.** Awarded an annual contract to procure HVAC (heating, ventilation, air conditioning) maintenance from Boen Mechanical Service in the amount of \$17,644.00. The services will be used for routine maintenance and repairs of the HVAC equipment in water treatment facilities.

Bids were received May 17, 2005.

**Airline Advertising Incentive for American Airlines - Savannah/Hilton Head International Airport.** The Savannah Airport Commission has a policy of offering airline incentives to 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 requests that City Council approve a \$100,000.00 advertising incentive for American Airlines which begins non-stop service to Dallas/Ft. Worth on June 9, 2005. The incentive will cover a billboard campaign that will run in June and October. **APPROVED.**

**Forklift for Foreign Trade Zone (FTZ) - Bid No. 05.143-05-03 -Savannah/Hilton Head International Airport.** The Savannah Airport Commission requests authorization to purchase a forklift for the Foreign Trade Zone from Industrial Parts Warehouse in the amount of \$32,192.00.

**OFFICIAL PROCEEDINGS OF SAVANNAH CITY COUNCIL, MAY 26, 2005**

Southeast Industrial Equipment could not provide hydrostatic transmission and electronic controls; Barloworld Handling could not provide a truck meeting specifications until September; and Dougherty Equipment could not provide the hydrostatic transmission and the delivery time is 26 weeks. +Indicates low bidder no meeting specifications. **APPROVED.**

**Tractor/Loader Back Hoe - Bid No. 05.142.05.03 - Savannah/Hilton Head International Airport.** The Savannah Airport Commission requests authorization to purchase one tractor/loader back hoe from Industrial Tractor Company in the amount of \$35,348.00. **APPROVED.**

**General Use Tractor - Bid No. 05.138.05.03 - Savannah/Hilton Head International Airport.** The Savannah Airport Commission requests authorization to purchase a general use tractor for airfield mowing operations from Springfield Tractor in the amount of \$27,786.00. **APPROVED.**

**Two Electric Utility Vehicles and One Golf Cart - Bid No. 05.139.05.03 - Savannah/Hilton Head International Airport.** The Savannah Airport Commission requests authorization to purchase two electric utility vehicles and one golf cart from Southern Golf Car, Inc. in the amount of \$15,536.00. **APPROVED.**

**Re-Coating Enplane Drive Bridge - Savannah/Hilton Head International Airport - Bid No. 05.124-5-10 - Savannah/Hilton Head International Airport.** The Savannah Airport Commission requests authorization to enter into a contract with E & D Coatings in the amount of \$214,310.00 to clean, repair, and re-coat the enplane drive bridge. **APPROVED.**

**Motel Road Phase VI - Change Order #2 (Final) - Savannah/Hilton Head International Airport.** The Savannah Airport Commission requests approval of Change Order #2 (Final) with Ellis Wood Contracting, Inc. for Motel Road Phase VI in the deductive amount of \$6,533.80. The project is complete and the road is in use. The contractor's summary change order is within the project budget. The final contract amount is \$111,332.

**Water and Sewer Agreement - Highlands Crossing.** Genesis Real Estate Group, LLC has requested a water and sewer agreement for Waverly. The water and sewer systems have adequate capacity to serve this 268-equivalent residential unit development in the Godley Service Area. 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 - Willow Point.** Genesis Real Estate Group, LLC has requested a water and sewer agreement for Willow Point. The water and sewer systems have adequate capacity to serve this 286-equivalent residential unit development in the Godley Service Area. 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 - Southbridge Phase 8.**

Genesis Real Estate Group, LLC has requested a water and sewer agreement for Southbridge Phase 8. The water and sewer systems have adequate capacity to serve this 191-equivalent residential unit development in the Godley Service Area. 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 - King George Townhomes.**

Beacon Builders, Inc. has requested a water and sewer agreement for King George Townhomes. The water and sewer systems have adequate capacity to serve this 31-equivalent residential unit development on King George Boulevard. 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 Felser thanked Mayor Johnson for allowing him to attend an event on his behalf. The Crisis Intervention team training had a graduation class of 22 front-line police officers who were never trained for the diversion of individuals with behavior, health issues and treatment instead of jail. This signifies compassion, dignity, respect, and pride. The graduates asked that each member of City Council sign the photograph and send it back to Cathy McCluskey. The National Alliance for the Mentally Ill sent a pamphlet to each member of Council. A lot is being done in our community, but is not being done for the mentally ill. Alderman Felser thought it would be good to bring attention to this illness. He reported that he was given a button to be presented to Mayor Johnson which says, "Stop the revolving door for people with mental illness - treatment not jail". Mayor Johnson said he wanted to be there because he feels strongly that too many of our citizens are in jail that need mental health treatment and not jail. This is a way to allow our police officers the kind of training that will help them to differentiate between people who need mental health services and those who just choose to be bad.

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Mayor Johnson stated that he promised that at the end of the meeting they, as a Council, would meet for a few minutes with the young people from the Youth Challenge Academy and answer their questions. The young people were here all afternoon watching Council take care of the citizens' business and it was a pleasure to have them with us today.

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

Dyanne C. Reese  
Clerk of Council

**Cemetery Transfers May 2005**

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. 10365, Saralyn W. Hodges,** requesting to change the name on Bonaventure Cemetery, Section M, Lot 229, from Saralyn Walker to Saralyn W. Hodges (same person). Records on files in the Office of the Clerk of Council, Bonaventure Cemetery, Book of Titles E, Folio 279, show this lot in the name of Saralyn D. Walker. There is no reason the name should not be changed as requested by the lot owner.

**APPROVED: May 4, 2005**

**PET. NO. 10366, Juliana C. Paige,** requesting to transfer Bonaventure Cemetery, Greenwich Addition, Section 9, Block P, Lot 19, Spaces 2, 3, 4, 5 and 6, from John W. Paige (deceased husband) to Juliana C. Paige. Records on files in the Office of the Clerk of Council, Bonaventure Cemetery, Greenwich Addition, Book of Titles E, Folio 30, show this lot in the name of John W. Paige. There is no reason transfer should not be made as requested by his heir.

**APPROVED: May 4, 2005**

**PET. NO. 10368, Doretha Riley,** requesting to transfer Laurel Grove South Cemetery, Section F, Lot 55, Spaces 1, 2, 5, 9, 10, and 11, from James Stewart (deceased great great grandfather) to Doretha Riley. Records on files in the Office of the Clerk of Council, Laurel Grove South Cemetery, Book of Titles C, Folio 500, show this lot in the name of James Stewart. There is no reason transfer should not be made as requested by his heir.

**APPROVED: May 5, 2005**

**PET. NO. 10369, Beatrice Lanier,** requesting to transfer Bonaventure Cemetery, Greenwich Addition, Section 9, Block E, Lot 9, all available spaces, from Beatrice Lanier to Christopher G. Lanier, Earl T. Lanier and Kenneth N. Lanier. Records on files in the Office of the Clerk of Council, Bonaventure Cemetery, Greenwich Addition, Book of Titles D, Folio 135, show this lot in the names of Beatrice or Earl S. Lanier (deceased husband). There is no reason transfer should not be made as requested by the lot owner.

**APPROVED: May 5, 2005**

**PET. NO. 10376, Susan Train Fearon,** requesting to transfer Bonaventure Cemetery, Section A, Lot 365A, Spaces 7 thru 15, from John K. Train (deceased father) to Robert and Julia Train. Records on files in the Office of the Clerk of Council, Bonaventure Cemetery, Book of Titles G, Folio 368, show this lot in the name of John K. Train. There is no reason transfer should not be made as requested by his heir.

**APPROVED: May 11, 2005**

**PET. NO. 10377, Jack H. Everett Jr.,** requesting to transfer Bonaventure Cemetery, Greenwich Addition, Section 11, Block J, Lot 11, Spaces 5 and 6, from Loretta B. Everett (deceased mother) to Gary R. Everett. Records on files in the Office of the Clerk of Council, Bonaventure Cemetery, Greenwich Addition, Book of Titles A, Folio 217, show this lot in the name of Loretta B. Everett. There is no reason transfer should not be made as requested by her heir.

**APPROVED: May 11, 2005**

**PET. NO. 10386, Harriette Sanders Peth** requesting to transfer Bonaventure Cemetery, Section K, Lot 160, all available spaces, from Audrey Register Sanders (deceased mother) to Harriette Sanders Peth. Records on files in the Office of the Clerk of Council, Bonaventure Cemetery, Book of Titles B, Folio 151, show this lot in the name of Audrey Register Sanders. There is no reason transfer should not be made as requested by her heir.

**APPROVED: May 16, 2005**

**PET. NO. 10396, Ellen Abrams,** requesting to transfer Bonaventure Cemetery, Section K, Lot 180, Spaces 11 and 12, from Ellen Abrams to Kenneth and Linda Hubbard. Records on files in the Office of the Clerk of Council, Bonaventure Cemetery, Book of Titles B, Folio 211, show this lot in the name of Ellen Abrams. There is no reason transfer should not be made as requested by the lot owner.

**APPROVED: May 25, 2005**

