



January 3, 2019, City Council Regular Meeting

CITY GOVERNMENT

OFFICIAL PROCEEDINGS OF CITY COUNCIL

SAVANNAH, GEORGIA

PRESENT: Mayor Eddie W. DeLoach, Presiding

Aldermen Carol Bell, Julian Miller, Brian Foster, Bill Durrence, Van Johnson, II, Tony Thomas, John Hall and Estella E. Shabazz

Rob Hernandez, City Manager

Bret Bell, Assistant to the City Manager

Jennifer Herman, Interim City Attorney

William Shearouse, Assistant City Attorney

The regular meeting of Council was held this date at 2:00 p.m. in the Council Chambers of City Hall. The Pledge of Allegiance was recited in unison followed by the Invocation by Mayor DeLoach.

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

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

At the meeting held on the 3rd day of January, 2019 the Council entered into a closed session for the purpose of discussing Real Estate, Litigation and Personnel. At the close of the discussions upon this subject, the Council reentered into open session and herewith takes the following action in open session:

1. The actions of Council and the discussions of the same regarding the matter set forth for the closed session purposes are hereby ratified;
2. Each member of this body does hereby confirms that to the best of his or her knowledge, the subject matter of the closed session was devoted to matters within the specific relevant exception(s) as set forth above;
3. The presiding officer is hereby authorized and directed to execute an affidavit, with full support of the Council in order to comply with O.C.G.A. §50-14-4(b); 17
4. The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute.

ADOPTED AND APPROVED: JANUARY 3, 2019 upon motion of Alderwoman Bell, seconded by Alderwoman Shabazz, and unanimously carried.

Upon motion of Alderwoman Bell, seconded by Alderwoman Shabazz, and unanimously carried the agenda was amended as follows:

- Addition of Item 3.1, a proclamation honoring Judge Michael Kaprf;
- Addition of Item 3.2, a resolution honoring Mrs. Lee Arthur Malone; and
- Withdrawal of Items 31 and 36 per the request of the City Manager

3.1 Presentation of Proclamation Honoring Judge Michael Karpf – Mayor DeLoach presented a proclamation declaring January 2, 2019 Chief Judge Michael Karpf Day in Savannah in honor of the 40 years of service Judge Karpf has given to the Savannah community through not only his service on the bench with the Chatham County Superior Court and the City of Savannah Recorder’s Court, but with community organizations like the Jewish Educational Alliance, Metropolitan Planning Commission, and Rotary Club. Judge Karpf thanked the Mayor and Council for the honor and recognition, and said that he was grateful for the trust the citizens had placed in him all these years and hoped he had lived up to their expectations.

Mayor DeLoach read the following proclamation:

Whereas: the City of Savannah Congratulates Superior Court Chief Judge Michael Karpf on serving the citizens of Chatham County for 40 years as Judge; and

Whereas: Judge Karpf has served on the Chatham County Superior Court since 1993 where he was appointed by Governor Zell Miller, and as Chief Judge of the Court since 2012; and

Whereas: before his service as a Superior Court Judge, he served as both a State Court Judge and Recorders Court Judge; and

Whereas: during his tenure as Chief Judge of Superior Court he ushered in the Major Crimes Division in 2013, which has been assumed over 1,800 cases since the inception; and

Whereas: Chief Judge Karpf has shown great professionalism, and respect for all who enter his court room; and

Whereas: his colleague on the Court, Judge Abbott said “Chief Judge Karpf’s career is unfailingly marked by all three of the ideals set forth on the Great Seal of the State of Georgia: Wisdom Justice Moderation.”; and

Whereas: Chief Judge Karpf has served his community outside the courtroom with his involvement with serving on the Board of Directors of B’nai Brith Jacob Synagogue, as past president of the Jewish Educational Alliance. He also is a former member of the Metropolitan Planning Commission, a former member of the Rotary Club of Savannah East, and former chair of the City of Savannah Civil Service Board; and

Wheres: Chief Judge Karpf will be moving to Senior Status on the Court and enjoying a well earned retirement.

THEREFORE, I Eddie W. DeLoach, Mayor of the City of Savannah, do hereby proclaim January 2, 2019:

“Judge Michael Karpf Day”

in Savannah, Georgia.

3.2 Resolution honoring Lee Arthur Malone – Upon motion of Alderman Johnson, seconded by Alderwoman Shabazz, and unanimously carried approval was given to pass a resolution celebrating the life of Lee Arthur Mingo Malone, the widow of William Nathaniel Malone, one of the “Original Nine” African American police officers hired by the Savannah Police Department in 1947. As the wife of one of our first African American officers, Mrs. Malone supported her husband through a difficult transition and helped him to be successful in terms of opening up the doors for a diverse police force today.

APPROVAL OF MINUTES

[1. Motion to Approve the Summary/Final Minutes for the Special City Council meeting of December 20, 2018](#)

[SpecialMeetingMinutes_2018-12-20.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderwoman Shabazz, and unanimously carried.

[2. Motion to Approve the Summary/Final Minutes for the City Council Work Session and City Manager's Briefing of December 20, 2018](#)

[12.20.18 WS minutes.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderwoman Shabazz, and unanimously carried.

3. Motion to Approve the Summary/Final minutes for the City Council Meeting of December 20, 2018

[12.20.18 Minutes.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderwoman Shabazz, and unanimously carried.

ALCOHOLIC BEVERAGE LICENSE HEARINGS

4. Motion to Approve Alcohol License for Dana Spears of Walgreens #15611

[Density Map -Walgreens20181227_14281316.pdf](#)

[Alcohol Documents -Walgreens20181227_14272738.pdf](#)

[Measurement Report -Walgreens20181227_14263070.pdf](#)

[Check List -Walgreens20181227_16344351.pdf](#)

[Dana Spears of Walgreens came to the podium]

Alderman Johnson: Ms. Spears what location is this?

Ms. Spears: 2109 East Victory Drive.

Alderman Johnson: And this is a new license or you're just the new licensee?

Ms. Spears: I'm the new licensee, we changed management.

Alderman Johnson: So, you're the manager of that store?

Ms. Spears: Correct.

Alderman Johnson: And you know all the rules and everything, and you're going to behave?

Ms. Spears: Yes sir.

Alderman Hall: I am your district Alderman and the store is on the corner of happy and healthy. I appreciate the job that y'all do over there.

Hearing closed upon motion of Alderman Johnson, seconded by Alderman Thomas, and unanimously carried.

Approved upon motion of Alderman Hall, seconded by Alderwoman Shabazz, and unanimously carried.

5. Motion to Approve Alcohol License for Gary Gordon of 520 Tavern

[Measurement Report - 520 Tavern20181227_14252763.pdf](#)

[Alcohol Documents - 520 Tavern20181227_14242890.pdf](#)

[Density Map - 520 Tavern20181227_14232625.pdf](#)

[Check List -520 Tavern20181227_16341976.pdf](#)

[Gary Gordon of 520 Tavern came to the podium]

Alderwoman Bell: Where is this located Gary?

Mr. Gordon: 520 Tavern is located at 8820 Abercorn. The closest intersection would be Montgomery Crossroads.

Alderman Thomas: It's right next to U-Haul.

Mr. Gordon: It's in between U-Haul and Jalapeños on the Southside.

Alderwoman Shabazz: It's District 5, and we are just so happy to have 520 come across the street. The 520 Wings is over in the Second District, but we are delighted to have you with the new tavern and the name coming across for 520 Tavern into the Fifth District.

Alderman Thomas: I have a question, right in front of your location the road is deteriorating very badly.

Mr. Gordon: We've been going back and forth with the City. I think that's the City's, they said they were going to send somebody out over the last couple of weeks to take a look at that dip, but we're still waiting.

Alderman Thomas: No, it's not a dip and it's not even qualified as a pothole.

Mr. Gordon: Yes, it's a big hole.

Alderman Thomas: This is the access road, it's in front of where Jalapeños and U-Haul is. There are multiple potholes in that area and now they are quite deep. So, I don't know who's responsible, if it's GDOT with an access road. I know that in the past I have checked to see if we were responsible and I don't think we were, so I'm just trying to find out who's going to get that road fixed.

City Manager Hernandez: It's probably GDOT, but we will confirm, and follow up.

Alderman Thomas: For him he needs this fixed, for safety of residents that are going through there too. This is a headlight situation.

Mayor DeLoach: Is that the one located where the yellow building used to be.

Alderman Thomas: It used to be the Title Max or Title Bucks, and it was the Dunkin Donuts at one time.

Hearing closed upon motion of Alderwoman Shabazz, seconded by Alderman Hall, and unanimously carried.

Approved upon motion of Alderwoman Shabazz, seconded by Alderman Hall, and unanimously carried.

ZONING HEARING

[6. Motion to Amend the Zoning Ordinance Regarding Upper-story Residential \(Petitioner: Planning Commission\) as an Alternative to the Rezoning of 415 E Oglethorpe Ave](#)

[Upper-story residential Draft Ordinance 18-003306-ZA.pdf](#)

City Manager Hernandez: So Mr. Mayor, while we wait for Mr. Lotson to come to the podium, I just want to point out to you that items number six and seven are related.

Marcus Lotson, Metropolitan Planning Commission: Thank you Mr. Mayor, as the City Manager said items six and seven are related and these are related to the proposed rezoning of property at 415 East Oglethorpe. I believe the applicant has a statement he'd like to make before we go into any more detail.

Harold Yellin, Agent for Bryson-Read, LLC: Thank you Mr. Lotson. The request for six and seven is for continuance of both of those items. You may recall that City Council has requested the petitioner to look at a way to restore the lane to that property. We are extremely close to submitting a site plan that can be looked at. So, it is possible that we actually may dismiss both six and seven if

our site plan comes back the way we think it's going. We would not like to dismiss it yet, so we would ask that this be continued until February 28th for both items six and seven.

Hearing closed upon motion of Alderman Durrence, seconded by Alderman Miller, and unanimously carried. Alderman Johnson was not present for the vote.

Alderman Thomas: Alright, we're going to continue this again until February 28th. Will we have something back by then, we've been playing with this a long time now.

Attorney Yellin: It has been awhile. The petitioner spent a lot of time and money on a plan that called for the lane to be closed and there's a lot of work that's been done on that plan. To literally stop that plan and move in a different direction took a little bit longer than we thought. Admittedly, it took longer than we thought. I'm pretty comfortable that by the 28th if we don't have something, we'll just dismiss six and seven.

Continued to the meeting of February 28, 2019, upon motion of Alderman Durrence, seconded by Alderman Miller, and unanimously carried per the petitioner's request. Alderman Johnson was not present for the vote.

[7. Motion to Deny the Rezoning Request of 415 East Oglethorpe Ave from RIP-C to B-C \(Petitioner: Harold Yellin for Bryson-Read, LLC\)](#)

[415 E Oglethorpe Ave Rezoning Planning Commission Recommendation 18-002579-ZA.pdf](#)

[415 E Oglethorpe Ave 2012 Deed Book 378M Pages 92-93.pdf](#)

[415 E Oglethorpe Ave 2008 Plat Book 40P Page 95.pdf](#)

[415 E Oglethorpe Ave 1984 Plat Book 6P Page 29A.pdf](#)

Continued to the meeting of February 28, 2019, upon motion of Alderman Durrence, seconded by Alderman Miller, and unanimously carried per the petitioner's request. Alderman Johnson was not present for the vote.

[8. Motion to Amend the Zoning Ordinance Regarding Inns \(Petitioner: City of Savannah\)](#)

[20181211 Planning Commission Recommendation.pdf](#)

[Inn Definition Draft Ordinance 18-002580-ZA.pdf](#)

Marcus Lotson, Metropolitan Planning Commission: Item number eight is a City staff initiated zoning text amendment. The proposed amendment is to Section 8-3002 which is the definition section. Staff is proposing to change the definition of inn to require either owner occupancy or 24/7 onsite management. The proposal is designed to differentiate inns from other lodging uses such as hotels, motels, and short term vacation rentals. The language of the proposed definition reads as follows, an inn would be defined as a lodging establishment for transient guests with no more than 15 guest rooms. Must be owner occupied or provide 24-hour/7 day a week onsite staff. Any on premises use that is accessible by the general public, such as a restaurant, bar or event/assembly space is a separate principal use and must be an allowed use in the base zoning district. Any on premise use that is accessible only by hotel guests is an accessory use. This proposal has been brought forth as I mentioned by City staff in order to help differentiate the inn use from other lodging uses and to assist in enforcement actions as well.

Alderman Durrence: I want to propose a couple of modifications to the language. The situation we've got with inns right now is that we've updated our ordinances on short term vacation rentals on one side of the lodging issue from inns and our hotel map overlay on the other side of lodging issues from the inn. We haven't kept the clear distinction between these and so that's the reason for moving forward with requiring owner occupied or 24-hour/7 day onsite staffing. One language change we need to make, just to make sure that this is accurate, is the last sentence in that paragraph which says, "any on premises use accessible only by hotel guests," hotel needs to be changed to inn. So, that we continue to distinguish between the inn and the hotel. I would like to request the addition of a second paragraph that says, "an inn proposed for use or approval in residential districts, those highlighted in the hotel overlay as having no new hotels allowed, shall not be permitted within 1,000 feet of another inn permitted by the City as measured by a straight line from the nearest point on the property line of such proposed use to the nearest point of the property line of another inn." The point of this is to essentially establish an area that does not allow hotels. It's to establish a distance requirement between inns. We have had a situation recently where in a no hotel district someone proposed to build two 14 room inns next door to each other, in essence

creating a 28 room hotel, but circumventing the restriction against hotels. So, then the staff can then fine tune this language as necessary. But the concept here is that we create a 1,000 foot spacing between inn uses in a district that does not allow hotels.

Alderman Thomas: In light of the change that Alderman Durrence has submitted, I would request that we table this for two weeks to allow staff to go back and take a look at his recommendation. And for us to get some input before we make a decision like that, that would limit the property rights of some people that would be impacted by this decision.

Alderman Durrence: I'm fine with continuing.

Alderwoman Bell: We just need to see the last paragraph. The first change you suggested is already highlighted on our...

Hearing closed upon motion of Alderman Durrence, seconded by Alderman Thomas, and unanimously carried. Alderman Johnson was not present for the vote.

Continued to the meeting of January 17, 2019 upon motion of Alderman Durrence, seconded by Alderman Thomas, and unanimously carried to give staff time to incorporate the suggested language. Alderman Johnson was not present for the vote.

[9. Motion to Amend the Zoning Ordinance Regarding the Mid-City District Boundaries and Other Sections of Article K \(Petitioner: City of Savannah\)](#)

[Mid-City District Western Expansion 20181211 Planning Commission Recommendation.pdf](#)
[exhibit-d-contributing-resources_draft_12-11-18.pdf](#)

Marcus Lotson, Metropolitan Planning Commission: Mr. Mayor, members of Council, this again is an item brought forth as a City initiated amendment, both items nine and ten which are related. This is related to the Mid-City District boundaries. As you all recall, we've had a lot of discussion both in workshops as well as in these meetings about a particular area adjacent to Mid-City that was in a gap between two local historic districts. This is the area along the MLK and Montgomery corridor between Anderson Lane and Victory Drive. All the properties within that area were in between the Mid-City District and the Cuyler-Brownsville District and they were not covered by any local historic designation. As a result of the direction by Council, staff has gone to write amendments, both texts and map, and references on the contributing buildings map in Mid-City to bring those properties within the Mid-City District boundaries. So, the amendments that are before you are amendments to the Mid-City District boundaries as well as amending the zoning districts for those properties within the boundaries to bring them into Mid-City.

Hearing closed upon motion of Alderman Foster, seconded by Alderwoman Shabazz, and unanimously carried. Alderman Johnson was not present for the vote.

Approved upon motion of Alderman Durrence, seconded by Alderman Foster, and unanimously carried. Alderman Johnson was not present for the vote.

[10. Motion to Rezone Certain Properties to the Mid-City Zoning Districts \(Petitioner: City of Savannah\)](#)

[exhibit-b-mid-city-district-zoning-map-11-27-2018.pdf](#)
[Mid-City District Western Expansion 20181211 Planning Commission Recommendation.pdf](#)
[exhibit-a-existing-zoning-map_1.pdf](#)
[Mid-City Zoning District Requested Changes by Property](#)

This item was heard with Item 9.

Approved upon motion of Alderman Durrence, seconded by Alderman Miller, and unanimously carried. Alderman Johnson was not present for the vote.

[11. Motion to Rezone 1408 and 1410 Martin Luther King, Jr. Blvd from B-G to TC-2 \(Petitioner: Harold Yellin and Josh Yellin as agents for Nicholas Finland\)](#)

[1408-1410 MLK Jr Blvd 20181211 Planning Commission Recommendation.pdf](#)

[1408-1410 MLK Jr Blvd Zoning and Aerial Maps.pdf](#)

Marcus Lotson, Metropolitan Planning Commission: This item actually strangely is within the area that you just recommended approval or approved a zoning change for. I think the petitioner wants to come forward and request that this item be withdrawn.

Attorney Harold Yellin, Agent for Nicholas Finland: It is a bit unusual, but we filed a day before the City filed its petition. So, because you've already rezoned the property that we were about to rezone for we'd like to withdraw the petition and I think it's item number 11.

Hearing closed upon motion of Alderman Miller, seconded by Alderman Hall, and unanimously carried.

Withdrawn upon motion of Alderman Miller, seconded by Alderman Johnson, and unanimously carried per the petitioner's request.

[12. Motion to Amend the Zoning Ordinance to Allow Certain Savannah Historic District Exceptions Outside of the Historic District \(Petitioner: Harold Yellin for Standard Southeast LLC\)](#)

[20181211 Planning Commission Recommendation 18-005939-ZA.pdf](#)

Marcus Lotson, Metropolitan Planning Commission: The petitioner has requested a text amendment with this petition, however it is, or the birth of it is from a specific property which is 601 East Liberty Street. The petitioner is proposing that certain exemptions that have been granted by this Council for properties within the Historic District be expanded to include that particular property and other properties outside of the Historic District. Just as a little bit of background, back in 2016, the City Council began to consider the potential impact of hotels in the Historic District. As a result of that, two things came out of that, one was the Hotel Overlay District which you adopted in 2017, and the other thing that came out of it was a few development standard exceptions that can be applied to properties in the Historic District for the purpose of incentivizing residential over hotels or at least to give them an equal footing in terms of the development. It was found at the time that many of the standards within the Zoning Ordinance lead to more hotel development versus residential development. So, some of the things that were done as a result of that were to eliminate the minimum lot area per dwelling unit for most properties in the Historic District, to eliminate the density maximum for those properties, and to amend the parking requirement for residential development to allow one space per dwelling unit, which was a lower requirement than had previously existed. The petitioner is proposing that those same exceptions be allowed outside of the Historic District in particular to properties that are zoned RIP-B that are adjacent to the Historic District, and are a minimum of 1.5 acres in size. In review of those particular conditions that they proposed there are really only two properties that seem to fit all those conditions. One of which is the 601 Liberty Street property and the existing East Broad Elementary School. So, there are not many large properties that are in that particular zoning classification and that are adjacent to the Historic District. This proposal is pursuant to the attempt to develop that property, and allow greater density that isn't allowed under current zoning and to amend the parking regulations that would fall on it under the current zoning. The MPC's position on this was that based on the fact that the Council made those exceptions specifically for the Historic District that they would not recommend that it be approved outside of the Historic District without some other direction from Council as it relates to the larger area. So, based on that the Planning Commission recommends denial of the amendment as proposed.

Attorney Harold Yellin, Agent for Standard Southeast, LLC: Thank you Mr. Mayor, for the record, Harold Yellin, with me today are two individuals, Mr. Tommy Attridge, Principal with Standard Southeast, and also Mr. Nick Finland, who is the local partner with the development team. You've probably heard this before, but once again, there seems to be a disconnect between the RFP from the City of Savannah to the public and the submittal to the City and it's the one that was awarded a contract on property owned by the City. As I think all of you know, the RFP was for 1.9 acres on the southeast corner of Liberty and East Broad. The RFP specifically stated that the property was just outside the Historic District so that it would not be encumbered by any height restrictions. The RFP said that the property will be in the downtown expansion Future Land Use District, and lastly the City stated that factors it would consider would include housing, amount and type of commercial space, and will the project promote a live/work/play environment. We submitted an RFP to the City of Savannah; we showed you elevations of exactly what this was going to look like; we showed you retail of 12,000 square feet; we showed you residential 243 units; and we showed you a site plan that showed mixed use retail and residential. Standard Southeast was awarded the RFP with a score of 92.6, the second place was 82.4 about the largest gap I've seen between first place and second place in a long time. In order to build the project that was proposed to the City the petitioner needs development standards similar to what the development standards are in the Historic District that Mr. Lotson referred to. Here's where it gets really interesting because we are zoned RIP-B. RIP-B inside the Historic District is different than the RIP-B outside the Historic District. In the Historic District, density is based on square footage of units, across the street it's 70 units per acre. Parking is one space

per unit in the Historic District, across the street where we are it's 1.25, 1.50, or 1.75 depending on the unit size. In the Historic District, there's no minimum lot size, we have a minimum lot size. So, we think and we know that these standards in the Historic District were done to incentivize residential and y'all felt that there was too much hotel development. These were your incentives, but you put a hard and fast line called East Broad Street so that it doesn't apply across the street. So, we think the question before you is, do these incentives only apply in the Historic District or should they only apply in the Historic District? If you believe as we do, it doesn't make sense to stop here. There are only a handful of options available to y'all. One of the options was just to stay RIP-B, exactly what we are and go to the Zoning Board of Appeals. The problem with that is the density is so different from one to the other ZBA would never approve this. ZBA doesn't change the density the way we're looking at. The second thing we could do is create a Planned Unit Development, like Savannah River Landing, like Hitch Village, but there is an unwritten rule and I mean there is an unwritten rule that says that a parcel must be three acres or more to qualify for a PUD, and this property is 1.9 acres. We thought about joining Hitch Village across the street directly across Liberty Street, but thematically we are not the same kind of property and it would be hard to create a PUD where the Housing Authority of Savannah would be the declarant and tell us what we need to do on our side, so we opted out of joining another PUD. The only other choice is do a text amendment and I think that text amendment comes in two flavors. One is you just create a whole brand new district, RIP-E, that's the next letter in the alphabet. I will tell you that some staff members thought that was a good idea, most members said no because NewZo is trying to reduce the number of zoning districts so that did not get a good reception. The second option is the one that's before you today and recognize that there are only two RIP-B's adjacent to the Historic District, your property and East Broad Elementary. Other than that there are no other RIP-B's adjacent to the Historic District. We are open to all ideas and I said this at MPC and I'll say it before y'all, given the choices, and there are only a few, we think the text amendment to the RIP-B makes the most sense. Because as your RFP says, you want to have something that creates and invites the live/work/play environment and the current RIP-B does not do that. So, these are the choices before you. With that said, we would of course prefer that our text amendment be approved, but we're certainly open to suggestions. I know Mr. Durrence had a comment on the project.

Alderman Durrence: Yes I do, and I don't think our intent in changing the density requirements was to make that exclusively within the Landmark District. Personally I think that increasing the density for residential housing on that property is something we want to do. I'd like to see us move forward with this, but the one other aspect of this is that outside of the Landmark District we don't have any kind of design review for what happens with the project there. So, what I would actually like to do, if this is satisfactory, is take a two week continuance on this to talk about some design review standards that could also be incorporated with allowing the higher density maximums and the parking changes in that as well because it is sitting adjacent to the Landmark District. If we're going to allow some of the conditions that are exclusive in the Landmark District now, I think we should also be looking at having some design review as part of that. But we need to talk about exactly what that would be because right now there is no prescription for that within that zoning district.

Mayor DeLoach: So, you're basically saying that if we're going to offer this change, and we're going to take part of the Historic District, we need to take all of the Historic District and just amend it to pick up... if the adjacent property wants to be tied to the Historic District, then they can petition to do that and they do that they pick up all of the things that go with the...

Alderman Durrence: That's the concept but I think we need a couple of weeks to talk about some details on this.

Attorney Yellin: We agree to the two weeks.

Mayor DeLoach: Are we on the same page? Does that make any of you feel bad, or are we going to get down the road with this and we're just barking up the wrong tree?

Attorney Yellin: I think in order to do what you want us to do and what we want to do, does require more thought and I think that we'll take advantage of the two weeks to try and come up with some design criteria that makes sense. I certainly understand the position, if you want to be like the Historic District then look like the Historic District, whether that involves what level of review we just don't know. At the MPC, one of the gentlemen made a suggestion that we join the Historic District. I'm not sure that's a good idea, just picking up properties.

Mayor DeLoach: Well we're concerned about crossing a horse and a mule and coming up with a donkey. We will want to make sure we got what we're supposed to have. That's my biggest concern.

Attorney Yellin: We're fine with the two weeks.

Mayor DeLoach: In two weeks you will come back and we're going to all live happily ever after.

Attorney Yellin: Either we're going to find a way to make it happen or we won't, but we'll need the two weeks to find that.

Alderwoman Bell: Describe the proposed project for your client and I got a question for you too. Now, tell me again Mr. Lotson what was MPC's reservation?

Mr. Lotson: The reservation from the Planning Commission was the fact that the exceptions that the applicant is requesting be applied to this property were applied or developed by the Mayor and Aldermen to work within the Historic District, and this property is not within the Historic District.

Alderwoman Bell: And this property wants those same exceptions even though they are across the street.

Mr. Lotson: Lower standards... So, it would allow greater density than what's currently allowed under the zoning where the property is now, and it will also reduce the parking requirements for that property versus properties that are within the Historic District. The things that you're looking at now can be developed under the current zoning but not to the intensity that the petitioner is proposing in terms of the number of units and the number of parking spaces, et cetera.

Alderman Foster: How many parking spaces per unit is being offered in this design? Are you to that point?

Attorney Yellin: We only have a conceptual site plan, but it's roughly one space per unit, which is the Historic District ratio, right?

Alderman Foster: Mr. Mayor, I agree with Alderman Durrence. I think this is a unique property in a unique location. You can't replicate it anywhere else around the Historic District. And I think we do need to make an exception here because of the location and [inaudible]. And I agree with Alderman Durrence's idea to...

Mayor DeLoach: Alderman Durrence is not saying that now. Alderman Durrence is looking at taking all of the Historic District and everything that goes with it and transferring it over to this area because it's adjacent to it.

Alderman Durrence: Well, I'm saying that's the beginning point of a conversation that we need to have.

Mayor DeLoach: That was his original idea, but he is willing to compromise on some issues down the road.

Alderwoman Shabazz: In looking at what I was just handed with the architectural rendering of this proposed structure, I am quite concerned about seriously the density of all of this. The parking is a serious issue and I'm more of somewhat seeing what the MPC is talking about when they recommended denial of what the petitioner is wanting to put in here as it is existing. The rendering is beautiful, but in the situation of parking congestion on East Broad where people are used to living in a certain way on East Broad and all those other streets that come off of East Broad in between that block. If this density does not decrease, it's going to cause a serious problem with the quality of life of the residents that are living there now. So, that's my concern. I see exactly what, now that I continue to go through the drawings here, about the density and the parking.

Attorney Yellin: Dr. Shabazz, just so you know what you're looking at are three pages from the submittal to the City of Savannah for the RFP, for this property. And when City Council approved this particular applicant, this was part of the package that we submitted several months ago. The intention was always to make this into a mixed use and by the way, this is not a final plan, but it does show you, for example, that the Diocese building stays, there's no intent to demolish that building. It shows how it's a mixed use. I showed this to you for illustrative purposes. Just so you know we always wanted to do mixed use, but this is by no means the final plan.

Melanie Wilson, MPC Executive Director: I just wanted to clarify one thing. If you decide that you want to come back in two weeks for us to do a review, we're only going to be able to do a limited review of the whole area. I mean, it's a much broader request and then the other piece of it is that again, what you have before you is a conceptual drawing that wasn't even shown to our Board. We're working toward not getting that because we don't know what the final design is going to be until they get with their designers and make that commitment. If you decide that you want to move forward and have us look at this specific site, we could do that within two weeks, but I don't want to have you think that we're going to be able to look at a broader area to see what that impact is going to be within that two weeks. So, I wanted to make sure that we were clear on that. The second piece is that when you look at it on a map, the precedence of going across the street so we would have to look at or we should look at that. So, I just wanted to make sure we were clear on that.

City Manager Hernandez: I just want to point out that there's a scrivener's error in the attachment to this agenda report. Specifically there is a December 11th memo from the MPC, page two of that memo actually looks like it was improperly copied. So, the MPC will be submitting a revision. So, I just want to note that for the official record and for the minutes and then we'll just update the attachment when we get it.

Ms. Wilson: My staff is working on making those corrections right now. So, we'll have that before the end of the day.

Mayor DeLoach: And we will just take a look at it in two weeks. We're not trying to change anything and we're not trying to redesign this place. We're just trying to make sure that going forward it's not just a spot zoning for the sake of spot zoning, it's more of a long-term thing I thing.

Hearing closed upon motion of Alderman Durrence, seconded by Alderwoman Bell, and unanimously carried.

Continued to the meeting of January 17, 2019, upon motion of Alderman Durrence, seconded by Alderman Miller, and unanimously carried.

[13. Motion to Deny Proposed Amendment to the CIV Zoning District \(Petitioner: Philip McCorkle for Lat Purser & Associates, Inc.\)](#)

[Planning Commission Recommendation RE CIV District.pdf](#)

Marcus Lotson, Metropolitan Planning Commission: Mr. Mayor, once again we have a pair of items that are together here, items 13 and 14. Item 13 is the petitioner's request to amend the zoning ordinance in particular Article K, which is the Mid-City Zoning Ordinance. Item 14 is actually the staff's alternative recommendation so depending on what you do with number 13, will determine what we do with number 14. The petitioner is requesting to amend Article K of the zoning ordinance in order to allow commercial uses that are permitted in the TC-1 District on the ground floor, on streets designated as a collector arterial on the street classification map. Essentially what this is related to is that the applicant is proposing a mixed use development of multi-family residential and non-residential uses on a property that is currently zoned CIV. CIV in the Mid-City is a civic designation that typically applies to institutional buildings such as churches, schools, the public library, for example, many of the large monumental buildings you see in Mid-City are zone CIV. The petitioner in particular is interested in a piece of property that is on Bull Street between Bull and Drayton, bounded by 31st Street and 31st Lane. They would like to propose a non-residential use on the ground floor of this future development. However, ground floor, non-residential uses are not permitted on that particular piece of property. So, what they have proposed is that those uses that are currently allowed in the TC-1 District, which is a commercial district in Mid-City, be permitted on the ground floor on arterial streets within Mid-City. The arterial streets within Mid-City include: Martin Luther King, Jr. Boulevard; Montgomery Street; Barnard Street; Whitaker; Bull; Drayton; Abercorn; Habersham; Price; and East Broad. In review of the petitioner's request, the staff and the MPC found that was a bit of a broad brush in terms of allowing all those non-residential districts on the ground floors on all of those streets. For example, Bull Street as we found is a very commercial corridor generally, so it would make sense to allow commercial uses on the ground floors of buildings on Bull Street, but not necessarily in some of the other streets that were proposed. So, the alternative which is item number 14, was that the Planning Commission has recommended denial of what the petitioner is proposing, which is to allow the TC-1 uses on the ground floor on all of those streets that I just mentioned. In lieu of that the MPC is recommending that be permitted only on Bull Street in the language that is within the staff report, so it's an alternative that was provided by staff. The Planning Commission moved to deny the request that included every one of those streets, and recommended approval of allowing the TC-1 uses, which are many commercial uses within the ground floor of properties on Bull Street.

Alderwoman Bell: So, basically just limit it to Bull Street and not include the others.

Mr. Lotson: Yes, that's correct. The finding was that even some streets, like Whitaker as an example, have a lot of residential uses on the ground floor, which is very different from some of the other more commercial arterials within Mid-City.

Mayor DeLoach: In thinking about Drayton Street are you saying there's not a lot of commercial.

Mr. Lotson: Well, we looked at Drayton also and in that case there were a number of residential properties that are on the corners along Drayton, they don't front onto Drayton but they are corners on some of the 30 streets along Drayton. So, we recommended only Bull Street at this time.

Mayor DeLoach: But you have all of Forsyth, Drayton and the Mansion and all that along there that seems to be commercial.

Mr. Lotson: I mean, yes that section as an example is less residential, but there are some sections of the street that we found as you go further south toward Victory that are more residential in nature.

Mayor DeLoach: This is where that church that has that piece of tin building over there?

Mr. Lotson: Yes sir, the church annex and the police precinct that are on that property between Bull and Drayton that's the property that the petitioner is proposing.

Philip McCorkle for Lat Purser & Associates, Inc.: Happy New Year to everyone. I'm here to accept staff's recommendation which is item 14. I thought my language was great in item 13, but they didn't think so, so it hurt my feelings some, but I allowed them to just limit it to Bull Street, which is the main commercial corridor. Everybody, I've talked to you about this development, everybody, staff associations, residents, they all want commercial on Bull, so that's all I'm trying to accomplish.

Hearing closed upon motion of Alderman Durrence, seconded by Alderman Miller, and unanimously carried.

Denied upon motion of Alderman Johnson, seconded by Alderwoman Bell, and unanimously carried.

[14. Motion to Amend the Zoning Ordinance Regarding the CIV Zoning District as an Alternative Amendment \(Petitioner: MPC Staff\)](#)

[Planning Commission Recommendation RE CIV District.pdf](#)

The hearing for this item was heard with Item 13.

Approved upon motion of Alderman Durrence, seconded by Alderman Johnson, and unanimously carried.

[15. Motion to Rezone 1932 E Montgomery Crossroad from P-RM-25 to B-N \(Petitioner: Harold Yellin for Geyer Morris Company\)](#)

[1932 E Montgomery X Rd 20181211 Planning Commission Recommendation.pdf](#)

[Draft Ordinance RE Future Land Use Category.pdf](#)

[Draft Ordinance RE Rezoning.pdf](#)

Marcus Lotson, Metropolitan Planning Commission: Mr. Mayor, this item is at 1932 East Montgomery Crossroads. The petitioner is requesting to rezone this property from P-RM-25, which is a multi-family designation to the neighborhood business classification. The subject property is located at the northeast corner of the intersection of Montgomery Crossroads and Varnedoe Drive. If you're familiar with the entrance of the Walmart/Sam's Club at that light, that's the corner we're talking about. It's zoned for and developed as a multi-family residential development. There are four two story residential buildings on the site with eight units in each building. The property was rezoned from single family to the current zoning back in 1986. The apartments that are there now were built in 1987. The current owner purchased the property in 2003. The applicant is proposing to purchase the property from the current owner and redevelop it as a retail commercial development. In review of the development within the neighborhood the pattern in the vicinity of the subject property includes neighborhood commercial uses. The MPC found that use category is appropriate for this area. However, the major commercial development in that vicinity was done under the plan provisions of the zoning ordinance. Since the subject property is not large enough for multiple high intensity commercial uses, we didn't believe a planned development was necessary in this case. However, because this is an area in transition in terms of moving from residential in many cases to non-residential, the Planning Commission believed that it would be important to have the applicant submit a general development plan back to the Planning Commission at the time in which they get ready to develop the property. So, the Planning Commission's recommendation is to approve the zoning, and rezone the property from P-RM-25 to B-N with the condition that any general development plan submitted for the subject property be approved by the Planning Commission.

Alderman Miller: Do we know Mr. Yellin, what the client plans to do on the property?

Attorney Harold Yellin, Agent for Geyer Morris Company: Mr. Miller, what we showed MPC was the conceptual site plan approximately 12 to 13,000 square feet of retail shopping center, a very small center. But we don't have any specific tenants at this point in time.

Alderman Miller: Marcus, if we rezone this the way we've been discussing it, what else could go there besides residential?

Mr. Lotson: The B-N zoning classification is the neighborhood classification that allows retail, convenience stores, many of the types of uses that you would see that are neighborhoods serving in terms of retail, it's not as intense a district as the B-C classification that allows higher intensity uses, but things like restaurants, for example, would be permitted. In this case however, with this zoning, as I mentioned, if approved as the Planning Commission has recommended, a site plan would have to come back and be approved by the Commission before a development permit can be submitted for this property.

Alderman Miller: Mr. Yellin, is your client in line with what the recommendation is?

Attorney Yellin: Yes sir, and just very quickly we picked B-N because it was the least intrusive zoning classification as opposed to a B-C, B-G, and B-BH, all of which have uses that you wouldn't want to see here. The answer to the other question is yes, absolutely. They asked that we come back to MPC, and the client said absolutely we will come back with a plan.

Mayor DeLoach: I have one question. So, since it could be a convenience store it could have alcohol in it, then I wouldn't want it. Would you Dr. Shabazz?

Alderwoman Shabazz: No sir, I'm with you Mr. Mayor.

Alderman Miller: So, what is your objection?

Mayor DeLoach: I don't want another convenience store with a liquor license, there's probably about ten right there.

Alderman Miller: But the recommendation is that the developer will have to come back and get a plan approved.

Attorney Yellin: Yes, a general development plan.

Mayor DeLoach: But there's nothing to say down the road he couldn't change it, and come back in and rezone it again because that's what has been done in the past ever since I've been up here, we've been changing stuff.

Alderman Thomas: Mr. Yellin, the B-N would it allow like a Sam's Club or something like that? Like a big grocery store?

Attorney Yellin: Well, the size of the lot itself would prohibit it. I don't think I've ever seen a grocery store 13,000 square feet and that's the entire size of the entire retail.

Alderman Thomas: How much land is this?

Attorney Yellin: Alderman Thomas, it's about two acres. But it's located on the intersection with a traffic light at Varnedoe and Montgomery Crossroads.

Alderwoman Bell: I do applaud your client for at least looking at the zoning and asking for changes before coming to us after purchasing the property and then asking for changes afterwards.

Mayor DeLoach: My concern is what if he decides he can't develop it, and hands it over to somebody else and they go and do what we had done to me before and they develop something completely different than what they originally had in mind.

Attorney Yellin: That's going to be a problem for me.

Mayor DeLoach: It won't be if I don't vote for.

Attorney Yellin: Right now there are things that can go there of course in its present form. The idea that anywhere in the City where there's a B-N you might like what's there right now and that's a flower shop, but that flower shop can shut down tomorrow and put in a convenience store. So, this is true everywhere. I don't believe anyone's coming in here with the intention of putting in a convenience store, but I don't know that. What we are looking at is purely from a land use perspective. This is a piece of property on Montgomery Crossroads, extremely high traffic count, major arterial on a traffic light corner, and everything that I know about land use says it

should be commercial, not residential. What happens in the future, Mayor you're 100 percent right, I don't know. But I also don't know what happens to every other B-N everywhere in the City.

Mayor DeLoach: If you can come back with something more restrictive I wouldn't mind voting for it, but I'm not so inclined to vote for it with that wide open restriction that you have on it right now.

Alderman Durrence: I've got a question, Mr. Yellin right now if this gets rezoned the way it's being requested or Mr. Lotson maybe, right now it does require a site plan review.

Mr. Lotson: Yes sir.

Alderman Durrence: With the new zoning?

Mr. Lotson: Yes sir.

Alderman Durrence: So, if this property owner decided I can't pull this off, I'm going to sell it somebody else, somebody else comes back with a new plan, it still would require a site plan review.

Mr. Lotson: Yes, that's correct.

Alderman Durrence: So, even if we went forward with this somebody can't come in there and just do anything. Whoever owns the property is going to have to go through a site plan review.

Mr. Lotson: That's correct.

Attorney Yellin: That's our understanding as well. Whoever does anything on this property has agreed to come back to MPC which currently is not required. Must come back to MPC for general development plan approval.

Alderman Johnson: I guess I get what the Mayor is saying. I think I've shared this over the years. We approve for now, but we're really approving for the future. We're approving for the owner beyond the petitioner that's in front of us. Once you've done this you have now changed the trajectory of this, the person before you got the approval, they made assurances and obviously had very good intentions. But once that's moved on it makes it much, much more difficult to come back around because that person doesn't have to come before us. They already have the zoning, as Alderman Thomas said the key is the zoning, once they get the zoning, it's on and popping, and we're not in a position to be able to control it at all.

Alderman Thomas: Is Varnedoe the last approach before you get on the Truman Parkway?

Mr. Lotson: Yes, if you're going west toward the Truman.

Alderman Thomas: So, it's the perfect convenience store.

Alderman Hall: The property you're talking about, where is it in relation to Zaxby's and McDonald's?

Mr. Lotson: It's the other side of the street from those properties.

Alderman Hall: Where Varnedoe was closed in? Isn't there a house right on that corner?

[Mr. Lotson showed Alderman Hall the property on a map]

Alderman Hall: What is proposed for that location?

Mr. Lotson: In terms of what the applicant is proposing?

Alderman Hall: Yes.

Mr. Lotson: The applicant is proposing about a 13,000 square foot retail shopping center. I should add that what they're asking for in terms of the zoning is the B-N zoning designation and what the Planning Commission said was we'll recommend approval of the B-N with the condition that the site plan be required to be approved by the MPC as well. I will say that in terms of the B-N zoning classification, it is a neighborhood business, there are lots of uses that are permitted in that district and it is a common district throughout the City. Restaurants are permitted in that district, convenience stores, as was mentioned, are permitted in that district. So, there are a lot of retail uses that are permitted and the intent...

Alderman Thomas: What about a liquor store?

Mr. Lotson: Package stores are not permitted. But there are a number of uses in the intent on a location like this is that, it is a commercial corridor. So, we believe that commercial uses were appropriate on that property, and the existing multi-family that's there right now is a bit dilapidated.

Mayor DeLoach: Right across the street from there is a residential area, right? When you turn right, driving down and come across the Truman and you go down like you're going towards Sandfly, you can go right into the Walmart and Sam's Club, am I in the right spot? [Mr. Lotson responded yes] Or you can go left and go where the peanut man is.

Alderman Miller: It's half a block up.

Mayor DeLoach: Yes, but right there is basically residential on the left side of that road that turns into that area. And you're proposing to take out all the old apartments or whatever is there, and put in a commercial area right across street from a residential area, right?

Attorney Yellin: Across from Walmart and Sam's.

Mayor DeLoach: No, I'm not talking about across from the property. Not facing Montgomery Crossroads, but the road that goes splits that.

Mr. Lotson: That's Varnedoe that goes to Memorial Stadium.

Mayor DeLoach: On the left side of that isn't there a residential area?

Mr. Lotson: The left side of that is multi-family residential, the right side is this property, which is also multi-family residential.

Mayor DeLoach: But you're going to take away all of the right side and do away with it and put in a little small shopping center. And those people that are residential right across the street are going to have to sit there and look 20, 30 feet across the street at a commercial shopping center.

Alderman Hall: They're currently looking at Walmart.

Mayor DeLoach: No, they're not.

Attorney Yellin: Mr. Mayor, if I could respond. We're right next door to a medical office on Montgomery Crossroads, directly behind us is the Chatham County Public Works building, across Varnedoe I don't think it's, it may be a halfway house I don't think it's residential or a home.

Mayor DeLoach: No, right there on Varnedoe Avenue down on this end right here is the peanut man.

Attorney Yellin: You're looking at Varnedoe Court, not Varnedoe Drive, is that correct?

Alderwoman Shabazz: It's the area that you're talking about Mr. Mayor, you're absolutely correct sir.

Alderman Miller: What's on the property now?

Alderwoman Shabazz: There are disability homes there too.

Mayor DeLoach: I will just state that just right across the street is a resident that lives in this corner house that is going to be looking at this development, which is not what I would want to do and not what I planned when I bought house.

Alderman Miller: This area is suitable for commercial all the way down Montgomery Crossroad. I don't foresee anybody building any residential in that area at all. I don't think we can restrict rezoning based on our fears that somebody might come and put in a convenience store. I think we need to take our own action to limit convenience stores independent of this. I see this as the perfect place for the type of development that you're talking about and I think you're going to see more and more of them. The few residential properties that are there I think are going to be going because nobody really wants to be living next to the trash trucks from the County anyway. I think this is a good project and I would vote for it.

Attorney Yellin: I'm concerned about the idea that there's just one use out of all of the permitted uses in the B-N that have y'all concerned. I'm fearful that every petitioner that comes up after today who wants to rezone to B-N, y'all are going to say, you say you're a restaurant, but are you going to be a convenience store?

Mayor DeLoach: Harold you don't have to worry about that, it's not your job.

Attorney Yellin: But where I'm going with this is I think Mr. Miller is correct. If the issue is convenience stores y'all have the ability to create a text amendment just like y'all did with package stores. Y'all have that ability to make whatever changes you want to make about a convenience store and where they can go outside of this petition. And so I would urge that if that's the issue, y'all address it. But I believe that this is an appropriate location for...

Alderman Thomas: The housing that's there, the multifamily housing that would come down under this plan?

Attorney Yellin: Yes.

Alderman Thomas: And the redevelopment would be for, and the total site is only two acres? Because I'm looking at it right now on Google and I mean it looks like a large development for two acres. So, you're going to take that housing that's out there, how many units are there now?

Mr. Lotson: There are four two story buildings with eight units in each building.

Attorney Yellin: And the seller of this property also owns other residential and he is working with current tenants to relocate them to other properties.

Alderman Johnson: I guess my fear and I certainly understand your point Mr. Yellin, but for me although this is a commercial area in a City in which we're still talking about poverty, the lack of affordable housing, you're talking about the lack of people being able to work in close proximity to where they live. You have two major employers across the street, Walmart and Sam's and folks are able to traverse Montgomery Crossroad, and therefore transportation for those that that's an issue for. I guess for me it's just really more of an issue of doing what we can to preserve that. I mean, obviously once we rezoned it, we've taken ourselves out of options and I just think we have to have options. I think it's going to pass Mr. Yellin, I think you have certainly earned your money. You're the best at what you do, but you know, in this, I mean I just think that we have to look before all of our affordable housing in this community is gone. Where are folks going to live?

Alderman Miller: I think we can't restrict what somebody does with their property.

Hearing closed upon motion of Alderman Miller, seconded by Alderman Foster, and unanimously carried.

Approved upon motion of Alderman Miller, seconded by Alderman Durrence, and carried. A board vote was taken with the following voting in favor: Aldermen Bell, Miller, Foster, Durrence and Hall. Mayor DeLoach, Aldermen Thomas, Johnson, and Shabazz voted against the motion.

Alderman Miller: Mr. Mayor while we're on the subject I would like to ask the staff to work on some type of a change to the ordinance or an ordinance itself that restricts the number of convenience stores in some areas because they are getting pretty frequent. Everywhere I turn around somebody is changing something into a convenience store and I don't think we need that many and I don't think they're healthy for us.

City Manager Hernandez: That's something that we're currently working on Alderman Miller and we should have a recommendation coming back to you at some point.

Alderman Thomas: Well, I mean that just really opens up Pandora's Box because I'd like them to restrict the number of TitleMaxes, Title Pawns, and Title Bucks along the corridors that are charging our poorest citizens 100 percent or more interest rates.

Mayor DeLoach: If you restrict the convenience stores, you're restricting them too because that's where they go to after it closes down.

Alderman Hall: When we start restricting things are we going to start restricting the number of banks, or the number gas stations? Are we going to start doing that?

Alderman Johnson: But we're restricting affordable housing, where are folks going to live? We have places where people could buy gas, buy liquor, and buy lotto and get their titles done but in the end they have no place to live. I think we have to determine what our priorities are.

Alderman Thomas: I think Mr. Hall gets my point, my point is when we start restricting convenience stores and different things like that we get to a point where we're basically preventing free trade. I think we have to be careful of that.

Alderman Miller: Yet we just discussed preventing these people from tearing down an apartment complex that they own and building a shopping center that they will own and we didn't have a problem with that. When the staff brings forward an ordinance we'll be able to vote on it at that time.

Alderman Thomas: But in all due respect Mr. Miller, they did seek a zoning change from us, and the opinion of the Council carried five to four on that subject.

[16. Motion to Rezone 1220, 1222, and 1224 Wheaton Street from I-L/R-M-25 to R-M-40 \(Petitioner: Harold and Josh Yellin for Montgomery Street Partners, LLC\)](#)

[20181211 Planning Commission Recommendation.pdf](#)

[Draft Ordinance RE Rezoning.pdf](#)

[Draft Ordinance RE Future Land Use Category.pdf](#)

Marcus Lotson, Metropolitan Planning Commission: This is a property at 1220, 1222, and 1224 Wheaton Street. The petitioner is requesting to rezone these properties that currently have two zoning classifications on the three properties, the light industrial classification and the R-M-25 classification, which is residential multi-family and permits up to 25 units an acre. The applicant is proposing that the entirety of the property be rezoned to the R-M-40 classification, which is multi-family residential that permits up to 40 units an acre. Essentially these are vacant properties adjacent to another development that's in the process of going up on Wheaton Street. There may be some discussion with this petition about the comments that Alderman Johnson made regarding affordable housing because I think this falls into that category. The applicant is proposing to rezone this for the purpose of developing multi-family residential on that property. We did look closely at this and one of the priorities that the Council has had is eliminating non-compatible zoning classifications adjacent to residential, in this case there is light industrial zoning right on Wheaton Street which is incompatible because there is a single family residential neighborhood next door to this property. We're proposing that the property be rezoned to the R-M-40 zoning classification and that the I-L and R-M-25 be removed.

Alderman Johnson: So, is the MPC the petitioner on this?

Mr. Lotson: No, this is a private developer who is the petitioner.

Alderman Johnson: Okay, but you all concurred with that recommendation.

Mr. Lotson: We're recommending approval of the zoning that they requested, which is a multi-family residential.

Hearing closed upon motion of Alderman Johnson, seconded by Alderman Miller, and unanimously carried.

Approved upon motion of Alderman Hall, seconded by Alderman Thomas, and unanimously carried.

PETITIONS

[17. Motion to Approve Interpretive Signage for an Information Kiosk on the Right of Way Adjacent to 2005 Waters Avenue](#)

[18-001750-MON Waters Ave HSMC Recommendation.pdf](#)

[Submittal package FINAL.pdf](#)

Approved upon motion of Alderman Durrence, seconded by Alderman Miller, and unanimously carried.

[18. Motion to Approve Historical Marker Commemorating Mary Musgrove to be located in Lafayette Square](#)

[COA -Historic Marker Commemorating Mary Musgrove - Lafayette Sq 18-005994-HM.pdf](#)

[Submittal Packet - Lafayette Square 18-005994-HM.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderman Durrence, and unanimously carried.

ORDINANCES - FIRST READING

[19. First Reading of Municipal Sponsorship Ordinance to Create Rules and Guidelines for Soliciting and Receiving Sponsorship Opportunities](#)

[Municipal Naming Rights and Sponsorships.pdf](#)

No Action Necessary

[20. First Reading of Amendments to Section 2-4154 of the Code of Ordinances to Allow for the Use of Contracts Competitively Procured by other Governmental Agencies](#)

[Ord. Amend. Sec. 2-4154.pdf](#)

No Action Necessary

Alderman Thomas: Is that the piggyback?

City Manager Hernandez: Yes.

ORDINANCES - FIRST AND SECOND READING

[21. Motion to Amend the Zoning Ordinance Regarding the New Hampstead PUD \(Petitioner: Robert Brannen for Figure 8 LLC\)](#)

[New Hampstead PUD 20181218 Proposed Amended Land Use Plan.pdf](#)

[Text Amendment Article L New Hampstead PUD Draft Ordinance 20181222.pdf](#)

Alderwoman Shabazz: Items 21 and 22 are related and do just want to make a comment so that our public can be clear on what's going on. We were discussing housing and a lack of housing, but this particular item with the New Hampstead Planned Unit Development that started back in 2005 and now we are moving forward. There are several things that has taken place since that time but the developers, they are here presently and with converting over almost 900 acres of property, converting into single family

residential areas, institutional areas, a multi-family, and village areas that includes parks on the west side of Savannah, in Chatham County. There are great things that's going to be happening between Little Neck Road and Fort Argyle Road near 204. It's just an exciting time for that area and the development. So, this particular item is for the zoning ordinance regarding the New Hampstead public unit development. This is part of our strategic plan for our Council under economic strength and poverty reduction and I think that with these particular items that we should definitely, all of us, should approve these items for the development, for the future of our City.

Ordinance read for the first time in Council January 3, 2019, then by unanimous consent of Council read a second time, placed upon its passage, adopted and approved upon a motion by Alderwoman Shabazz, seconded by Alderman Thomas, and unanimously carried.

Ordinance in its entirety on file in the Office of the Clerk of Council.

[22. Motion to Amend the New Hampstead PUD and Master Plan Land Classification \(Petitioner: Robert Brannen for Figure 8 LLC\)](#)

[New Hampstead PUD 20181218 Proposed Amended Land Use Plan.pdf](#)

[Rezoning New Hampstead PUD Draft Ordinance 20181224.pdf](#)

[NH_PUD-EXHIBIT_EXHIBIT-A2_2018-12-18.pdf](#)

[NH_PUD-EXHIBIT_EXHIBIT-A3_2018-12-18.pdf](#)

[NH_PUD-EXHIBIT_EXHIBIT-A1_2018-12-18.pdf](#)

Ordinance read for the first time in Council January 3, 2019, then by unanimous consent of Council read a second time, placed upon its passage, adopted and approved upon a motion by Alderwoman Shabazz, seconded by Alderman Thomas, and unanimously carried.

Ordinance in its entirety on file in the Office of the Clerk of Council.

ORDINANCES - SECOND READING

[23. Motion to Amend the Soil Erosion, Sedimentation and Pollution Control Ordinance](#)

[Act 175 of the Georgia Legislature \(2015\) as Passed.pdf](#)

[Soil Erosion, Sedimentation, and Pollution Control Ordinance Redline Version.pdf](#)

[Soil Erosion, Sedimentation, and Pollution Control Ordinance Final.pdf](#)

Alderman Thomas: Mr. City Manager, does this address canals that empty into river estuaries, the sediment and things like that?

City Manager Hernandez: Give me one second, I know it specifically deals with marshes.

[City Manager Hernandez referred to Heath Lloyd, Chief Infrastructure and Development Officer, to respond to the question.]

I know it specifically addresses the salt marsh and upland development. I don't know if it addresses those other types of bodies of water.

Alderman Thomas: I guess what I'm asking is, you know with all the canals, and all of the rivers that I have in my district, does this address our ability to be able to maintain those rights of way without getting into situations like we have on backstreet?

Heath Lloyd, Chief Infrastructure and Development Officer: Alderman Thomas, no sir this does not. What this is, is a local ordinance. What we are doing here is taking our local Soil, Erosion and Sedimentation Control Ordinance and putting it into compliance with the State. We're basically adopting the 25 foot buffer for the coastal areas just like what's in the State law. So, no sir it does not address that.

AN ORDINANCE

TO BE ENTITLED

AN ORDINANCE TO AMEND PART 8, PLANNING AND
REGULATION OF DEVELOPMENT, CHAPTER 6,
SOIL EROSION, SEDIMENTATION AND POLLUTION
CONTROL, OF THE CODE OF THE CITY OF SAVANNAH,
GEORGIA (2003); TO PROVIDE FOR EFFECTIVE DATES; 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 Part 8, Planning and Regulation of Development, Chapter 6, Soil Erosion, Sedimentation and Pollution Control of the Code of the City of Savannah, Georgia (2003) be amended by deleting Chapter 6, Soil Erosion, Sedimentation and Pollution Control, and inserting a new Chapter 6 entitled "Soil Erosion, Sedimentation and Pollution Control" as follows:

CHAPTER 6. - SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL

Sec. 8-6001. - Title.

This chapter will be known as "the Savannah Soil Erosion, Sedimentation and Pollution Control Ordinance."

Sec. 8-6002. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter, unless otherwise specifically stated:

- (a) *Best Management Practices (BMPs)*: These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
- (b) *Board*: The Board of Natural Resources.
- (c) *Buffer*: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
- (d) *Certified Personnel*: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
- (e) *Coastal Marshlands*: Shall have the same meaning as in O.C.G.A. § 12-5-282.
- (f) *Commission*: The Georgia Soil and Water Conservation Commission ("GSWCC").

- (g) *CPESC*: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as “CPESC” or CPESC, Inc.
- (h) *Cut*: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.
- (i) *Department*: The Georgia Department of Natural Resources (“DNR”).
- (j) *Design Professional*: A professional licensed by the State of Georgia in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (“CPESC”) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.
- (k) *Director*: The Director of the Environmental Protection Division or an authorized representative.
- (l) *District*: The Soil and Water Conservation District.
- (m) *Division*: The Environmental Protection Division (“EPD”) of the Department of Natural Resources.
- (n) *Drainage Structure*: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.
- (o) *Erosion*: The process by which land surface is worn away by the action of wind, water, ice or gravity.
- (p) *Erosion, Sedimentation and Pollution Control Plan*: A plan required by the Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7, that includes, as a minimum, protections at least as stringent as the State General Permit, best management practices, and requirements in subsection 8-6004(c).
- (q) *Fill*: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.
- (r) *Final Stabilization*: All soil-disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 % of the soil surface is uniformly covered in permanent vegetation with a density of 70 % or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.
- (s) *Finished Grade*: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
- (t) *Grading*: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
- (u) *Ground Elevation*: The original elevation of the ground surface prior to cutting or filling.
- (v) *Land Disturbing Activity*: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in subsection 8-6003.
- (w) *Larger Common Plan of Development or Sale*: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or

computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

(x) *Local Issuing Authority*: The governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a), as amended. As used in this chapter, LIA shall refer to the City of Savannah.

(y) *Metropolitan River Protection Act ("MRPA")*: The state Metropolitan River Protection Act, O.C.G.A. § 12-5-440 *et seq.* which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

(z) *Natural Ground Surface*: The ground surface in its original state before any grading, excavation or filling.

(aa) *Nephelometric Turbidity Units ("NTU")*: Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

(bb) *NOI*: A Notice of Intent form provided by EPD for coverage under the State General Permit.

(cc) *NOT*: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

(dd) *Operator*: The party or parties that have:

(1) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or

(2) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

(ee) *Outfall*: The location where storm water in a discernible, confined and discrete conveyance leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

(ff) *Permit*: The authorization necessary to conduct a land-disturbing activity under the provisions of this chapter.

(gg) *Person*: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

(hh) *Phase or Phased*: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

(ii) *Project*: The entire proposed development project regardless of the size of the area of land to be disturbed.

(jj) *Properly Designed*: Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

(kk) *Roadway Drainage Structure*: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

(ll) *Sediment*: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

(mm) *Sedimentation*: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

(nn) *Soil and Water Conservation District Approved Plan*: An erosion, sedimentation and pollution control plan approved in writing by the Coastal Soil and Water Conservation District.

(oo) *Stabilization*: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

(pp) *State General Permit*: The National Pollution Discharge Elimination System (“NPDES”) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state’s authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C § 1251, *et seq.*, and O.C.G.A. § 12-5-30(f).

(qq) *State Waters*: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

(rr) *Structural Erosion, Sedimentation and Pollution Control Practices*: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

(ss) *Trout Streams*: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

(tt) *Vegetative Erosion and Sedimentation Control Measures*: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover;
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

(uu) *Watercourse*: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

(vv) *Wetlands*: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 8-6003. - Exemptions.

This chapter shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- (a) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968";
- (b) Granite quarrying and land clearing for such quarrying;
- (c) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
- (d) The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of O.C.G.A. § 12-7-6(b) and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;
- (e) Agricultural operations as defined in O.C.G.A. § 1-3-3, to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
- (f) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in sections 8-6004(c)(15) and (16) of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
- (g) Any project carried out under the technical supervision of the Natural Resources Conservation Service ("NRCS") of the United States Department of Agriculture;
- (h) Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by subsections (a), (b) (c), (d), (e), (f), (g), (i) or (j) of this section;
- (i) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
- (j) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of

the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

(k) Any public water system reservoir.

Sec. 8-6004. - Minimum requirements for erosion, sedimentation and pollution control using best management practices.

(a) *General Provisions.* Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the chapter and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this chapter shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of subsections (b) and (c) of this section. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this chapter and the NPDES General Permit.

(b) *Minimum Requirements/BMPS.*

(1) Best management practices as set forth in this subsection (b) and subsection (c) shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act." As used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).

(2) A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by the City or of any state general permit issued by the Division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.

(3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by the City or of any state general permit issued by the Division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such failure occurs.

(4) The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

(5) The City may set more stringent buffer requirements than stated in (c):(15) (16) and (17), pursuant to the authority of O.C.G.A. § 12-7-6(c).

(c) The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 *et seq.* for the purpose of governing land-disturbing activities shall require, at a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

(1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

(2) Cut-fill operations must be kept to a minimum;

(3) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;

(4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;

(5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

(6) Disturbed soil shall be stabilized as quickly as practicable;

(7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

(8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

(9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7 *et seq.*;

(10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

(11) Cuts and fills may not endanger adjoining property;

(12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

(13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;

(14) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection (b)(2) of this section;

(15) Except as provided in paragraph (16) and (17) of this subsection, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground-water is not a source of water; and for which runoff from precipitation is the primary source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to O.C.G.A. § 12-5-20, *et seq.*, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

(A) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

(B) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

- i. Stream crossings for water lines; or
- ii. Stream crossings for sewer lines.

(16) There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to O.C.G.A. § 12-5-20, *et seq.*, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

(A) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

(B) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

- i. Stream crossings for water lines; or
- ii. Stream crossings for sewer lines.

(17) There is established a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with O.C.G.A. § 12-5-280, *et seq.*, the "Coastal Marshlands Protection Act of 1970" and the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where an alteration within the buffer area has been authorized pursuant to O.C.G.A. § 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph, "maintenance" shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

(A) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic

habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and

(B) The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

(C) The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued between April 22, 2014 and December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat was approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

(D) Activities where the area within the buffer is not more than 500 square feet or that have a "Minor Buffer Impact" as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.

(d) Nothing contained in O.C.G.A. § 12-7-1 *et seq.* shall prevent the City from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections (b) and (c) of this section.

(e) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or the terms of the permit.

Sec. 8-6005. - Application/permit process.

(a) *General.* The property owner, developer and designated planners and engineers shall design and review before submittal of the general development plans. The City shall review the tract to be developed and the area surrounding it. It shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this chapter, and any other ordinances, rules, regulations or permits, which regulate the development of land within the City's corporate limits. However, the owner and/or operator are the only parties who may obtain a permit.

(b) *Application requirements.*

(1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of City of Savannah without first obtaining a permit from City of Savannah Development Services Department to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.

(2) The application for a permit shall be submitted to the City of Savannah Development Services Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, at a minimum, the data specified in subsection (c) herein. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land-disturbing activity proposed will be carried out in such a manner that the provisions of subsections 8-6004(b) and (c) will be met. Applications for a permit will not be accepted unless accompanied by eight copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

(3) In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.

(4) Immediately upon receipt of an application and plan for a permit, the City shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the City. No permit will be issued unless the plan has been approved by the District, and any variances required by subsections 8-6004(c)(15) (16) and (17) have been obtained, all fees have been paid, and bonding, if required as per subsection 8-6005(b)(6), have been obtained. Such review will not be required if the City and the District have entered into an agreement which allows the City to conduct such review and approval of the plan without referring the application and plan to the District. The City shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the City to act within 35 days shall be considered an approval of the revised Plan submittal.

(5) If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the City may deny the permit application.

(6) The City may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the City with respect to alleged permit violations.

(c) *Plan requirements.*

(1) Plans must be prepared to meet the minimum requirements as contained in subsections 8-6004(b) and (c), or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this chapter. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land-disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. § 12-7-20.

(2) Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

(d) *Permits.*

(1) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the City of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

(2) No permit shall be issued by the City unless the erosion, sedimentation and pollution control plan has been approved by the District and the City has affirmatively determined that the plan is in compliance with this chapter, any variances required by subsections 8-6004(c)(15) (16) and (17) are obtained, bonding requirements, if necessary, as per subsection 8-6005(b)(6) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the City are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

(3) Any land-disturbing activities by a City shall be subject to the same requirements of this chapter, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the City.

(4) If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(5) The permit may be suspended, revoked, or modified by the City, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this chapter. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

(6) The City may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, pursuant to O.C.G.A. § 12-7-7 (f) (1).

Sec. 8-6006. - Inspection and enforcement.

(a) The City of Savannah Development Services Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the City shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this chapter, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter.

(b) The City must amend its ordinances to the extent appropriate within 12 months of the effective date of any amendments to the Erosion and Sedimentation Act of 1975.

(c) The city engineer shall have the power to conduct such investigations as he/she may reasonably deem necessary to carry out duties as prescribed in this chapter, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

(d) No person shall refuse entry or access to any authorized representative or agent of the City, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Sec. 8-6007. - Penalties and incentives.

(a) *Failure to obtain a permit for land-disturbing activity.* If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this chapter without first obtaining said permit, the person shall be subject to revocation of his business tax certificate, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the City.

(b) *Stop work orders.*

(1) For the first and second violations of the provisions of this chapter, the City shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the City shall issue a stop work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the City shall issue an immediate stop work order in lieu of a warning;

(2) For a third and each subsequent violation, the City shall issue an immediate stop work order; and

(3) All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

(4) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the City or by the Director or his or her Designee, have been or are being discharged into state waters and

where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the City or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

(c) *Bond forfeiture.* If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of subsection 8-6005(b)(6). The City may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

(d) *Monetary penalties.* Any person who violates any provisions of this chapter, or any permit condition or limitation established pursuant to this chapter, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this chapter shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this chapter, notwithstanding any provisions in any City Charter to the contrary, municipal courts shall be authorized to impose a penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this chapter under county ordinances approved under this chapter shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 8-6008. - Education and certification.

(a) Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

(b) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have at a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

(c) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this chapter.

(d) If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Sec. 8-6009. - Administrative appeal; judicial review.

(a) *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by the City upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the city manager within five days after receipt by the City of written notice of appeal.

(b) *Judicial review.* Any person, aggrieved by a decision or order of the City, after exhausting his administrative remedies, shall have the right to appeal de novo to the Recorder's Court of Chatham County.

Sec. 8-6010. – Effective date; validity and liability.

(a) *Effective date.* This chapter shall become effective on [_____.]

(b) *Validity.* If any section, paragraph, clause, phrase, or provision of this chapter shall be adjudged invalid or held unconstitutional, such determination shall not affect the remaining portions of this chapter.

(c) *Liability.*

(1) Neither the approval of a plan under the provisions of this chapter, nor the compliance with provisions of this chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the City for damage to any person or property.

(2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or the terms of the permit.

(3) No provision of this chapter shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

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

ADOPTED AND APPROVED upon motion of Alderman Hall, seconded by Alderman Miller, and unanimously carried.

BIDS AND CONTRACTS

[24. Motion to Renew Annual Contract for Civil Design Services with Wolverton & Associates \(Event No. 4486\)](#)

[Civil Design Scope.pdf](#)

[Civil Design Purchasing Summary.pdf](#)

[Civil Design Funding Verification.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderman Durrence, and unanimously carried per the City Manager's recommendation.

[25. Motion to Renew Annual Contract for Traffic Signal Construction Services with Hoffman Electric \(Event No. 5019\)](#)

[Traffic Signal Scope.pdf](#)

[Traffic Signal Purchasing Summary.pdf](#)

[Traffic Signal Funding Verification.pdf](#)

[Traffic Signal Bid Tab.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderman Durrence, and unanimously carried per the City Manager's recommendation.

[26. Motion to Renew Annual Contract for Litter and Recycling Receptacles with SiteScapes, Inc. \(Event No. 4884\)](#)

[Litter and Recycling Bid Tab.pdf](#)

[Litter and Recycling Funding Verification.pdf](#)

[Litter and Recycling Purchasing Summary.pdf](#)

[Litter and Recycling Scope.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderman Durrence, and unanimously carried per the City Manager's recommendation.

[27. Motion to Procure Upgrades to the DeRenne Avenue Stormwater Pump Station Electronic Controls from Kapsch TrafficCom North America \(Event No. 6420\)](#)

[DeRenne Stormwater Bid Tab.pdf](#)

[DeRenne Stormwater Map.png](#)

[DeRenne Stormwater Funding Verification.pdf](#)

[DeRenne Stormwater Purchasing Summary.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderman Durrence, and unanimously carried per the City Manager's recommendation.

[28. Motion to Renew Annual Contract for Water and Wastewater Sample Analysis Services with Florida Spectrum Laboratories \(Event No. 5106\)](#)

[Sampling Analysis Bid Tab.pdf](#)

[Sampling Analysis Purchasing Summary.pdf](#)

[Sampling Analysis Funding Verification.pdf](#)

[Sampling Analysis Scope.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderman Durrence, and unanimously carried per the City Manager's recommendation.

[29. Motion to Award Annual Contract for Large Water Meters to Badger Meter, Inc., Consolidated Pipe and Supply, Inc., and Mueller Systems, LLC \(Event No. 6583\)](#)

[Large Water Meter Funding Verification.pdf](#)

[Large Water Meter Scope.pdf](#)

[Large Water Meter Bid Tab.pdf](#)

[Large Water Meter Purchasing Summary.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderman Durrence, and unanimously carried per the City Manager's recommendation.

[30. Motion to Award Annual Contract for Environmental Compliance Services for the Dean Forest Road Landfill to Atlantic Coast Consulting, Inc. \(Event No. 6411\)](#)

[Environmental Compliance Scope.pdf](#)

[Environmental Compliance Purchasing Summary.pdf](#)

[Environmental Compliance Funding Verification.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderman Durrence, and unanimously carried per the City Manager's recommendation.

[31. Motion to Renew Annual Contract for Police Seized Property with Liberty Auction Company \(Event No. 5450\)](#)

Withdrawn per the request of the City Manager

[32. Motion to Renew Annual Contract for Polygraph Testing Services for Savannah Police Department with Southeastern Resolution Group, LLC \(Event No. 5411\)](#)

[Polygraph Testing Purchasing Summary.pdf](#)

[Polygraph Testing Scope.pdf](#)

[Polygraph Testing Funding Verification.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderman Durrence, and unanimously carried per the City Manager's recommendation.

AGREEMENTS

[33. Motion to Approve Water and Sewer Agreement for 202 International Trade Parkway](#)

[202 International Trade Parkway.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderwoman Shabazz, and unanimously carried per the City Manager's recommendation.

[34. Motion to Approve Modification No. 1 to the PY2018 Eckerd Connects-Paxen Workforce Innovation and Opportunity Act \(WIOA\) Year-Round Youth Sub-award](#)

[PY18 Eckerd Connects- Paxen Modificaiton.pdf](#)

Approved upon motion of Alderwoman Bell, seconded by Alderman Miller, and unanimously carried per the City Manager's recommendation.

REAL ESTATE

[35. Motion to Approve Amendment to the Lease for 602 East Lathrop Avenue, Savannah Police Department Northwest Precinct](#)

Alderman Johnson: What is the amount of that lease?

City Manager Hernandez: The total amount of the lease, off the top of my head I don't know. I want to say \$400,000 a year possibly.

Alderman Johnson: What was the amendment of the lease?

City Manager Hernandez: So, what this is doing Alderman, when we first took possession of the property, we had our contractor doing some cabling work, and our contractor inadvertently cut the cables that control the air conditioning system. So, under this lease amendment, the property owner has agreed to pay 50 percent of repairs even though the property owner did not cause the outage, and the remaining 50 percent will be our responsibility and we will recoup those costs from our vendor who did the work. In addition, when we leased this building for use as a police precinct, the building was supplied to us furnished and there's certain furnishings in there that we could not use and what this does is Great Dane has given us the ability to dispose of that furniture.

Alderman Johnson: Is that stipulated in lease?

City Manager Hernandez: Yes.

Approved upon motion of Alderman Johnson, seconded by Alderman Durrence, and unanimously carried.

[36. Motion to Declare Surplus and Available for Sale Property Located at 740 Chevis Road](#)

[Map and Picture of 740 Chevis Road - Firestation 15.pdf](#)

[Overview Map in Relation to City Boundaries - 740 Chevis Road.pdf](#)

Withdrawn per the request of the City Manager

MISCELLANEOUS

[37. Motion to Adopt the 2019 City of Savannah Legislative Agenda](#)

[2019 State Legislative Agenda rev.pdf](#)

Alderwoman Bell: Question for Bret, what did we decide about number seven, commercial property tax relief. Are we leaving it on?

Bret Bell, Assistant to the City Manager: It's up to Council.

Alderwoman Bell: The other one, the small cell legislation that wasn't really part of the agenda that was an add on, right? Or what did you call it?

Mr. Bell: Item of support.

Alderman Johnson: For the ones that the Council did not choose to support as their primaries we used to add an extra page for those other items that members brought about and I would hope they would be included as well as a secondary or tertiary agenda.

Alderwoman Shabazz: Mr. Mayor, if I can add on to that, if we could not leave Project DeRenne out in the cold and put that on the additional sheet for support and consideration to keep on the minds of our legislators as we continue to move down the line and hopefully ask for support.

Mr. Bell: Is that what Council wants?

Mayor DeLoach: I didn't understand what we were talking about.

Mr. Bell: So, the request is to have a legislative agenda, items of support, and then other items that have been brought up by members of Council that didn't make it on the list.

Alderman Johnson: As we've done before.

Mayor DeLoach: But we always carry that extra list or we give it to them. We don't necessarily make it a part of that first sheet that we walk around with. But we do list it so they have a copy of it, right?

Alderman Johnson: Correct, yes sir.

Mayor DeLoach: That's fine. Anybody got a problem?

Alderman Foster: I just want to follow up on what Carol said? I didn't hear what Bret said on the small cell. Were you going to change any of that or where are we on that?

Mr. Bell: I think our position is we want to mirror the position of the Georgia Municipal Association, who I believe is in lock step with the ACCG. So, we'll have the same language that they have.

Alderman Foster: You can say that in that, because that wasn't clear to me.

Mr. Bell: That will be reflected in the minutes.

Mayor DeLoach: I think Brian's got a point, it's not that we are opposed to it. We just have concerns about what it does to the Historic District and so forth in our areas. So, we're not opposed to the overall concept of technology, but we need some kind of a

direction as far as how it will impact the Historic District so that we don't have the thing that Tony was talking about standing up in the middle of Forsyth Park.

Mr. Bell: That's right, the City would like to have some say in what goes into the rights-of-way.

Alderwoman Bell: So, you'll just change the wording?

Mr. Bell: I can change it.

Approved upon motion of Alderman Hall, seconded by Alderman Johnson, and unanimously carried.

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

The video recording of the Council meeting can be found by copying and pasting the below link in your url:

<https://savannahgovtv.viebit.com/player.php?hash=eTI096OaiGLi>



**Luciana M. Spracher,
Acting Clerk of Council**