

July 5, 2018, Council Work Session

Savannah City Government

SUMMARY/FINAL MINUTES

COUNCIL WORK SESSION & CITY MANAGER'S BRIEFING

July 5, 2018 – 1:00 p.m.

Present: Mayor Eddie DeLoach, Presiding

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

Rob Hernandez, City Manager

Bret Bell, Assistant to the City Manager

Brooks Stillwell, City Attorney

Jennifer Herman, Deputy City Attorney

William Shearouse, Assistant City Attorney

Workshop Agenda Items

1. Fireworks

Jennifer Herman, Deputy City Attorney, presented Council with an update on Fireworks. She stated the Legislature has made changes adding two additional days that can no longer be regulated which are Memorial Day and Labor Day. Additionally, the end time has been pushed back from 9:00 p.m. to 11:59 p.m. She continued stating the City of Savannah can now regulate the deployment of fireworks through the noise ordinance but it has to be passed after July 1st or reenacted, but cannot speak directly to fireworks it has to be generally stated using words or phrases such as noise ordinance.

Ms. Herman stated staff did contact the Georgia Municipal Association (GMA) who did not have any ordinance suggestions but did think it should be a local issue. The City of Savannah's noise ordinance has not changed since 1977. The recommendation from Ms. Herman is for the City Manager to direct staff to investigate it and incorporate other noise issues and bring back recommendations.

Alderwoman Bell asked how long the process would take. Ms. Herman stated she can't speak to the science in terms of the report. Alderwoman Bell stated she hates to push staff but Council members are getting real complaints on fireworks and she believes the public is going to almost demand some change. She requested to the City Manager that this issue be accelerated because the public needs to know it is being taken seriously and looked into.

Alderman Miller stated the public is long past demanding as they have legitimate concerns. He stated he is certain other Council members have received as many phone calls, emails, and visits as he has. He stated there are individuals who choose to take advantage of this situation by making their neighbors miserable. He gave examples of some of his residents describing the differences in their approach. He stated he understands we have to begin cautiously because if the approach is too aggressive, we will negate the entire thing. He concluded stating he knows discussions need to be held and asked Ms. Herman again how long she thinks the process will take to get an ordinance written.

Ms. Herman replied staff needs to be provided with information as to how to measure the noise as there are two different ways for it to be done which is the scientific side of it. As to drafting the ordinance that can be turned around rather quickly.

Alderman Miller introduced one of his residents from the Parkside Neighborhood that asked to speak.

Janet Levine, Parkside resident, read the following statement:

My name is Janet Levine and I have had severe PTSD for over 20 years from childhood sexual abuse, and use Gretl, a PTSD Service Dog, to help with my disability. I also have been a home owner in the Parkside area for the past 15 years.

Over the last entire week our neighborhood has become unbearable due to the almost continuous sound of large, exploding firecrackers.

I found and politely confronted the man who is currently setting off what we discovered are drop in mortars on East 53rd Street in Edgemere. Though he politely first agreed to stop, he continued before I even got home. The next night when I respectfully asked him again I was threatened by a woman sitting on his porch, to get out of there or she would throw one at my car, as she dropped the mortar in a long plastic tube and held it up, and as I drove off. The defiance and aggression in her voice was chilling.

The police, who have been very kind, have been out several times but cannot do anything until it continues past the legal cutoff time (which seems to be 9 pm or midnight depending on who you ask), nor do the police carry noise decibel readers. One of our neighbors with the proper equipment measured one of the explosions at 80 decibels from three blocks away.

We cannot tolerate living in what sounds like a war zone during non holiday times. I have repeated panic attacks and my dog is in a continuous, hyper vigilant state of trauma.

We need restriction to protect our residents with all kinds of issues from the current free for all fireworks state law.

We need designated public places to celebrate holidays with safe fireworks displays.

I am asking that the city amend the current state fireworks law to provide restrictions on where, when and how loud firecrackers are permitted to be used. It is dangerous, inconsiderate and intolerable to allow this type of activity to go on legally each and every day and evening in a densely populated area such as ours.

Gretl and I thank you.

Alderman Miller stated everything Ms. Levine stated is indicative of many of the calls he has been receiving.

Alderman Foster stated he understands this bill took effect this week. He stated he has read through it and doesn't believe it can be done on a public street. Ms. Herman replied that is correct. Alderman Foster then asked the Legal Department to outline the areas that are illegal today as there are people violating the law as it exists already. He also asked for what can be legally done in the City. He suggested putting the information out to the public as many of them do not know the law. He concluded stating the City needs to enforce the law that is being violated and then get feedback from the citizens and neighborhoods. He suggested amending the ordinance after receiving the information of what can and cannot be done instead of trying to do a complete rewrite of the ordinance.

Ms. Herman stated staff will get a memo to Council of where it is permissible and impermissible. She stated it would be inappropriate to say fireworks can be banned and staff has to be careful how it is articulated as it can't speak to fireworks, it has to be general across the board noise prohibition which is where insight is needed as to how to measure it, which then gets into the enforcement issue and the issues that need to be addressed.

Alderman Johnson stated people have been celebrating since last week as there seems to be an absolute lack in clarity of what the law is and what it is not. He stated his concern is the City's ability to enforce it, as police resources are stretched and everyone is doing their own thing in terms of crowd control. He continued stating there is a proliferation of fireworks selling establishments. He stated the effects to people and animals causes another public safety hazard. He concluded by commenting on the trash, stating the trash doesn't always come from where it was originated and asked how that can that be dealt with from a Code Compliance aspect.

Ms. Herman stated feedback has been received from several Council members and suggested considering this as a Legislative priority.

Alderman Hall stated we have a problem that we in the City did not create. He asked that a copy of Ms. Levine's letter be sent to every State Legislator in the district. He stated we have a problem that's going to get confrontational as this is going on all night, every night and it is ridiculous. He concluded stating he was expecting something more when he heard fireworks were going to be discussed on the Work Session agenda.

Alderman Durrence asked if the list that Alderman Foster has suggested is something that can be added to. Ms. Herman replied no. Alderman Durrence then asked if permits can be required. Ms. Herman replied no. She stated commercial fireworks are permitted, and in the permit ordinance it was contemplated but they were bounded by State law. She concluded stating it is a complex issue which is why Council didn't receive a presentation today with recommendations.

Alderman Durrence stated the first document he would like to see from the Legal Department is the absolute maximum on what can be done. Ms. Herman stated the list will include when it's permissible, when it can be regulated, and locations, and staff will work backwards from that but the question still remains how to measure it and how to enforce it.

Alderman Thomas stated he believes Alderman Johnson touched on an issue which is supply. He stated in order to turn this tide we have to figure out ways to regulate it. He stated this is a bigger issue than anyone on Council actually realizes. He stated the issue he sees is there is a panhandling ordinance on the books yet police officers ride past them and do nothing. He stated if an ordinance is passed it needs to be enforced, and staff needs to be very careful how it is written and crafted.

Ms. Herman stated the City does have an ordinance on panhandling but the Supreme Court makes it almost unenforceable.

Alderwoman Shabazz stated she has lived on her street for over 56 years, and she has never experienced what she's experienced in the past couple days as it relates to fireworks. She stated she agrees with her colleagues that something needs to be done, but something needs to be done and it needs to be done now.

Alderman Miller stated both Aldermen Johnson and Thomas have raised the issue of how do we control the matter. He stated in some instances police officers did respond but didn't have the authority to do anything about the issue. He concluded stating there is no way to respond to everything but in those cases where officers do arrive it can give them the authority to act.

2. Real Estate, Personnel, Litigation

Upon motion of Alderman Johnson, seconded by Alderwoman Shabazz, and unanimously carried Council went into Executive Session for the purpose of discussing Litigation, Real Estate, and Personnel.

Upon completion of this session, a motion was made to come out of Executive Session by Alderman Durrence, seconded by Alderman Johnson, and unanimously carried.

3. City Manager's Briefing / Council Meeting Agenda Items for July 5, 2018

City Manager Rob Hernandez presented the City Manager's Briefing of the agenda items for the Council Meeting of July 5, 2018. The agenda can be found online and will be made a part of the permanent record.

There being no further business, Mayor DeLoach declared this Work Session 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=FRJzXUzuLEyH>



Luciana M. Spracher,
Acting Clerk of Council